

1967 Bill 54

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 54

An Act to amend The School Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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BILL 54

1967

An Act to amend The School Act

(Assented to _____, 1967)

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 46a is amended by striking out subsection (7) and by substituting the following:

(7) Where any party to the agreement proposes an amendment thereto and the parties cannot agree concerning the amendment which is proposed, the party making the proposal shall refer the matter to arbitration under *The Arbitration Act* and the decision resulting therefrom is final and binding upon all parties to the agreement.

3. Section 71 is amended by striking out subsection (3) and by substituting the following:

(3) The notices calling a special meeting shall set forth the purposes of the meeting and the secretary of the board shall,

(a) in the case of a rural, village or consolidated district, post up or cause to be posted up a copy of the notice in at least six widely separated conspicuous places in the district at least eight days prior to the date of the meeting, and

(b) in the case of a town or city district, cause a copy of the notice to be printed in at least three issues of a daily newspaper published within the district, and if there is no daily newspaper published within the district, then cause a copy of the notice to be printed in three issues of a daily newspaper published in Alberta and circulating in the district.

4. Section 89 is amended.

(a) as to subsection (6)

(i) by striking out clause (a),

(ii) by adding in clause (b) after the words "of a school site," the words "where such price is

Explanatory Notes

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

2. Section 46a, subsection (7) presently reads:

(7) 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.

3. Method of giving notice of special meeting of district electors specified. Section 71(3) presently reads:

(3) The notices calling a special meeting shall set forth the purposes of the meeting and shall be posted in the manner provided for notices of annual meetings in that district.

4. (a) Section 89(6) (a) (b) (c) presently read:

- (6) Nothing in this section prevents a trustee from receiving
- (a) remuneration from the board for casual or part time employment as secretary, treasurer, janitor, local attendance officer, assessor or collector,
- (b) the purchase price of a school site,
- (c) a sum not exceeding ten dollars in any one year for labour or goods supplied,

based upon or involves at least one independent appraisal,”

(iii) by striking out clause (c) and by substituting the following:

(c) a sum not exceeding in total \$25 a month for labour supplied or services rendered,

(b) by striking out subsections (7) and (8) and by substituting the following:

(7) Nothing in this section prevents a trustee who is a merchant from making, in the ordinary course of his business, sales of goods and merchandise to the board or to persons contracting with the board, but no trustee may sell or receive payment for, in any one year,

(a) in the case of a city district or division, more than \$600 worth of such goods and merchandise, and

(b) in the case of any other district, more than \$300 worth of such goods and merchandise, such amounts being calculated on the basis of the ordinary retail prices of the goods and merchandise in question at the time of the sale.

5. Section 169 is amended by striking out subsection (1) and by substituting the following:

169. (1) Every by-law shall have three readings before it is finally passed.

(1a) The first reading of a by-law shall be in full and if each board member has in this possession a written or printed copy of the by-law the second and third readings may be by title and description only.

6. Section 171, subsection (2) is amended by adding after the words “any person” the words “other than a trustee”.

7. Section 173, subsection (5) is amended by striking out the words “six months” and by substituting the words “eight months”.

8. Section 181 is amended by striking out clause (c) and by substituting the following:

- (c) effect and keep in force a policy or policies of insurance, in such form and providing such minimum coverage as the Lieutenant Governor in Council may from time to time prescribe, indemnifying
- (i) the board and its employees, when acting on behalf of the board, against liability in respect of any claim for damages or personal injury, and

(b) Section 89(7) is re-enacted for clarification and to raise the limits of the value of allowable sales. The subsection presently reads:

(7) Nothing in this section prevents a trustee of a district, other than a city district, who is a merchant, from making sales of goods and merchandise to the board or to persons contracting with the board in the ordinary course of his business, and from receiving payment for such goods and merchandise at the ordinary retail price to an amount not in excess of one hundred and fifty dollars in any one year.

5. The section is amended to allow for second and third readings to be by title and description only.

6. Section 171 (2) presently reads:

(2) The chairman of a meeting of the board may order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting.

7. Section 173 (5) presently reads:

(5) In the case of a division the appointment of the secretary-treasurer shall be subject to the approval of the Minister but the appointment may be made for a probationary period not exceeding six months without the approval of the Minister as to that period.

8. This clause is re-enacted to provide for salary, medical and hospital expenses, insurance coverage to be made a responsibility of a non-divisional district board or a divisional board. Section 181 (c) presently reads:

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

.....

(c) effect and keep in force a policy or policies of insurance, in such form and providing such minimum coverage as the Lieutenant Governor in Council may from time to time prescribe, indemnifying the board and its employees, when acting on behalf of the board, against liability in respect of any claim for damages or personal injury, and

- (ii) teachers for salary, medical and hospital expenses resulting from injury sustained in the performance of their duties,
- and

9. Section 182 is amended by adding the following clause after clause (*h*):

- (*h1*) enter into agreements to effect and maintain group insurance for life, accident or sickness coverage to and for the benefit of its pupils in respect of the death, injury or sickness of such pupils occurring on any of the board's premises, on the way to or from such premises or in connection with any pupil activity sponsored or authorized by the board,

10. Section 191, subsection (1) is amended by striking out clauses (*b*) and (*c*) and by substituting the following:

- (*b*) scrutinize all accounts against the district or division before they are passed by the board and initial either the accounts or the covering vouchers before the treasurer pays them unless the board has passed a resolution authorizing
 - (i) in the case of a city district, a trustee or officer other than the chairman, or
 - (ii) in the case of a town district or division, a trustee other than the chairman,to perform these functions, and
- (*c*) countersign all cheques of the district or division unless the board has passed a resolution authorizing
 - (i) in the case of a city district a trustee or officer other than the chairman, or
 - (ii) in the case of a town district or division a trustee other than the chairman,to countersign the cheques.

11. Sections 203 to 209 are struck out and the following sections are substituted:

203. (1) The board of every non-divisional district and of every division shall, at its first regular meeting in each year, appoint a chartered accountant as auditor and if the board fails to do so the Minister shall make such appointment.

(2) Notwithstanding subsection (1), the board may appoint a person who is not a chartered accountant, but such appointment is subject to the approval of the Minister.

(3) The secretary of the board shall

- (*a*) in writing advise the auditor of his appointment within 30 days of such appointment, and
- (*b*) send a copy of the appointment to the Minister.

9. This added clause gives a non-divisional district board or a divisional board the power to arrange for insurance coverage in respect of students.

10. Section 191 (1) presently reads:

191. (1) The chairman of the board shall
- (a) exercise a general supervision over the affairs of the district or division,
 - (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
 - (c) countersign all cheques of the district or division, unless the board has passed a resolution authorizing a trustee or officer other than the chairman to countersign the cheques.

11. Sections 203 and 204 re-enacted for clarification. The sections presently read:

203. (1) The books and accounts of every non-divisional district and division shall, on or before the thirty-first day of January in each year and in the manner prescribed by the Minister, be audited by an auditor appointed by the board.

(2) The auditor shall be a chartered accountant or an experienced auditor approved by the Minister.

(3) Unless their removal is otherwise required by law, no records, books, contracts, accounts, vouchers, receipts, or other documents or moneys or securities shall be removed from the office of the board or any other place where they are deposited for safekeeping, without the approval of the board.

204. The yearly audit of the books and accounts of any district or division shall cover the period of twelve months ending the thirty-first day of December.

204. (1) The financial statements of every non-divisional district or of every division shall cover the period of 12 months ending the 31st day of December.

(2) Unless their removal is otherwise required by law, no records, books, contracts, accounts, vouchers, receipts, or other documents or moneys or securities shall be removed from the office of the board or from any other place where they are deposited for safekeeping without the approval of the board.

205. (1) The auditor shall make such examinations and enquiries as will enable him to report to the board as required by subsection (2).

(2) The auditor shall make a written report to the board on the financial statements prepared pursuant to section 207 and shall state in his report whether in his opinion the financial statements referred to therein present fairly the financial position of the non-divisional district or division, as the case may be, as at December 31 and the results of its operations for the period then ended, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.

(3) The auditor of the non-divisional district or division shall at all times be given access to all records, documents, books of account and vouchers of the district or division, by the board or board employees, as the case may require, and the auditor is empowered to enquire of and receive from the board and officers of the non-divisional district or division such information and explanations as in his opinion may be necessary to enable him to report as required by subsection (2).

206. (1) The auditor shall make a special written report and forward it to the chairman of the board of the non-divisional district or of the division in every case where

- (a) the financial statements of the non-divisional district or division are not in agreement with the accounting records, or
- (b) the financial statements of the non-divisional district or division are not in accordance with the requirements of this Act, or
- (c) he has not received all the information and explanations he has required, or
- (d) proper accounting records have not been kept, so far as appears from his examination, or
- (e) it appears that an expenditure has been made contrary to law, or
- (f) it appears that there has been an irregularity on the part of the board or an officer of the board in dealing with money or property of the district or division.

Section 205 presently reads:

205. (1) The auditor shall audit and report to the board upon all books and accounts affecting the district or division or relating to any matter under its control or within its jurisdiction.

(2) The auditor shall conduct a general review of the accounting procedures used and such tests of the accounting records and supporting evidence as he considers necessary or as may be necessary to verify the returns required to be furnished to the Department.

Section 206 presently reads:

206. (1) In every case in which it appears to the auditor

(a) that an expenditure has been made contrary to law, by-law or resolution, or

(b) that there has been an irregularity on the part of the board or an officer of the board in dealing with money or property of the district or division,

the auditor shall write a special report respecting the same and shall deliver that report to the chairman of the board.

(2) The chairman shall lay the report before the board at its next meeting.

(2) The chairman shall lay the report before the board at its next meeting and provide an opportunity for discussion thereof.

(3) A copy of

(a) the auditor's written report made pursuant to section 205, and

(b) any special written reports made by the auditor pursuant to this section

shall be included with the financial statements prepared under section 207.

(4) The board may require the auditor to attend a board meeting to discuss any matters relating to his report and upon any such request being made to him the auditor shall attend for that purpose.

207. (1) The board of every non-divisional district and of every division shall cause its proper officers to prepare, in sufficient time to meet the requirements of subsection (3) and in such form as the Minister may direct, the financial statements referred to in section 204.

(2) The chairman of the board and the secretary-treasurer shall sign the balance sheets included in the financial statements.

(3) The auditor shall forward on or before the 31st day of January in each year two copies of the financial statements and auditor's reports thereon to the Minister and one copy to the secretary-treasurer of the non-divisional district or division.

(4) The auditor shall forward to the Minister two copies of all communications sent by himself to the secretary-treasurer and the chairman of the board.

208. (1) The board of a division shall provide for the publication and distribution throughout the division of the financial statements and auditor's reports referred to in subsection (3) of section 207.

(2) The secretary of a non-divisional district or of a division shall permit any elector thereof to examine the financial statements at his office.

209. The board of any non-divisional district or division, when so directed by the Minister, shall have a special audit made of its books and accounts and, in the case of a division, of the books and accounts of any district included in the division and the costs of any such special audit shall be paid by the non-divisional district or division directed to make the audit.

12. Section 222, clause (f) is amended by striking out the words "at their estimated fair actual value" and by sub-

Section 207 presently reads:

207. (1) As soon as possible after the completion of the yearly audit the auditor shall prepare in such form as the Minister may direct a statement for the financial year.

(2) In making the statement the auditor shall make special mention of money wrongfully received or expended.

(3) The auditor shall make the statement and report in triplicate and shall forward two copies thereof to the Minister and deliver the other to the secretary-treasurer of the district or division.

Section 208 re-enacted.

Section 209 re-enacted.

12. Section 222 (f) presently reads:

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

(f) insure and keep insured all school buildings and equipment at their estimated fair actual value.

stituting the words "for a minimum coverage of the current actual value of the buildings and equipment".

13. Section 227 is amended by striking out subsections (3) and (4) and by substituting the following:

(3) With respect to the construction, purchase, alteration or renovation of space approved by the School Buildings Board for support of a school building used for the instruction or accommodation of pupils, the board shall not accept a tender until the Minister has given his approval thereto.

(4) Subject to subsections (2) and (3) a contract for the construction, purchase, alteration or renovation of

(a) a school building to be used for the instruction or accommodation of pupils, or

(b) space approved by the School Buildings Board for support of a school building used for the instruction or accommodation of pupils,

may be entered into or signed by the trustees subject to the Minister's approval.

14. Section 229 is amended

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

(2) The board of any district or division may submit to the Minister a scheme for the construction, partial construction, alteration or renovation by day labour of

(a) a school building to be used for the instruction or accommodation of pupils, or

(b) space approved by the School Buildings Board for support of a school building used for the instruction or accommodation of pupils.

(b) as to subsection (3) by striking out the words "erection of the school building" and by substituting the words "implementation thereof",

(c) as to subsection (4) by striking out the words "to build the school building in accordance".

15. Section 264 is amended by striking out the words "six per cent" and by substituting the words "seven per cent".

16. Section 284, subsection (5) is amended by adding after the words "prepare and adopt" the words "in the form prescribed by the Minister".

17. Section 298, subsection (1) is amended by adding after the words "prepare and adopt" the words "in the form prescribed by the Minister".

18. Section 302 is amended by adding the following subsections:

13. Subsections (3) and (4) of section 227 presently read:

(3) With respect to a school building to be used for the instruction or accommodation of pupils, the board shall not accept a tender until the Minister has given his approval thereto.

(4) Subject to subsections (2) and (3), a contract for the construction or purchase of a school building to be used for the instruction or accommodation of pupils may be entered into or signed by the trustees subject to the Minister giving his approval thereto.

14. This follows the amendment to section 227. Section 229 presently reads:

229. (1) Repealed. (1957, c. 85, s. 17)

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

(3) A scheme for construction by day labour submitted by a district or division shall set out in detail the manner in which it is proposed to provide the materials, supplies and labour required for the erection of the school building.

(4) Upon the scheme being approved by the Minister and adopted by resolution of the board, the board may proceed to build the school building in accordance with the scheme so approved.

(5) Any contract or engagement made pursuant to and in conformity with the scheme is valid and binding upon all parties thereto, notwithstanding anything in this Part to the contrary.

15. The maximum allowable interest rate on debentures is raised.

16. Section 284 (5) presently reads:

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

17. See note to clause 16 above.

18. Section 302 presently reads:

302. (1) Each municipality shall pay to the board of the district or division the amount of the sum requisitioned by equal quarterly instalments on the fifteenth day of each of the months of March, June, September and December.

(2) If a municipality has not received the requisition of the board of a district or division on the fifteenth day of March, the municipality shall make a payment on account to that board and based on the requisitions of previous years.

(3) In the same manner and at the same time as it levies the amount of the basic requisition each municipality shall levy the amount of any additional requisition on the assessable property in that part of the school district or hamlet that is within the municipality.

The proposed provisions make any amount owing a debt due and recoverable.

(4) Where the municipality fails to pay to a school district or school division the amount required from time to time as hereinbefore provided that amount becomes a debt due, owing and payable by the municipality to the school district or school division, as the case may be.

(5) Any amount due and owing from a municipality to a board under this section is recoverable by action, but no action shall be commenced for the recovery of any such sum unless the consent of the Minister is first obtained.

19. Section 304*a* is amended

- (a) as to subsection (2) by striking out the words "twenty-six mills" and by substituting the words "twenty-eight mills",
- (b) as to subsection (9) by striking out all the words following the words "transmitted to the Department" and by substituting the words "two copies of its budget together with two completed copies of the requisition form indicating the proposed requisition".

20. Section 306*a* is amended by adding the following subsection:

(3) Notwithstanding anything in this Act, the Minister may, in the case of a district named in an order under section 305, direct that the board of trustees consist of seven or nine trustees and in the same or a subsequent order may provide for the terms of office of the trustees to be elected.

21. Section 350 is amended

- (a) by striking out subsection (2) and by substituting the following:
 - (2) The board shall
 - (a) give notice of the dismissal in writing, to the teacher specifying therein the breach of subsection (1) alleged, and
 - (b) forward a copy of the notice of dismissal together with a written statement of the facts alleged, to the Minister.
- (b) as to subsection (3) by adding at the end thereof the words "after receiving the notice of dismissal".

22. Section 350*a* is amended

- (a) by striking out subsection (2) and by substituting the following:
 - (2) The board shall
 - (a) give notice of the suspension in writing, to the the teacher specifying therein the reason under subsection (1) for the suspension, and
 - (b) forward a copy of the notice of suspension together with a written statement of the facts alleged, to the Minister.
- (b) as to subsection (3) by adding at the end thereof the words "after receiving the notice of suspension".

19. Section 304a (2) and (9) presently read:

(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 twenty-six mills.

(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 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.

20. Sections 305 and 306a presently read:

305. (1) Notwithstanding any provision of this Part, the Minister by order may empower a district to levy and collect taxes with respect to its whole area, and the provisions of section 306 apply only to districts that have been so empowered.

(2) The order shall be published in The Alberta Gazette.

306a. (1) A district named in an order made under section 305 has and may exercise all the powers of a town under The Town and Village Act, but only to the extent that any such power is not being exercised in the district by any other public authority.

(2) A district which exercises any of the powers given by subsection (1) shall prepare a separate budget in respect thereof, shall account separately for moneys received and expended for such purposes, and shall indicate on its tax notices the portion of its taxation, in mills, which is levied in respect thereof.

21. Section 350, subsections (1), (2) and (3) presently read:

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, which shall state the reasons for the dismissal, and shall forward a copy of the notice to the Minister.

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

These amendments give more detail to the provisions in question.

22. Provisions for suspension of teachers and appeal therefrom are expanded in certain details. Section 350a (1), (2) and (3) presently read:

350a. (1) Where a board has reasonable grounds for believing that

(a) a teacher has been guilty of gross misconduct, neglect of duty or refusal or neglect to obey a lawful order of the board, or

(b) the presence of a teacher is detrimental to the well-being of the school for reason of mental infirmity,

the board may suspend the teacher from the performance of his duties.

(2) The board shall give notice in writing to the teacher setting forth the reasons for suspension and forthwith transmit a written statement of the facts to the Minister.

(3) A teacher who is suspended by the board may within ten days appeal to the Minister.

23. Section 378 is amended by adding the following subsection after subsection (1):

(1*a*) Notwithstanding clause (a) of subsection (1), a board may direct that no class of Grade 1 pupils shall spend more than 240 minutes a day in a classroom.

24. Section 391 is amended by striking out subsection (1) and by substituting the following:

391. (1) Religious instruction may be permitted in a school for a period not exceeding one-half hour each day at a time approved by resolution of the board.

25. Section 398 is amended by striking out subsection (2).

26. Section 427 is amended by striking out the words "section 206 or 207" and by substituting the words "this Act that he is required to comply with as auditor".

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

23. Section 378 presently reads:

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 clause (a) of subsection (1).

24. Section 391 (1) presently reads:

391. (1) No religious instruction shall be permitted in a school from the opening of school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or required by resolution of the board may be given.

25. This amendment will allow students to leave school as soon as they are 16 years of age. Section 398 presently reads:

398. (1) A child who has attained the full age of seven years and who has not yet attained the full age of sixteen years, unless excused for any of the reasons hereinafter mentioned, shall attend the school that he has the right to attend or that he is directed to attend, whenever it is in operation.

(2) If a child attains the full age of sixteen years at any time during the June term, he shall continue in attendance at school until the end of that term.

26. Section 427 presently reads:

427. An auditor who fails to comply with any provision of section 206 or 207 is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.