

1970 Bill 35

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 35**

**An Act respecting Schools**

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THE MINISTER OF EDUCATION

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First Reading .....

Second Reading .....

Third Reading .....

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THE SCHOOL ACT, 1970  
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# BILL 35

1970

An Act respecting Schools

(Assented to \_\_\_\_\_, 1970)

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

1. This Act may be cited as *The School Act, 1970*.
2. In this Act,
  - (a) “board” means a board of trustees of a district or division;
  - (b) “city district” means a district situated wholly or partly within the boundaries of a city;
  - (c) “district” means a school district established pursuant to this or any predecessor Act or Ordinance;
  - (d) “division” means a school division established pursuant to this or any predecessor Act;
  - (e) “elector” means a person
    - (i) 19 years of age or older,
    - (ii) who is a Canadian citizen or British subject, and
    - (iii) resident,
      - (A) in the case of a vote, in the district or division in which the vote is to be held for at least the 12 months immediately preceding polling day, or
      - (B) in the case of petition, in a district or division for at least the 12 months immediately preceding the day on which the petition is presented;
  - (f) “Indian” means an Indian as defined in the *Indian Act* (Canada);
  - (g) “Minister” means the Minister of Education;
  - (h) “municipality” means a city, town, village, municipal district, county, new town, improvement district, special area or summer village;

## **Explanatory Notes**

**1.** Short title. This Act repeals and replaces chapter 297 of the Revised Statutes.

**2.** Definitions.

- (i) “parent” includes a guardian of a child or person standing in *loco parentis*;
- (j) “public school district” means a public school district established pursuant to this or any predecessor Act or Ordinance;
- (k) “school building” means a building owned or occupied by a board and includes a building owned or occupied with another person or municipality;
- (l) “separate school district” means a separate school district established pursuant to this or any predecessor Act or Ordinance;
- (m) “trustee” means a member of a board.





## **PART 1**

### **GENERAL**

**3.** (1) Where this Act provides for the doing of anything by petition or where an elector desires to present a petition to a board or the Minister the petition shall consist of one or more pages each of which shall contain an accurate and identical statement of the purpose and objectives of the petition, and

- (a) each signature on the petition shall be witnessed by an elector who shall take an affidavit that to the best of his belief the persons whose signatures he has witnessed are qualified to vote at a board election, and
- (b) the postal address and occupation of each signator to the petition shall be set out opposite his signature.

(2) There shall be attached to every petition a statement signed by an elector that

- (a) he represents the petitioners, and
- (b) he is the person to whom a board may direct any enquiries with regard to the petition.

(3) In computing the number of petitioners on a petition there shall be excluded the name of any person

- (a) whose signature appears on a page of the petition which does not contain an accurate statement of the purpose and objective of the petition identical to the statement contained on all the other pages of the petition, or
- (b) whose signature is not witnessed, or
- (c) whose address and occupation, or either, are not set out or incorrectly set out, or
- (d) who is not an elector.

(4) No name shall be removed from a petition after it has been received by a board or the Minister.

**4.** (1) Each petition to a board shall be filed with the secretary of the board who shall, in accordance with section 3, subsection (3) compute the number of petitioners that have signed the petition and determine the sufficiency thereof.

(2) The secretary shall declare the result of his count and if he finds the petition insufficient the board shall, subject to subsection (3), proceed as if no petition had been received.

(3) The petitioners may, in the event of the secretary declaring the petition to be insufficient, appeal to a judge

### **3. Requirements for a petition.**

### **4. Presentation of petition.**

within 14 days of the secretary's declaration, for an order declaring the petition sufficient.

(4) If the judge orders the petition sufficient the board shall proceed as if the petition had been declared sufficient by the secretary.

**5.** (1) Where a board of a city district receives a petition calling for a public meeting signed

(a) by 25 per cent of the parents of children in a school, or

(b) by 2,000 electors in the district,

the board shall within 21 days of the receipt of the petition call a public meeting.

(2) Where a board (other than a board of a city district) receives a petition calling for a public meeting signed

(a) by 100 electors, or

(b) by a majority of electors in the district or division, whichever is the lesser, the board shall within 21 days of the receipt of the petition call a public meeting.

(3) A board shall direct one or more persons to attend the public meeting held pursuant to this section, as representatives of the board.

(4) At any public meeting called under the provisions of this section, the electors present may

(a) elect four persons to a committee, and

(b) by resolution of the meeting identify the areas of concern to be studied by the committee.

(5) The board shall name two representatives to any committee established in a public meeting called under this section.

(6) The committee shall make recommendations to the board concerning the areas of concern identified in the public meeting which established the committee.

(7) The board shall permit every committee to present its views in a joint meeting before action is taken contrary to any committee report or recommendation.

**6.** Where any public meeting is called, the notice of the public meeting shall be given in a form prescribed by the Minister in at least two of the following ways:

(a) by mailing it at least 14 clear days before the date of the meeting to electors of a district or division;

(b) by posting it, not later than the eighth day prior to the date fixed for holding the meeting, in a con-

**5. Public meetings.**

**6. Notice of public meetings.**

spacious place at or near each post office within a district or division;

- (c) by publishing it in a newspaper circulating within a district or division once a week for two successive weeks, the last of which shall be published not less than eight clear days prior to the date of the meeting;
- (d) by announcement, giving the time, place, date and purpose of the meeting, between the hours of 5 p.m. and 11 p.m. on three successive days during the eight days immediately prior to the day of the meeting, on a radio or television station serving the district or division.

7. Where public notice, other than notice of a public meeting is required to be given under this Act, the notice shall be given in a form prescribed by the Minister

- (a) by posting it at or near each post office within a district or division, and
- (b) by publishing it at the same time it is posted in a newspaper circulating within the district or division once a week for two successive weeks.

8. (1) Where by this Act a certain day is fixed on which or by which certain things are to be done or proceedings taken and the day so fixed is a Sunday or other holiday, the things or proceedings shall be done, taken on or by the next day that follows the fixed day and is not a holiday.

(2) If any thing to be done by a board or employee of a board within a number of days at a time fixed by or under this Act cannot be or is not so done, the Minister by order may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

(3) Any thing done at or within the time specified in the order is as valid as if it had been done at or within the time fixed by or under this Act.

(4) Where a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that the date was fixed having regard to an earlier fixed date on or by which certain other things are to be done or proceedings taken, then, notwithstanding anything in this Act, if default is made in respect of the earlier date a like delay is allowed in respect of the later date.

(5) This section does not apply to

- (a) the time limits mentioned in connection with contracts or the termination of contracts of employment of a board and a teacher, or

**7. Public notice.**

**8. Time limits altered.**

- (b) the time limits mentioned in connection with an appeal to the Board of Reference.

**9.** For the purposes of this Act, the place of residence of a person is governed by the following rules, as far as applicable:

- (a) the residence of a person is the true fixed permanent home or lodging place to which, when he is absent, he has the intention of returning;
- (b) a person does not lose his residence by leaving his home for a temporary purpose;
- (c) if a person leaves a district or division with the intention of making his residence elsewhere, he loses his residence within the district or division;
- (d) the place where a person's family resides shall be deemed to be his place of residence unless he takes up or continues his abode in some other place with the intention of remaining there, or elects such other abode as his residence, in which case he shall be deemed to be a resident of the other place;
- (e) the residence of a single person is the place where he occupies a room as a regular lodger, or to which he habitually returns not having any other permanent lodging place;
- (f) a person shall be deemed not to have residence in more than one district or division;

and in the event of a person maintaining residence in more than one district or division, he shall be required to elect one residence for the purpose of this Act.

**10.** All general elections, by-elections, polls, plebiscites, votes on by-laws or money by-laws or votes on any other matter or question held pursuant to this Act shall be governed by this Act and *The School Election Act*.

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

(2) Any road allowance between either an Indian Reserve or a forest reserve and a district or division shall be deemed to be in the district or division, notwithstanding anything in this Act to the contrary.



**9. Rules of residence.**

**10. Elections and votes, etc.**

**11. Boundaries.**

(3) All road allowances within the boundaries of the district or division shall be deemed to be in the district or division.

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

**12.** In addition to his other powers specified in this Act the Minister may make regulations

- (a) governing the use of English as a language of instruction,
- (b) governing the use of French as a language of instruction,
- (c) respecting the courses of study of pupils, student programs, books and instructional materials,
- (d) respecting the inspection of pupils, teachers, schools and courses of study,
- (e) respecting the inspection of schools for the purpose of ensuring that a proper educational program is carried on and that the regulations are complied with,
- (f) governing
  - (i) the examination of pupils,
  - (ii) remuneration of examiners and markers,
  - (iii) the fees for taking examinations and in connection with re-reading examinations, remission and refund of fees,
  - (iv) appeals from examinations, and
  - (v) hourly fee rates for temporary staff, and granting certificates to school graduates,
- (g) respecting the matters concerning which boards must supply information,
- (h) prescribing notices and forms whether or not specifically required by this Act,
- (i) governing the insurance of a board, its teachers and other employees,
- (j) respecting the winding up and dissolution of boards and districts or divisions including the procedure to be followed and the rules for paying assets and liabilities,
- (k) governing the employment of superintendents employed by a board with respect to his qualifications and experience,
- (l) respecting the payment of grants of money in lieu of transport,
- (m) respecting maintenance grants for pupils.

**13.** The Minister may in his discretion delegate all or any of his powers under section 12 to a board with or without restrictions.

**12.** Regulation powers of the Minister.

**13.** Minister's power to delegate.

## **PART 2**

### **ESTABLISHMENT, ALTERATION AND DISSOLUTION OF DISTRICTS AND DIVISIONS AND ESTABLISHMENT AND DISSOLUTION OF LOCAL ADVISORY BOARDS**

**14.** (1) The Minister may establish any portion of Alberta as a public school district.

(2) The order establishing a public school district shall describe the boundaries of the district and give it a name and number in the following form: "The..... School District No. ....".

**15.** (1) The Minister may establish a division consisting of any number of public school districts.

(2) The order establishing a division shall

- (a) give the division a name and number in the following form: "The..... School Division No. ....",
- (b) divide the division into not less than three nor more than seven subdivisions,
- (c) give each subdivision a number, and
- (d) state which public school districts are comprised in which subdivision of the newly constituted division.

**16.** Where a division is established

- (a) the boards of the public school districts included therein are dissolved and thereafter are deemed to be Local Advisory Boards,
- (b) all assets and liabilities of the board of the public school district are transferred to the board of the division, and
- (c) all employees of the board of the public school district become the employees of the board of the division.

**17.** (1) The Minister, after consultation with Indian representatives and any board concerned may approve an agreement between a board and Indian representatives whereby

- (a) Indians are represented on the board in addition to the other trustees,
- (b) the functions, duties and liabilities (if any) of the Indian representatives referred to in clause (a) are specified,

**14. Establishment of public school district.**

**15. Establishment of division.**

**16. Effect of establishment of divisions.**

**17. Minister to approve making, amending and termination of agreements.**

- (c) provision is made for
  - (i) the length of the agreement,
  - (ii) the term of office of any representative,
  - (iii) the qualifications and manner of appointment or election of the representative,
  - (iv) transportation and schooling of Indian children,
  - (v) financial arrangements,
  - (vi) any other matter to facilitate the education of Indian children.

(2) No agreement under subsection (1) may be made, amended or terminated without the prior approval of the Minister.

**18.** (1) The Minister may alter the name or number of a district or division or the number of a subdivision, but the seal previously used by a board shall continue to be its seal until changed by the board.

(2) No change of the name or number or both of any district or division affects any obligations incurred, acts done or property acquired prior to the change.

**19.** (1) The Minister may add lands to or take lands from a district and may divide a district into two or more districts.

(2) If all the lands included in a district have been taken therefrom, the district shall be deemed to be dissolved.

**20.** The Minister may

- (a) include in an established division one or more public school districts, or
- (b) transfer a public school district included in a division to another division, or
- (c) transfer a public school district from one subdivision to another, or
- (d) exclude from a division any public school district included therein, or
- (e) re-subdivide a division.

**21.** Where a district or division has debenture indebtedness outstanding, no alteration that prejudicially affects the right or security of the holders of the debentures shall be made in its boundaries without due provision being made for the protection of the holders of the debentures.

**18.** Alteration of name or number of a district or division.

**19.** Addition or division of lands in a district.

**20.** Minister's power to rearrange divisions and public school districts.

**21.** Effect of changes in district or division on debentures.

**22.** Notwithstanding any other provision of this Act, the formation within any division, of a town or village, does not have the effect of removing from the division any public school district wholly or partially within the corporate limits of that town or village.

**23.** Upon any inclusion, exclusion, dissolution or transfer of lands or districts or upon the formation of a district, the Minister, if he considers any adjustment of assets and liabilities necessary, shall in the same or a subsequent order, give directions with respect to the assets and liabilities of any board affected by the inclusion, exclusion, dissolution, transfer or formation and the directions are binding upon the board.

**24.** (1) Two or more boards may enter into an agreement to establish a regional district if

- (a) the regional district will be able to provide educational services not available in each district or division, and
- (b) the regional district can serve a larger area than is contained within the external boundaries of each constituent jurisdiction.

(2) The agreement shall

- (a) determine the number of members of the board of the regional district, the number to be named by each participating board, the manner of their appointment and terms of office, and
- (b) the manner in which the costs of establishing and operating the regional district are to be borne by each participating board.

(3) No agreement to establish a regional district is binding until the Minister by order

- (a) approves the agreement,
- (b) establishes the regional district and gives it a name and number in the following form: "The..... Regional District No.....",
- (c) lists the districts and divisions which comprise the regional district, and
- (d) establishes a board of the regional district as a corporation with a name in the following form: "The Board of Trustees of.....".

(4) Subject to the agreement referred to in subsection (2), the board of a regional district has all the powers, functions and duties of a board of a division and this Act applies to a regional district as it does to a division.



**22.** Effect of new town or village.

**23** Adjustment of assets and liabilities.

**24.** Regional district.

(5) For the purpose of entering into an agreement under subsection (2) a board may delegate all or any of its powers under this Act to the board of the regional district.

**25.** The Minister may declare that any district or division be dissolved and thereupon the board is dissolved and ceases to have any of the rights, powers and privileges vested in it by this Act and the district or division ceases to exist.

**26.** Every order of the Minister affecting establishment, boundaries, names, dissolution and disposal of assets and liabilities of a board or of a district or division shall be published in *The Alberta Gazette*.

**27.** (1) Three electors of

- (a) any district included in a division, or
- (b) any combination of districts included in a division approved by the Minister

may petition the Minister to establish a Local Advisory Board.

(2) Where a petition has been presented to the Minister a vote shall be held to determine whether a Local Advisory Board should be established and the procedure for the calling of and at the meeting shall as far as possible follow the procedure specified in section 50, subsections (4) to (20).

(3) The persons qualified to vote are the electors of the district or of the combination of districts, as the case may be.

(4) Notice of meeting, the first meeting and the poll of the votes of the electors for and against the establishment of the Local Advisory Board shall be in accordance with section 50, subsections (4) to (20), as far as applicable.

(5) Where as a result of a vote at a meeting held pursuant to this section the electors request the Minister to establish a Local Advisory Board, the Minister shall

- (a) establish the Local Advisory Board for the district or combination of districts,
- (b) determine the number of advisors, not exceeding seven, who will constitute the Local Advisory Board, and
- (c) determine the areas represented, if any, of each advisor.

(6) First and subsequent elections of advisors following the establishment of the Local Advisory Board shall be

**25.** Dissolution of district or division and board.

**26.** Self-explanatory.

**27.** Establishment of Local Advisory Boards.

conducted in accordance with *The School Election Act* as if the Local Advisory Board was a district or division.

(7) Neither the Local Advisory Board nor the advisors constituting the Board are a corporation.

**28.** (1) A Local Advisory Board has the following powers

- (a) to request the board of a division to institute religious instruction or instruction in the French language in accordance with this Act,
- (b) to nominate a teacher, and
- (c) to advise the board of the division and carry out such functions as may be delegated to it by the board of the division.

(2) Where a Local Advisory Board passes a resolution requesting that a board of a division institute instruction in the French language in a school in the district for which the Local Advisory Board was established and sends the resolution to the board of the division, the board of the division shall institute instruction in the French language as soon as it is practical to do so.

(3) Where a Local Advisory Board passes a resolution requesting that a board of a division institute religious instruction in a school in the district for which the Local Advisory Board was established and sends the resolution to the board of the division, the board of the division shall institute religious instruction as soon as it is practical to do so.

(4) Where a Local Advisory Board passes a resolution nominating a teacher for a school in the district for which the Local Advisory Board was established and sends the resolution to the board of the division at least 30 days before school opening date, the board of the division shall appoint the teacher to the school if the teacher enters into a contract.

**29.** (1) A Local Advisory Board

- (a) may of its own volition, or
- (b) shall if 25% of the electors of the district or combination of districts petition the Local Advisory Board to dissolve the Local Advisory Board

conduct a plebiscite to determine whether the Local Advisory Board should be dissolved.

(2) If the plebiscite results in a vote in favour of the dissolution of the Local Advisory Board, the fact shall be reported to the Minister, whereupon the Minister shall dissolve the Local Advisory Board.

**28.** Powers of a Local Advisory Board and duties on board of a division.

**29.** Dissolution of Local Advisory Board.

**PART 3**  
**BOARD OF TRUSTEES**

**30.** (1) For each public school district not included in a division the Minister shall establish a board and the members of the board are a corporation under the name of: "The Board of Trustees of ..... School District No. ....".

(2) For each separate school district established under this Act there shall be a board and the members thereof are a corporation under the name of: "The Board of Trustees of ..... Separate School District No. ....".

(3) For each division, the Minister shall establish a board and the members of the board are a corporation under the name of: "The Board of Trustees of ..... School Division No. ....".

(4) The Minister shall for each board specify the number of trustees to be elected to the board, being not less than three nor more than seven.

(5) For each subdivision within a division the Minister shall specify the number of trustees to be elected in the subdivision.

(6) The Minister may vary the number of trustees to be elected for each division, district or subdivision.

**31.** (1) Where a trustee is not elected or an appointment required to be made by this Act is not made the Minister may

- (a) appoint a person as a trustee or appoint a person to the position, or
- (b) direct that an election be held to fill a vacancy required to be filled by an elected person.

(2) A person appointed by the Minister under subsection (1) is in the same position as he would have been had he been elected or appointed under any other provision of this Act.

**32.** (1) A person is not qualified to remain a trustee if he

- (a) is convicted of an indictable offence punishable by death or imprisonment for more than one year, or
- (b) absents himself without being authorized by a resolution of the board to do so, from the meetings of the board for three regular consecutive meetings, or
- (c) ceases to be a resident of the district or division for which he was elected, or

**30.** Establishment of boards as corporations and number of trustees.

**31.** No trustee elected or appointment made.

**32.** Disqualification of trustees and exceptions.

- (d) is convicted of making a false statement in his acceptance of nomination, or
  - (e) is convicted of any offence under this Act, or
  - (f) uses information gained through his position as a trustee to gain pecuniary benefit either directly or indirectly, or
  - (g) is a judge of a court of civil jurisdiction, or
  - (h) is an undischarged bankrupt, or
  - (i) is a surety for an employee of the board, or
  - (j) is the auditor of or other employee of the board, or
  - (k) is party to a subsisting contract with the board under which money of the board is payable or may become payable for any work, service, matter or thing, or
  - (l) has a pecuniary interest, whether direct or indirect, in any subsisting contract with the board under which money of the board is payable or may become payable for any work, service, matter or thing, or
  - (m) is party to a contract for the purchase or lease of real or personal property from the board, or
  - (n) ceases to be eligible to become a trustee under *The School Election Act*.
- (2) Subsection (1) does not apply to a person by reason only
- (a) of his being a shareholder in a corporation having a contract or dealings with the board
    - (i) unless he holds or there is held by himself, spouse, parents, children, brothers and sisters, individually or collectively, more than 25 per cent of the issued capital stock of the corporation, or
    - (ii) unless the contract or dealings are for the building, construction or repair of property held by the board,
 or
  - (b) of his contracting with the board for the supplying to him of a service or commodity that the board has statutory authority to supply, or
  - (c) of his being financially interested in a publication in which official advertisements of the board appear or that is supplied to the board thereof at the usual rates, or
  - (d) of his selling or leasing to the board, land or interest in land that the board has authority to expropriate, if





- (i) the person has been the owner of the land for not less than three years, and
- (ii) the amount of the compensation has been fixed by an award made under *The Expropriation Procedure Act* or if the amount of the compensation has been agreed upon, a judge of the district court upon an application made by and at the expense of the board concerned has certified in writing that the amount of the compensation is fair and reasonable,

or

- (e) of the sale of goods, merchandise or service to the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services does not exceed \$600 in any one year, or
- (f) of the sale of goods, merchandise or services to persons contracting with the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of such goods, merchandise and services which accrue to the benefit of or ultimately become the property of the board does not exceed \$600 in any one year, or
- (g) of professional services rendered by a barrister and solicitor of the board, if the charges for the services have been taxed under the Alberta Rules of Court, or
- (h) of the receipt by him of a gratuity or allowance for services on a committee appointed by or responsible to the board, or
- (i) of his being a party to a contract for the purchase or lease of real or personal property from the board entered into before he became a trustee.

**33.** (1) A trustee ceases to be qualified to remain a trustee if he fails to comply with subsection (2) or (3).

(2) A trustee shall not vote in a board meeting

(a) on any question

- (i) affecting a private corporation of which he is a shareholder, or
- (ii) affecting a public corporation in which he holds more than 1 per cent of the number of shares issued, or
- (iii) affecting a partnership or firm of which he is a member, or

**33.** Restrictions on voting rights of trustees.

(iv) affecting a corporation or unincorporated association of persons of which he is a director unless he is a director only by reason of being a member of the board of trustees and the board of trustees, by resolution, authorize him to vote,

or

- (b) on a contract for the sale of goods, merchandise or services to which he is a party, or
- (c) on a question affecting his selling or leasing land or an interest in land to the board, or
- (d) on any question in which he has a direct or indirect pecuniary interest.

(3) When a trustee is not entitled to vote by virtue of subsection (2), he shall so declare before the discussion of the question and shall not participate in the debate unless the chairman rules otherwise and the abstention shall be recorded.

**34.** Where a trustee is not qualified under sections 32 and 33 to remain a trustee

- (a) he shall forthwith resign his seat on the board, and
- (b) if he does not so resign the board may, by resolution, declare him to be disqualified or may apply to a judge for an order declaring his seat vacant.

**35.** (1) Upon the *ex parte* application of an elector who

- (a) files an affidavit showing that a trustee never was or has ceased to be qualified to remain as a trustee, and
- (b) pays into court the sum of \$50 as security for costs to abide the event of the application,

a judge of the Supreme Court or a district court may direct that there be served upon that trustee notice of an application for an order declaring him to be disqualified to be a trustee.

(2) Upon hearing the application and such evidence either oral or by affidavit as he requires the judge may

- (a) declare the trustee to be disqualified, or
- (b) refuse the order,

and in either case with or without costs.

(3) Where a judge declares a trustee disqualified, his seat on the board thereupon becomes vacant.

(4) Where a judge declares a trustee disqualified for a contravention of section 32, subsection (1), clause (f), he may order the disqualified trustee to pay the total amount of any profit so made to the board.

**34. Self-explanatory.**

**35. Application by elector to declare trustee disqualified.**

**36.** (1) Where a person is declared to be disqualified pursuant to section 32 or 33 and appeals therefrom he remains disqualified until the final determination of the appeal.

(2) If upon the final determination of the appeal the disqualification is set aside

(a) the court shall reinstate the trustee for any unexpired portion of the term of office for which he was elected and require any person who had been elected to fill the balance of that term to vacate the office, but

(b) if the term of office for which the trustee was elected has expired he shall not be reinstated, but he is eligible to be elected at the next ensuing election, if otherwise qualified.

(3) A trustee ousted from office by court order is not eligible for nomination or election as trustee in any district or division for three years thereafter.

**37.** Every trustee shall make and subscribe the official oath prescribed by *The Oaths of Office Act* before entering upon his duties and shall deposit the oath with the secretary of the board.

**38.** The organizational meeting of a board shall be held annually but no later than six weeks following the date specified in *The School Election Act*

(a) for the receiving of nominations for trustee in a general election, or

(b) in any year in which a general election is not required to be held, the date specified for receiving nominations if a general election were held that year,

at a time and place to be fixed by the secretary of the board who shall give notice of the meeting to each trustee as if it were a special meeting.

**39.** (1) At the organizational meeting a board shall elect one of its number as chairman and another as vice-chairman to hold office during the pleasure of the board.

(2) Where the chairman through illness, absence or other cause is unable to perform the duties of his office, the vice-chairman has all the powers and shall perform all the duties of the chairman during his inability or absence.

(3) Where both the chairman and the vice-chairman through illness, absence or other cause are unable to perform the duties of the office, the board shall appoint an acting chairman, who thereupon has all the powers and duties of the chairman.

**36.** Disqualification.

**37.** Oath of office.

**38.** Organizational meeting.

**39.** Election of chairman.

**40.** A board of a city district may and every other board shall, provide for the holding of an annual meeting of the electors for the discussion of board affairs which shall be held

- (a) prior to March 31 in each year,
- (b) at a convenient place within the district or division, and
- (c) at a time specified by the board.

**41.** (1) A special meeting of a board may be called by

- (a) the chairman of the board, or
  - (b) a majority of the trustees, or
  - (c) an inspector of the Department of Education,
- after written notice has been given to each trustee in accordance with subsection (2).

(2) The notice shall state

- (a) the time and place of the special meeting, and
- (b) the nature of the business to be transacted at the special meeting,

and the notice shall be

- (c) sent by registered post to each trustee at least six clear days before the date of the meeting, or
- (d) delivered by personal delivery to
  - (i) the trustee, or
  - (ii) a responsible person at the trustee's residence,

at least three clear days before the meeting.

(3) Notwithstanding subsections (1) and (2) a special meeting may be held if every trustee agrees to waive the requirements of subsections (1) and (2).

**42.** No business other than that stated in the notice of special meeting shall be transacted at any special meeting of the board unless all the members of the board are present, in which case any other business may be transacted.

**43.** (1) No act or proceeding of a board is binding unless it is adopted at a meeting at which a quorum of the board is present.

(2) A majority of the full board constitutes a quorum.

(3) Notwithstanding subsection (1), the Minister may order that where the number of trustees has fallen below the quorum, the remaining trustees be deemed to be a quorum until elections are held to fill sufficient vacancies to achieve a normal quorum.



**40. Annual meetings.**

**41. Special meetings.**

**42. Business at special meetings.**

**43. Quorum.**

**44.** (1) All resolutions shall be submitted to a board by one trustee and no seconder is required.

(2) The chairman, when present and every trustee present shall vote for or against every question

(a) unless, in a specific case, the chairman or trustee is excused by resolution of the board from voting, or

(b) unless otherwise excused by the provisions of this Act,

and the secretary shall, whenever a recorded vote is requested by any trustee, record in the minutes the name of each trustee present and whether the trustee voted for or against the matter.

**45.** At a meeting of a board

(a) each question shall be decided by a majority of the votes of those present,

(b) in case of an equality of votes the question shall be decided in the negative, and

(c) a vote on a question shall be taken by open vote except in respect of the election of a chairman or vice-chairman in either of which cases the vote shall be by secret ballot.

**46.** (1) Every by-law of a board shall have three distinct separate readings before it is finally passed, but not more than two readings of a by-law shall be held at any one meeting unless the trustees present unanimously agree to give the by-law a third reading.

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

**47.** (1) A board shall hold meetings openly and no person shall be excluded therefrom except for improper conduct.

(2) The chairman of the board may cause to be expelled and excluded from a meeting any person who is guilty of improper conduct at that meeting.

(3) Notwithstanding subsection (1), where a majority of the trustees present are of the opinion that it is in the public interest to hold a meeting of the whole or part of the board on any subject in private, the board may by resolution exclude any person from the meeting, but it has no power at the meeting to pass any by-law or resolution apart from the resolution necessary to revert to an open meeting.

**44.** Who must vote.

**45.** Voting.

**46.** Readings of by-law.

**47.** Open meetings of the board.

**48.** (1) A trustee may resign by submitting his written resignation to the secretary of the board and he ceases to hold office at the meeting of the board when his resignation is received.

(2) If all the trustees of a board wish to resign at the same time, they may resign by transmitting to the Minister a notice in writing to that effect and their resignation is effective on the date on which their successors are elected or appointed.

(3) The chairman of a board may resign his position as chairman while retaining his seat on the board.

**49.** (1) Where in a board of six or more trustees a vacancy occurs, the board shall make provision to fill the vacancy by holding a by-election, but

(a) during the two year period immediately following a general election a by-election need not be held if there is one vacancy on the board, and

(b) during the third year following a general election a by-election need not be held unless the number of vacancies on the board reduces the board to a number less than one more than the quorum of the board.

(2) Where the Minister increases the number of trustees on a board a by-election shall be held unless the increase is made in the third year following a general election.

(3) In a board comprised of five trustees or less, the board shall provide for the filling of all vacancies which occur prior to the last six months of the term.

**48.** Resignation of trustees and chairman.

**49.** Filling vacancies.

**PART 4**  
**SEPARATE SCHOOL DISTRICTS**

**50.** (1) The minority of electors in any district, whether Protestant or Roman Catholic, may vote to establish a separate school therein, and in such case the electors voting to establish a Protestant or Roman Catholic separate school are liable only to assessments of such rates as they impose upon themselves in respect thereof, and any person who is legally assessed or assessable for a public school in the district is not liable to assessment for any separate school therein.

(2) The petition for the establishment of a separate school district shall be signed by three electors of the religious faith indicated in the name of the proposed district and shall be in the form prescribed by the Minister.

(3) The persons qualified to vote for or against the establishment of a separate school district are the electors in the district who are of the same religious faith, Protestant or Roman Catholic, as the petitioners.

(4) The notice calling a meeting of the electors for the purpose of taking their votes on the petition for the establishment of a separate school district shall be in the form prescribed by the Minister.

(5) The notice shall be posted in at least six widely separated places within the district or proposed district.

(6) Every notice shall be posted up at least two weeks prior to the date thereby fixed for the meeting and shall state the time and place of the meeting.

(7) The electors present at the meeting shall elect one of their number as chairman of the meeting.

(8) The chairman shall appoint a secretary of the meeting, who shall record the minutes of the meeting and perform such other duties as may be required of him.

(9) The chairman, upon his election, shall sign a declaration in the form prescribed by the Minister that he is an elector of the district or of the proposed district.

(10) After the election of a chairman any elector wishing to take part in the meeting and vote shall sign in the presence of the chairman and secretary of the meeting a declaration in the form referred to in subsection (9).

(11) A person who has not signed the declaration is not entitled to take part in the meeting or vote thereat.

(12) Notwithstanding subsection (11), an inspector of schools or other duly authorized representative of the Minister is entitled to take part in the meeting, but is not entitled to vote thereat.

**50.** Meeting and petition for separate school.

(13) The chairman shall not vote upon any question at the meeting whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

(14) At a first school meeting of a proposed district, the chairman, after the signing of the declarations referred to in subsections (9) and (10), shall provide a period for questions and discussion with respect to the proposed establishment.

(15) Immediately after the period for questions and discussion, but not later than 90 minutes after the opening of the meeting, the chairman shall proceed to take a poll of the votes of the electors for and against the establishment of the district.

(16) The poll shall be taken by secret ballot.

(17) The chairman shall preside over the taking of the poll and the secretary of the meeting shall act as the poll clerk.

(18) The poll shall remain open for one hour.

(19) At the end of one hour the chairman shall declare the poll to be closed and shall proceed to sum up the votes and to declare the result of the poll.

(20) The chairman, within 10 days of the meeting, shall send to the Minister

- (a) a copy of the notice calling the meeting,
- (b) due proof, in such forms as the Minister may require, of posting the notices calling the meeting,
- (c) a copy in the form prescribed by the Minister of the minutes of the meeting, and
- (d) the declaration of the chairman and the electors.

**51.** (1) Where as a result of a vote at a meeting held under section 50 the majority of the electors voting for or against the district have voted in favour thereof the Minister by order shall establish the separate school district with the same boundaries of those of the public school district.

(2) The order establishing the separate school district shall give it a name and number in the following form: "The ..... Separate School District No.....".

**52.** Where the result of the meeting held under section 50 is a vote against the establishment of a separate school district no petition for a separate school district may be presented again until at least



**51.** Establishment of separate school districts.

**52.** Future meetings.

- (a) one year after the date of the meeting, if less than 60 per cent of the persons voting voted against the establishment of a separate school, or
- (b) two years after the date of the meeting, if 60 per cent or more of the persons voting voted against the establishment of a separate school.

**53.** After the establishment of a separate school district, a person residing within the boundaries of the separate school district who is of the faith of those who established that district, whether Protestant or Roman Catholic, is a resident of the separate school district and a separate school supporter.

**54.** (1) Where a separate school district is established during a school year, the board of the public school district within which the separate school district, is established or the board of the division if the public school district is within a division shall, at the request of the board of the separate school district, continue until the end of the school year to accept in its schools and school buses the children of the separate school district.

(2) A board of a public school district or division that accepts the children of a separate school district pursuant to this section is entitled to receive from or on behalf of the board of the separate school district, in proportion to the number of months in any year that the children are in its schools, the requisitions, grants or other revenues that the board of the public school district or division would have received if the separate school district had not been established.

(3) Any dispute respecting the application of this section shall be referred to the Minister whose decision is binding on both parties.

**55.** (1) A board of a separate school district

- (a) may of its own volition, or
- (b) shall if 25 per cent of the electors of the separate school district petition the board to dissolve the district,

conduct a plebiscite to determine whether the separate school district should be dissolved.

(2) The question which the plebiscite shall determine is "Do you favour the dissolution of The . . . . . Separate School District No. . . . .".

(3) If the plebiscite results in a vote in favour of the dissolution of the separate school district the board shall report that fact to the Minister.

**53.** Residence of persons after separate school district established.

**54.** Establishment of separate school during school year.

**55.** Dissolution of separate school district.

(4) The Minister upon a report of the board pursuant to subsection (3) shall dissolve the board of the separate school district and that district and thereupon the former separate school residents become residents of the public school district or division within whose boundaries they reside.

#### **Assessment and Taxation**

**56.** (1) Where a separate school district has been established, the religion of the owner of property liable to assessment, whether Protestant or Roman Catholic, determines whether the property is assessable for public or separate school purposes.

(2) Where a person is neither a Protestant nor a Roman Catholic, his property is assessable for the public school district (and he is deemed to be a public school supporter) or, if he supports the separate school district, his property is assessable for the separate school district (and he is deemed to be a separate school supporter).

**57.** (1) Where a separate school district exists, if property is held by two or more persons as joint tenants or tenants in common and if the holders of the property are Protestant and Roman Catholic each shall be assessed for the purposes of the district of which he is a supporter, in proportion to his interest in the property.

(2) For the purposes of this section where property is held by two or more persons as joint tenants they shall be deemed to hold the property in equal shares and shall be assessed accordingly.

**58.** (1) Upon the establishment of a separate school district, the board of a separate school district shall submit to each municipality within which the district lies a list of names and addresses of all electors whose property is liable to assessment and taxation for the support of the separate school district according to the information available to the board.

(2) 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 separate school district electors of the public school district, and who are separate school supporters by virtue of section 53 and section 56 according to the information available to the board.

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

(a) the sources of information used in the preparation of the list, and

**56.** Property assessed for public or separate school purposes.

**57.** Assessment of property jointly owned by a Protestant and Roman Catholic.

**58.** Names of separate school supporters.

- (b) that according to that information the list is 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 a separate school district claims that he is a supporter of that district by virtue of being Protestant or Roman Catholic whichever is the faith of those who established the separate school 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 a member of the religious faith, whether Protestant or Roman Catholic, of those who established the district.
- (5) Where a written notice is given under subsection (4), clause (b) 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) shall with respect to all persons whose names remain on the list referred to in subsection (2), if any, record those persons as being electors of the separate school district.
- (7) The municipality shall furnish the board of the separate school district and the board of the appropriate public school district or division with a copy of each list following the removal of names, if any, pursuant to subsection (5).
- (8) Any person may at any time give written notice to a municipality stating that he is Protestant or Roman Catholic or is neither a Protestant nor a Roman Catholic and thereupon the municipality shall adjust its records to indicate that person's property as being assessable and taxable for the school district of which that person is or is deemed to be a supporter.
- (9) Where a person gives notice under subsection (8), the change in the assessment roll shall not be effective for taxation purposes until the year following the year in which the notice is given.



**59.** (1) Where a separate school district exists, a corporation that has shareholders or members of the same religious faith as those who established the separate school district may, by giving notice to the proper officer of the municipality require a percentage of the property in respect of which it is assessable to be entered and assessed for separate school purposes.

(2) Where the corporation has shareholders, that notice shall designate the percentage of the property of the corporation in the district assessable for separate school purposes that bears the same ratio to the total assessed value of the property of the corporation in the separate school district as the value of shares of the separate school supporters bears to the total value of all shares of the corporation.

(3) Where the corporation does not have shareholders or is a co-operative association the notice shall designate the percentage of the property of the corporation in the district assessable for separate school purposes that bears the same ratio to the total assessed value of the property of the corporation in the separate school district as the number of members who are separate school supporters bears to the total number of members of the corporation.

(4) The notice given by a corporation shall state that the percentage of the property of the corporation designated in the notice has been approved by a resolution of the corporation or the board of directors of the corporation.

**60.** (1) A notice under section 59 shall be given to the proper officer of the municipality in which the property is situated and to the secretaries of the boards of the public and separate school districts or to the secretary of the board of the division if the public school district is within a division.

(2) The notice shall be given on or before December 1 and becomes effective on the following December 31.

(3) The proper officer shall retain on file in his office each notice given to him by a corporation.

(4) The notice continues in force and shall be acted upon until it is withdrawn, varied or cancelled by a subsequent notice given pursuant to a resolution of the corporation.

**61.** The proper officer of each municipality in each year shall, before the completion of the assessment and tax roll, examine each notice on file in his office and shall show in the assessment and tax roll the property of the corporation or the part thereof that is designated by the notice as assessed for separate school purposes.



**59.** Assessment notice.

**60.** To whom notice is given and its effect.

**61.** Duty of municipality.

**62.** (1) Where a corporation has not given a notice under section 59, the board of a separate school district, by giving notice, may require part of the property in respect of which the corporation is assessable to be entered and assessed for separate school purposes.

(2) The notice shall be given to the corporation, to the proper officer of the municipality and to the secretary of the public school district or to the secretary of the division if the public school district is in a division.

(3) The notice shall be given on or before December 15 and becomes effective on the following December 31 and remains in effect until the corporation gives a notice in accordance with sections 59 and 60, or a notice under subsection (4).

(4) If, before December 31 of any year, a corporation gives to each person mentioned in section 60, subsection (1) a statement under the seal of the corporation that no shareholder of the corporation is of the same religious faith as the electors of the separate school district, the notice of the board of the separate school district under subsection (1) is not effective with respect to any subsequent year.

**63.** Where the board of a separate school district has given a notice to a corporation under section 62, the proper officer of each municipality shall designate a percentage of the property of that corporation in the district assessable for separate school purposes which shall bear the same ratio to the total assessed value of the property of the corporation in the district as the assessment of property in the district of persons, other than corporations who are separate school supporters, bears to the total assessed value of the property in the district of all persons, other than the corporations.

**62.** When corporation fails to give notice.

**63.** Designation of percentage of property for separate school purposes.

**PART 5**  
**ADMINISTRATION OF DISTRICTS AND DIVISIONS**  
**AND EMPLOYMENT OF TEACHERS**

**64.** (1) A board shall

- (a) appoint, subject to
  - (i) the prior approval of the Minister, and
  - (ii) the regulations of the Minister,a Superintendent of Schools and in his contract of employment include a statement of his position as executive officer of the board, and
- (b) appoint
  - (i) a secretary and a treasurer (or one person to act as secretary-treasurer) and notify the Minister of the appointment forthwith and arrange for the bonding of that person,
  - (ii) a chartered accountant as auditor and notify the Minister of the appointment forthwith, and
  - (iii) such other employees as are required,

and each appointment is subject to such terms and conditions as the board prescribes, either generally or affecting a particular appointment.

(2) Subsection (1) does not apply to the employment of teachers.

(3) A board shall subject to this Act and the regulations

- (a) keep in force a policy of insurance for the purpose of indemnifying
  - (i) the board and its employees in respect of claims for damages for death or personal injury, and
  - (ii) for damage to school buildings and equipment, in an amount prescribed by the Minister,
- (b) maintain, repair, furnish and keep in good order all its real and personal property,
- (c) hold as many meetings in each year as are considered necessary to adequately deal with the business of the district and for that purpose may decide to hold regular meetings of the board and the resolution shall state the day, hour and place of the regular meeting and no notice of the regular meeting is necessary,
- (d) make rules for the administration, management and operation of schools, school buildings and dormitories under its jurisdiction and make them available to every teacher and other employee whom

**64.** Powers and duties of boards.

they concern, but the rules shall not impose duties and obligations on a principal, teacher or other employee contrary to or in conflict with a contract of employment,

- (e) provide for the settlement or adjudication of disputes arising in connection with school matters between any parent or child and a teacher or other employee of the board, and
- (f) keep available a record of all proceedings of the board and committees of the board.

(4) In addition to the powers vested in it by section 14 of *The Interpretation Act, 1958* a board, subject to this Act and the regulations, may

- (a) make such banking arrangements as are necessary for the carrying out of its duties and functions,
- (b) invest in investments authorized by section 5 of *The Trustee Act*,
- (c) make rules governing its internal procedure and meetings,
- (d) provide for payment to the chairman or any trustee a sum of money in respect of work authorized by the board in addition to his normal duties,
- (e) provide for or enter into agreements for the taking of video-tape pictures of classroom activities for use in closed circuit television as an aid in teacher education programs in the Faculty of Education of a university established under *The Universities Act* or for the training or continuation of training of teachers or the instruction of pupils,
- (f) provide for the payment of travelling and other expenses and honoraria of
  - (i) trustees, and
  - (ii) persons appointed to committees of the board,
- (g) make cash contributions towards an educational organization and an association of school trustees,
- (h) enter into an agreement with a municipality
  - (i) to establish, maintain and operate a library pursuant to *The Libraries Act*, or
  - (ii) concerning the promotion and development of recreation and community services,and
- (i) require a teacher and any person appointed pursuant to subsection (1) to undergo an examination by a medical practitioner named by the board.

(5) A board may delegate any of its powers to the Superintendent of Schools or a committee appointed by it.



(6) Notwithstanding any provision of this Act, *The Alberta Labour Act* applies to boards, teachers and other employees of a board.

(7) A board may be a member of an employer's organization and may delegate its power to bargain with its teachers or all or any of its other employees to the employer's organization, so that the employer's organization may bargain collectively and make an agreement on the board's behalf in accordance with *The Alberta Labour Act*.

**65.** (1) An elector of a district or division may at reasonable times inspect the minutes of any public meeting, board meeting and any by-law, contract or account of the board of the district or division in which he is resident, other than individual employee records.

(2) An elector may request the board of the district or division in which he is resident for a copy of any minutes, by-law, contract or account and the secretary of the board shall send the same to him upon payment therefor at the rate of \$1 for the first 100 words or fraction thereof and 50 cents for each additional 100 words or fraction thereof.

#### **Financial Statement**

**66.** Before January 31 of each year the proper officer of a board shall prepare a financial statement in a form prescribed by the Minister covering the 12 months ending the previous December 31.

**67.** (1) An auditor shall make such examinations and enquiries as will enable him to report to a board as required by subsection (2).

(2) The auditor shall make a written report to the board on the financial statement prepared pursuant to this Act and shall state in his report whether in his opinion the financial statements referred to therein present fairly the financial position of the board, 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 shall at all times be given access to all records, documents, books of account and vouchers of the board by board employees and the auditor is empowered to enquire and receive from the board and any employee thereof such information and explanations as in his opinion may be necessary to enable him to report as required by subsection (2).



**65.** Inspection of documents.

**66.** Self-explanatory.

**67.** Auditor's report.

**68.** (1) An auditor shall make a special written report and forward it to the chairman of a board in every case where

- (a) the financial statements of the board are not in agreement with the records, or
- (b) the financial statements of the board 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 employee of the board in dealing with money or property of the board.

(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 69, and
- (b) any special written reports made by the auditor pursuant to this section,

shall be included with the financial statements prepared by the board.

(4) The board may request 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.

**69.** An auditor shall forward on or before February 15 in each year two copies of the financial statement, his report thereon and all communication between himself and the board or its officers to the Minister and one copy to the secretary of a board.

**70.** (1) No employee of a board either in his own name or in the name of another, alone or jointly with another, shall enter into a contract, other than a contract of employment

- (a) with the board by which he is employed, or
  - (b) with any person contracting with the board,
- if he has a pecuniary interest in the contract.

(2) A contract entered into contrary to the provisions of subsection (1) is void.

**68. Special report.**

**69. Report to Minister.**

**70. Employee contracts.**

(3) Nothing in this section prevents an employee, with the prior approval of the board, from entering into a contract with the board or with a person contracting with the board

- (a) for services to be performed by the employee, or
- (b) for the sale in the ordinary course of business of the employee of goods and merchandise, or
- (c) for the rental of accommodation.

**71.** A board shall upon the request of a university under *The Universities Act* enter into an agreement to permit students enrolled in the Faculty of Education of that university or their instructors, to attend any classroom of any school while it is in session for the purpose of observation or student teaching.

#### **Teachers**

**72.** A board shall employ as a teacher only a person who holds a certificate of qualification as a teacher issued under *The Department of Education Act, 1970*.

**73.** (1) In this section “day” or “day in a school year” means a day on which instruction is given by a teacher and includes emergency school closures, school closures approved by the Minister, holidays declared by a board and days other than instruction days that are approved by the Minister.

(2) Unless a teacher agrees, a board may not require a teacher to render service

- (a) for more than 330 minutes during a day, or
- (b) for less than 190 or more than 200 days in a school year.

(3) Subject to subsection (2) but notwithstanding any other agreement to the contrary the terms and conditions of a contract of employment between a board and a teacher shall be

- (a) the terms and conditions negotiated under *The Alberta Labour Act* and agreed between the board and an organization representing teachers,
- (b) sections 73 to 79 of this Act, and
- (c) the terms and conditions agreed between the board and the teacher,

and any contract excluding or purporting to exclude the provisions of clauses (a) and (b) is void.

(4) Every contract of employment between a board and a teacher shall be entered into by an offer in writing by a

**71. Student teaching in school.**

**72. Employment of teachers.**

**73. Contracts of employment.**

person acting on behalf of the board and accepted in writing by the teacher.

(5) For the purposes of this section an offer, acceptance, confirmation, statement or notification shall be in writing and may be sent by registered mail or by telegraph or delivered by hand or ordinary mail.

**74.** Unless there is agreement to the contrary a contract of employment between a board and a teacher continues in force from year to year.

**75.** (1) A contract of employment between a board and a teacher automatically terminates

- (a) at the time the certificate of qualification of the teacher is suspended or cancelled by the Minister, or
- (b) if the certificate of qualification of the teacher expires, or
- (c) on the last day that a school is operating in a school year if the teacher has attained 65 years of age.

(2) A contract of employment between a board and a teacher may be terminated by mutual consent.

**76.** (1) A board may terminate a contract of employment with a teacher after giving the teacher 30 days' notice in writing of its intention.

(2) A notice of termination of a contract of employment shall specify the reasons for the termination of contract and in each case the board shall act reasonably.

(3) A board may suspend from his duties any teacher who has been served with a notice of termination of a contract of employment.

(4) A teacher who has been suspended is entitled to receive pay until the effective date of termination.

**77.** (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 performance of his duties.

**74.** Contracts on year to year basis.

**75.** Automatic termination of contract.

**76.** Termination of contract of employment by a board and suspension.

**77.** Suspension of teacher.

(2) The board shall

- (a) give notice of the suspension in writing to the teacher specifying therein the reasons 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.

(3) A teacher who is suspended by a board may appeal to the Minister within 10 days after receiving the notice of suspension.

(4) The Minister shall refer the appeal to the Board of Reference who shall

- (a) investigate the matter and confirm or reverse the decision of the board, and
- (b) inform the board and the teacher of its decision within 10 days of the conclusion of its investigation.

(5) Where a teacher is suspended pursuant to subsection (1), clause (b) the Board of Reference may require the teacher to produce a certificate from a medical practitioner appointed or approved by it, certifying as to the teacher's health.

(6) If the teacher refuses or fails to produce a certificate pursuant to subsection (5) the Board of Reference may authorize the board to terminate the contract of employment of the teacher and upon so doing the board shall be deemed to have acted reasonably.

(7) Where the Board of Reference confirms the suspension the board may terminate the suspension or terminate the contract of employment of the teacher.

(8) Where the teacher does not appeal to the Minister, the board shall make an investigation of the circumstances and may reinstate the teacher.

(9) A teacher shall be paid his salary until his contract of employment is terminated in accordance with this Act.

**78.** (1) A teacher may terminate a contract of employment with a board after giving the board 30 days' notice in writing of his intention.

(2) Where a teacher has terminated his contract of employment with a board before rendering any service under the contract, no other board shall employ the teacher unless the prior approval of the board with which the teacher's contract was terminated, is first obtained.



**78.** Termination by teacher.

**79.** Subject to section 75, subsection (2) no notice of termination of a contract of employment may be given by a board or a teacher

- (a) in the 30 days preceding, or
  - (b) during
- a vacation period of 14 or more days' duration.

**80.** (1) A board shall designate one teacher to be the principal of each school.

(2) Notwithstanding subsection (1), a board may designate a teacher to be the acting principal of a school for a period not exceeding one year.

(3) Where a board has designated an acting principal under subsection (2) a designation of a principal for that school shall be made within the following 12 months.

**81.** (1) A board may only terminate a designation of a principal in the same manner specifying its reasons as it may terminate a contract of employment under section 76.

(2) The termination of a designation does not terminate a contract of employment.

(3) A teacher on receipt of a termination of designation may terminate his contract of employment by giving 30 days' notice in writing to the board, notwithstanding section 79.

(4) No appeal may be made from a termination of a contract, to the Board of Reference, if the contract of employment is terminated pursuant to subsection (3).

#### **Board of Reference**

**82.** (1) The Lieutenant Governor in Council shall appoint a Board of Reference consisting of not more than nine persons.

(2) The members of the Board of Reference shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

**83.** (1) Where a disagreement arises between a board and a teacher with respect

- (a) to a termination of a contract of employment, or
  - (b) to a termination of a designation, or
  - (c) to the refusal of a board to give an approval pursuant to section 78, subsection (2),
- a board or a teacher, may appeal to the Minister who shall refer the appeal to the Board of Reference.

**79.** Notice of termination prohibited.

**80.** Designation of principal.

**81.** Termination of designation.

**82.** Appointment of Board of Reference.

**83.** Right of appeal from termination of contract.

(2) An appeal may be withdrawn at any time before or during the hearing of the appeal or before the decision of the Board of Reference.

**84.** (1) The notice of appeal shall be in writing and shall set out the nature of the appeal.

(2) The board or teacher appealing shall within 14 days of the receipt of the notice of termination of contract send by registered mail

(a) to the Minister

(i) the notice of appeal, and

(ii) \$50 (which is held by the Minister pending the decision of the Board of Reference),

and

(b) to the other party to the appeal a copy of the notice of appeal.

**85.** (1) The Board of Reference shall set a date for the hearing of the appeal and notify both parties.

(2) The Board of Reference may make such investigation as it considers necessary but before making any decision shall give both parties to the appeal an opportunity to be heard.

(3) Notwithstanding any provision of this Act concerning termination or suspension of a contract of employment between a board and a teacher and matters connected therewith, the Board of Reference may make such order as it considers just with respect to the appeal and without restricting the generality of the foregoing the Board of Reference may, amongst other orders make all or any of the following orders:

(a) that the termination date of a contract of employment be changed;

(b) provide for reinstatement of a contract of employment (but only where a teacher is the party appealing);

(c) order payment of money (equivalent to salary) for any period whether before or after the termination of contract, that a salary has not been paid;

(d) order that no salary be paid for a specified period.

(4) Each party to the appeal shall pay his own costs unless the Board of Reference otherwise orders and in the event that no order as to costs is made, the \$50 held by the Minister shall be repaid to the person who paid it to him.

**84. Appeal to Minister.**

**85. Powers and duties of Board of Reference.**

(5) The Board of Reference may make one or more of the following orders concerning the \$50 paid to the Minister:

- (a) that it be paid in whole or part to the person against whom the appeal was made in payment or part payment of costs;
- (b) that it be retained in whole or part by the Minister and paid into the General Revenue Fund;
- (c) that it be repaid in whole or part to the person who paid it to the Minister.

(6) For the purpose of making an investigation pursuant to this section the Board of Reference has the powers of a commissioner under *The Public Inquiries Act*.

**86.** (1) The Minister, in any case in which he considers it proper to do so, may refer an appeal to one member of the Board of Reference.

(2) The member of the Board of Reference to whom the appeal is referred has the same powers and duties as the Board of Reference and his decision shall be deemed to be a decision of the Board of Reference.

**87.** (1) A teacher may teach without a contract of employment pursuant to section 73 only when employed on a day to day basis or to fill a vacancy expected in advance to be less than 20 consecutive teaching days.

(2) Neither a teacher who teaches without a contract of employment pursuant to section 73, nor the board employing him, may appeal to the Board of Reference.

**88.** Subject to section 73 a board,

- (a) on or before the last day of each month or within seven days of the termination of a contract, shall pay to each teacher on contract the moneys due to him based on a calculation of one-twelfth part of the annual salary payable to him for each full month taught,
- (b) notwithstanding clause (a), may withhold an amount not exceeding one month's pay at the end of each school year or at the termination of a contract until seven days following the submission of such reports, returns and property of the board or Department of Education as are required,
- (c) may deduct an amount not exceeding one two-hundredths part of the full annual salary to which

**86.** Self-explanatory.

**87.** Day to day teachers.

**88.** Teachers' pay.

any teacher under contract may be entitled for each day of unauthorized absence from his teaching duties,

- (d) shall pay for an authorized absence which is
  - (i) approved by it or the Minister, or
  - (ii) caused by necessary medical or dental treatment or because of accident, sickness or disability other than pregnancy provided that
    - (A) where a teacher teaches for a full school year, authorized absences under this clause may not exceed 20 days each year,  
or
    - (B) where a teacher teaches for less than a school year, authorized absences under this clause may in the aggregate not exceed two days for each month taught,
- (e) before paying salary under clause (d), subclause (ii) may require a certificate from a duly qualified medical practitioner or a dental surgeon, and
- (f) may authorize an absence without pay.





**PART 6**  
**PROPERTY**

**89.** (1) A board shall provide and maintain adequate real and personal property for its administrative and educational purposes.

(2) A board may

- (a) acquire and hold real or personal property or any interest therein,
- (b) acquire land for school buildings, whether the land is in or outside the district or division and acquire additional land to add to land owned by it,
- (c) acquire land or any rights in, on, over or under it (if necessary extending beyond the boundaries of school sites) for sewage, water, gas, electric power or other services,
- (d) enter into contracts granting or acquiring an option to purchase or sell real or personal property,
- (e) acquire, build, furnish and rent out residences and dormitories, and
- (f) acquire, build, furnish and rent offices for itself and its employees.

**90.** (1) Subject to the other provisions of this Act and the prior approval of the Minister a board may pass a resolution authorizing the making of an agreement with another board, person or municipality,

(a) for the joint construction, ownership, maintenance, operation or use of a public work or building, or

(b) for the performance of any other matter or thing, considered by the board, person or municipality to be a benefit to the district, division or municipality and may enter into an agreement as to the joint control and management of anything that concerns the district, division or municipality.

(2) Where an agreement is entered into pursuant to subsection (1) the board in the resolution may

- (a) appoint one or more of its trustees to be members of a joint committee with persons appointed by another board, person or municipality, and
- (b) delegate to the joint committee power to construct, maintain, control and manage the undertaking, including the power to disburse the funds used for the purpose of the undertaking.

(3) A board, person or municipality may provide the committee established pursuant to subsection (2) with such funds as the board, person or municipality considers

**89. Property powers.**

**90. Property or other agreements.**

proper and the committee may expend any sum received for the control, management, upkeep and operation of the undertaking.

(4) A committee established pursuant to subsection (2) shall in each year furnish the board, person or municipality with an audited statement of its receipts and payments for the preceding year and shall also supply the board, person or municipality with such information regarding its management and operation as is considered necessary by the board, person or municipality.

**91.** (1) Subject to this section, a board may dispose of any of its real or personal property other than school buildings to be used for the instruction or accommodation of pupils.

(2) Subject to this section, a board may only dispose of school buildings to be used for the instruction or accommodation of pupils if it obtains the prior approval of the Minister or a person designated in writing by him to give approval.

(3) Real or personal property of a value or likely to be disposed of at a price exceeding \$500 shall be disposed of in accordance with subsections (4), (5) and (6).

(4) The board shall

- (a) obtain two or more independent appraisals of the market value of the real or personal property, and
- (b) request tenders or arrange for a public auction.

(5) The board shall advertise the disposal of the real or personal property in a newspaper circulating in the district or division at least twice before the disposal.

(6) The board shall only dispose of ~~the~~ property if the bid or tender received is sufficient, in the opinion of the board, having regard to the appraisals received by the board and the approval of the Minister or a person designated in writing by him to give approval if required.

**92.** No financial aid from Provincial Government funds shall be given to a board for construction of a school building or alteration, addition or renovation of a school building without the prior approval of the School Buildings Board pursuant to *The School Buildings Act* and regulations thereunder.

**93.** (1) No school building to be used for the instruction or accommodation of pupils or an addition to such a school building or a structural alteration intended to be built

**91. Disposal of real or personal property.**

**92. School Buildings Board.**

**93. School buildings.**

or made where the funds are to be supplied either wholly or partly by the Government may be erected unless the plans and specifications for it have received the prior approval of the Minister or a person designated in writing by him to give approval.

(2) Notwithstanding subsection (1) the approval of the Minister is not required in respect of a board which has over 15,000 pupils enrolled in its schools.

**94.** (1) Where a board proposes to erect a school building or purchase a school building, other than a school building to be used for the instruction and accommodation of pupils,

- (a) if the estimated cost of erection or the purchase price, as the case may be, exceeds \$100,000 or  $1\frac{1}{2}$  per cent of the total assessed value of the property in the district or division, whichever is the lesser, and
- (b) if the method of financing the erection or purchase does not require a notice pursuant to section 101,

the board shall give public notice of its intention to erect or purchase the building.

(2) For purposes of this section, if a building is to be erected the estimated cost of erection of the building shall be the cost estimated by the architect employed or consulted by the board and the estimate shall be incorporated in a minute of the board.

(3) If a petition for a vote is received by the board within 15 days of the last publication in a newspaper of the public notice and is signed by at least

- (a) 2 per cent of the electors in a district or division having 10,000 electors or more, or
- (b) 5 per cent of the electors in a district or division having less than 10,000 but 5,000 electors or more, or
- (c) 10 per cent of the electors in a district or division having less than 5,000 but 500 electors or more, or
- (d) 15 per cent of the electors in a district or division having less than 500 electors,

the board, if it decides to proceed with the erection or purchase shall submit the question to a vote of the electors.

(4) The board shall

- (a) send to the Minister, or person designated in writing by him, a copy of each request contained in the petition received under subsection (3) within five days of receiving it, and

**94.** Erection of school buildings.

(b) advise the Minister, or person designated in writing by him, promptly of the outcome of each vote conducted under subsection (3).

(5) The board is bound by the result of the poll for a period of 12 months from the date of the poll and during that time it shall not propose the same or a similar erection or purchase of a school building.

**95.** (1) Except as hereinafter otherwise provided a board shall obtain tenders for the erection or purchase of any school building and it shall be built under contract and not by any other method.

(2) 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

(b) until 35 days after the time fixed for receiving tenders,

whichever occurs first.

**96.** (1) With respect to a school building to be used for the instruction or accommodation of pupils, a board shall submit to the Minister or person designated in writing by him the tender or tenders that it wishes to accept, together with such information concerning the other tenders received as the Minister or person designated may require.

(2) With respect to the construction, purchase, alteration or renovation of school buildings approved by the School Buildings Board for financial aid and used for the instruction or accommodation of pupils, a board shall not award a contract until the Minister or person designated in writing by him has given his approval of the tender which specified the terms of the contract.

(3) All specialties, bills, notes or accounts stated, given or made, in whole or in part, for or to secure any price or materials in connection with a contract for the construction or purchase of a school building to be used for the instruction or accommodation of pupils are void, unless all of the terms of the contract given or made conform to the tender and change orders approved by the Minister or person designated in writing by him.



**95. Tenders.**

**96. Minister's approval.**

**97.** (1) A board may submit to the Minister or a person designated in writing by him a scheme for the construction, partial construction, alteration or structural alteration by a method of construction other than under contract 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.

(2) A scheme for construction by a method of construction other than under contract submitted by a board shall set out in detail the manner in which it is proposed to provide the materials, supplies and labour required for the implementation thereof.

(3) Upon the scheme being approved by the Minister or person designated in writing by him and adopted by resolution of a board, the board may proceed with the scheme so approved.

(4) 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.

**98.** (1) Where a board is unable to acquire land or any interest therein necessary for it to carry out its functions, the board may apply to the Minister for authority to expropriate in accordance with subsection (2).

(2) The application to the Minister by a board shall set out the facts and reasons for the request for authority to expropriate.

(3) The Minister may make such investigation as he considers necessary into the application and if he is satisfied that the expropriation is necessary he shall issue an order authorizing the board to expropriate the land or any interest therein specified in the order.

(4) Until the Minister issues an order authorizing a board to expropriate a board has no power to expropriate.

**97.** Scheme of construction.

**98.** Expropriation.

## **PART 7**

### **FINANCE**

#### **Borrowing**

**99.** (1) A board may borrow to meet current expenditures if the borrowings are repayable within a year of the date they are borrowed.

(2) A board, with the prior approval of the Minister, may borrow to meet capital expenditures other than by way of debenture if the borrowing is repayable within five years.

**100.** (1) A board may borrow by debenture upon the security of the board for the purpose of

- (a) securing, purchasing, adding to, extending or improving a site for a school building, or
- (b) providing services to school buildings, or
- (c) erecting, purchasing, adding to, extending, making structural changes in, moving, furnishing or equipping a school building.

(2) If the board decides to borrow by debenture for any of the purposes mentioned in subsection (1), it shall pass a by-law in a form approved by the Local Authorities Board stating its intention.

(3) Within 15 days of the passing of the by-law, the board shall give public notice of its intention to apply to the Local Authorities Board for authority to borrow the amount specified in the by-law on the conditions therein set forth.

**101.** Notwithstanding section 100 no public notice need be given

- (a) if the total borrowings for capital purposes does not exceed \$200,000 or 2½ per cent of the total assessed value of the property in the district or division, whichever is less,
- (b) the borrowings take place in a calendar year, and
- (c) the Local Authorities Board approves of the borrowing.

**102.** (1) If a petition for a vote is received by a board within 15 days of the last publication in a newspaper of the public notice of proposed debenture borrowing and is signed by at least

- (a) 2 per cent of the electors in a district or division having 10,000 electors or more, or

**99.** Power of board for short term borrowing.

**100.** Board decides to borrow.

**101.** Public notice not required.

**102.** Petition for a poll.

- (b) 5 per cent of the electors in a district or division having less than 10,000 but 5,000 electors or more, or
- (c) 10 per cent of the electors in a district or division having less than 5,000 but 500 electors or more, or
- (d) 15 per cent of the electors in a district or division having less than 500 electors,

the board if it decides to proceed with the by-law shall submit the question to a vote of the electors.

(2) The board shall

- (a) send to the Minister a copy of each request contained in the petition, and
- (b) advise the Minister promptly of the outcome of each vote conducted under subsection (1).

(3) The board is bound by the result of the poll for a period of 12 months from the date of the poll and during that time it shall not propose debenture borrowing for the same or a similar erection or purchase of a school building.

**103.** (1) In the case of a by-law heretofore or hereafter passed a board by by-law, without the assent of the electors, but subject to the prior approval of the Local Authorities Board, may authorize a change

- (a) in the mode of issue of the debentures, or
- (b) in the place or places where they are payable, or
- (c) in the manner of repayment as authorized by the Local Authorities Board,

or in any one or more of these particulars.

(2) The by-law may also

- (a) provide that the debentures shall be issued with interest coupons instead of amounts of combined principal and interest or vice versa, or
- (b) change the interest from annual to semi-annual or vice-versa, or
- (c) provide that the debentures may be issued in a different currency or may be in different amounts from those authorized by the original by-law.

(3) A board, without the assent of the electors but subject to the prior approval of the Local Authorities Board, may pass a by-law for the issue and sale of new debentures for the purpose of purchasing or redeeming before maturity any or all outstanding debentures issued by it.

**103.** Alteration of debenture by-laws and redemption of debentures.

#### **104. Where**

- (a) owing to a decline or advance in the rate of interest between the passing of a money by-law and the sale or other disposal of the debentures they or any of them cannot be sold or disposed of except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided, or
- (b) in the opinion of the board, with a view to the better marketing of the board securities it is desirable
  - (i) that the whole or any part of the debentures authorized by the by-law bear a rate or rates differing from the rate or rates specified in the by-law, or
  - (ii) that the period over which the indebtedness was originally spread or the term at the end of which it was made payable should be changed or extended,

the board with the prior approval of the Local Authorities Board and without submitting the matter to the electors, may pass a by-law to amend the debenture by-law providing for a different rate or rates of interest, or a different period over which the indebtedness will spread or a different term at the end of which the indebtedness will be made payable, upon all or any of the debentures and for a corresponding change in the amount to be raised annually with respect thereto.

**105.** (1) Upon receipt of such documents and information as it may require and upon being satisfied that the several conditions required by this Act have been complied with, the Local Authorities Board may authorize the board to borrow the sum or sums of money mentioned in the by-law, or any lesser sum.

(2) As soon as possible thereafter the Local Authorities Board shall cause notice of the authorization of the loan to be published in *The Alberta Gazette*.

**106.** Notwithstanding that a by-law has not received a majority vote of the electors voting thereon, the Local Authorities Board may, upon receipt of the certificate of the Minister certifying that the school building or equipment mentioned in the defeated by-law is urgently required for the purpose of maintaining an efficient school or schools in the district or division, authorize the board to borrow the sum or sums of money mentioned in the by-law or any lesser sum and shall thereupon cause notice of the authorization to be published in one issue of *The Alberta Gazette*.



**104.** Amendment of debenture by-laws.

**105.** Authority to borrow.

**106.** Minister may overrule electors.

**107.** (1) A board on receiving authorization of the Local Authorities Board shall issue a debenture to secure the amount of the principal and interest on the loan so authorized or of any lesser sum, upon the terms specified in the by-law.

(2) Where a debenture is issued, the Local Authorities Board, upon the application of a board may countersign the debenture that is issued or that may be issued under the authority of the authorization referred to in subsection (1).

(3) Notwithstanding anything to the contrary in this Act, the countersigning by the Local Authorities Board is conclusive proof of the validity of the debenture and its validity is not open to question in any court.

(4) The countersigned debentures are valid and binding upon the board.

**108.** (1) If a board purports to enter into any contract or agreement the consideration for which is to be raised by debenture, before the borrowing has been authorized by the Local Authorities Board, the contract or agreement is void and any moneys paid under it shall be repaid to the board.

(2) Any contract or agreement made by the board for the sale, transfer or hypothecation of a debenture or any interest therein, before it has been authorized to borrow the money represented by the debenture as herein provided, is void.

(3) This section does not apply to any expenditure

(a) for the services of an architect engaged to make preliminary plans or to obtain and compile information necessary in the opinion of the board to enable it to make application to the Local Authorities Board, or

(b) certified at any time by the Minister to require immediate attention.

**109.** (1) Pending the sale of any debenture authorized by a by-law or in lieu of selling and disposing of them, the board may, by resolution, raise money by way of a loan on the debentures, which shall not exceed 80 per cent of the par value of the debentures and may hypothecate them for any such loan.

(2) The proceeds of every loan shall be applied to the purposes for which the debentures were issued and if the debenture is subsequently sold the proceeds thereof shall first be applied in repayment of the loan.

**107.** Countersigning of debentures by the Local Authorities Board.

**108.** Void borrowing.

**109.** Loan on debentures up to 80 per cent.

**110.** (1) Any debenture under this Act shall be in a form approved by the Local Authorities Board.

(2) Debentures may be issued either all at one time or in instalments at such times as a board considers expedient and may be dated accordingly.

(3) No debenture shall be issued after the expiration of three years from the date on which the notice of authorization of the loan appears in *The Alberta Gazette*.

**111.** (1) A debenture shall be sealed with the seal of the board and signed either by the chairman or by some person authorized to sign it in his stead and by the treasurer of the board.

(2) The signatures on debentures or on coupons attached to debentures may be reproduced by lithographing or printing or any other method of mechanical reproduction.

**112.** Any debenture issued under this Act is valid and binding upon a board notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the board in respect thereof, if

- (a) the by-law has received the assent of the required number of electors voting thereon, where their assent is required,
- (b) no successful application has been made to quash it within two months after its final passing, and
- (c) the by-law has received the approval of the Local Authorities Board.

**113.** No money borrowed for capital expenditure or in the hands of a board as capital funds shall be applied towards a current expense.

**114.** (1) Where debentures have been issued for a capital expenditure and upon completion of the work or in consequence of its partial abandonment there remains a balance, a board, by resolution reciting the facts, shall apply to the Local Authorities Board for authority to use the balance for capital expenditures for any purpose not authorized by the by-law under which the debentures were issued.

(2) The Local Authorities Board may grant permission to a board to use the balance for such purposes and upon such terms and conditions as the Local Authorities Board considers expedient.

(3) If a board applies moneys included in the balance for any purpose not authorized by the Local Authorities Board,

**110.** Form and issue of debentures.

**111.** Seal and signature on debentures.

**112.** Debentures deemed to be valid.

**113.** Capital money not to be applied for current expense.

**114.** Use of balance of moneys.

the trustees who vote for such application are personally liable for the amount diverted and it may be recovered by the board by legal action as a debt due from the trustees responsible.

#### **Assessment**

**115.** (1) The Alberta Assessment Equalization Board shall apportion among the districts, whether public or separate, and the divisions lying wholly or in part within a municipality, in each year the equalized assessment established in respect of the municipality for that year and thereafter the Alberta Assessment Equalization Board shall advise the municipality of such apportionment.

(2) Upon being advised by the Alberta Assessment Equalization Board of an apportionment under subsection (1) the proper officer of a municipality within which a district or division is situated in whole or in part shall provide a certificate to the secretary of the board 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 district or division.

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

- (a) the assessments of property, whether of individuals or of corporations designated for the support of separate schools, shall pertain to the separate school district, and
- (b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a corporation is apportioned pursuant to section 63,

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

**116.** In each year the board shall within 30 days after the estimates of the Department of Education have been approved by the Legislative Assembly prepare and adopt in the form prescribed by the Minister a detailed estimate of its revenues and its expenditures for the current year.

**115.** Assessment by Assessment Equalization Board.

**116.** Board estimates.

### **Requisitions**

**117.** The Lieutenant Governor in Council may make regulations

- (a) limiting the amount of money a board may requisition from a municipality and may base the limit (expressed in an amount or as a percentage) on any criteria he considers proper, and
- (b) provide any method, including a poll or plebiscite of electors, by which a board may exceed the limit specified pursuant to clause (a).

**118.** (1) Subject to the regulations made under section 117 a board in computing its total basic requisition upon each municipality included in whole or in part within the district or division, shall deduct from its estimated total expenditures its estimated total revenues from all sources, other than requisitions, in order to obtain the estimated total sum required to be raised by requisitions.

(2) A board of a division shall list any additional requisitions resulting from board resolutions made under section 121 and deduct the sum of the additional requisitions from the estimated total sum required to be raised by requisitions as determined under subsection (1).

(3) The board shall advise the municipal secretary or the accountant of the Department of Municipal Affairs, as the case may be, of the total amount that is to be raised by way of supplementary requisitions and the total assessment of the district or division as shown on the various certificates received under section 115.

(4) Upon receipt of advice from the municipal secretary or the accountant of the Department of Municipal Affairs of such additional revenue as may be supplied by the municipality, the secretary shall adjust the amount of the total basic requisition for each municipality in proportion to the values as shown on the various certificates received under section 115.

(5) The board of a division shall add each additional requisition listed pursuant to subsection (2) to the basic requisition of the appropriate municipality.

(6) The resulting sums shall be the total requisition of the board of the district or division upon the respective municipalities.

**119.** (1) A board shall, immediately after adopting its estimates, submit to each municipality in the form prescribed by the Minister its requisition for that portion of its estimate that is required to be raised by the municipality.



**117.** Control of requisitions.

**118.** Calculation of requisition.

**119.** Submission of requisition.

(2) The board shall supply a copy of its estimates to a municipality to which it submits a requisition if the municipality requests it.

**120.** For the purpose of determining an additional requisition only the Minister may by order declare any area to be a hamlet.

**121.** If a board of a division determines that the educational requirements exclusive of capital requirements of a hamlet justify an additional requisition, the board by resolution, subject to the prior approval of the Minister, may determine the amount of the additional requisition to be made and designate the hamlet within which the levy will be made to produce that amount.

(2) Any resolution passed under this section shall be passed within 30 days after the estimates of the Department of Education have been approved by the Legislative Assembly in the year in which it is to take effect.

(3) Where an additional requisition has been approved by the Minister under this section it shall continue in effect from year to year until changed as hereinafter provided.

(4) An additional requisition established by this section may be reduced by resolution of the board or increased by resolution of the board with the prior approval of the Minister.

**122.** Any person entitled to examine the assessment and tax roll may, at any time during office hours, examine a notice given by a corporation.

**123.** The proper officer of each municipality when providing the certificate required by section 115, shall also send to each board a statement showing

- (a) the total assessment of all property assessed to persons, other than corporations, for public school purposes and for separate school purposes respectively,
- (b) the total assessment of all property assessed to corporations for public school purposes and for separate school purposes, respectively, as a result of corporation notices under section 59,
- (c) the total assessment of all property assessed to corporations for public school purposes and for separate school purposes, respectively, as a result of separate school board notice under section 62, and

**120.** Declaration of hamlet.

**121.** Additional requisition for a hamlet.

**122.** Self-explanatory.

**123.** Statement to boards by municipality.

- (d) the totals of the assessments under clauses (a), (b) and (c) for public school purposes and for separate school purposes respectively.

**124.** (1) Where there are boards of districts that collect their own taxes, the secretary of the board of the public school district and the secretary of the board of the separate school district shall in the same manner as the proper officer of a municipality is required to do, apportion the total assessment of each corporation in accordance with the notice given by that corporation or given by the board of the separate school district to that corporation.

(2) In respect of each corporation the assessment roll of the public school district shall show only the corporation property that is assessable for public school purposes and the assessment roll of the separate school district shall show only the corporation property that is assessable for separate school purposes.

**125.** (1) Each municipality to which a board submits a requisition shall at the request and at the cost of the board supply a copy of the whole or any part of the assessment roll of the municipality.

(2) A board that receives a copy of the whole or any part of the assessment roll shall treat the information as strictly confidential and shall not make it public to any person.

**126.** (1) Each municipality shall pay to a board the amount of the sum requisitioned by equal quarterly instalments on the 15th day of each of the months of March, June, September and December.

(2) If a municipality has not received the requisition of the board on March 15, the municipality shall make a payment on account to that board based on the requisitions of the 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 district or hamlet that is within the municipality.

(4) Where the municipality fails to pay to a board the amount required from time to time as hereinbefore provided that amount becomes a debt due, owing and payable by the municipality to the board, 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

**124.** Boards of school districts collecting their own taxes.

**125.** Municipality to supply copy of assessment roll.

**126.** Payment of requisition.

action shall be commenced for the recovery of any such sum unless the consent of the Minister is first obtained.

**127.** (1) The School Foundation Program Fund heretofore established is continued.

(2) The Lieutenant Governor in Council shall by February 15 in each year, or as soon thereafter as possible, establish a rate expressed in mills, not exceeding 30 mills.

(3) Each municipality shall pay into the School Foundation Program Fund annually a sum equal to the amount which results from applying the mill rate established pursuant to subsection (2) to the equalized assessment of the municipality as established for the year by the Alberta Assessment Equalization Board under *The Municipalities Assessment and Equalization Act*.

(4) The Minister or person designated in writing by him shall advise each municipality as soon as possible in each year of the amount that it is required to pay into the School Foundation Program Fund.

(5) Each municipality shall pay one-third of the sum required in each year on or before the first days of each of the months of May, August and November.

(6) In default of payment by any municipality the Minister may require the Provincial Treasurer to pay any grants payable to the municipality for that year or any succeeding year, into the School Foundation Program Fund, to the credit of the municipality until the amount owing by the municipality has been received.

(7) From the School Foundation Program Fund the Minister shall pay to each board and county, such sums as may be authorized by regulations established by the Lieutenant Governor in Council.

(8) Notwithstanding subsections (3) to (7), the Lieutenant Governor in Council may by regulation provide that the sum required pursuant to subsection (3) to be paid into the Fund by a municipality

(a) may be paid, in whole or in part, directly to one or more boards of districts or divisions situated in whole or in part within the municipality, or

(b) in the case of a county, may be retained by the county to be applied towards the budget of the school committee of the county,

and any sum so paid, or so retained, shall be deemed to be a payment into the School Foundation Program Fund.

**127. School Foundation Program Fund.**

(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 the requisition shall be subject to section 117.

(10) For the purpose of this section a board that levies its own taxes pursuant to section 129 is deemed to be a municipality.

(11) Notwithstanding anything contained in this section

(a) property assessed for separate school purposes shall not be included in the equalized assessment referred to in subsection (3), and

(b) no payment shall be made out of the Fund to any separate school district,

unless the board of the district certifies to the Minister under the seal of the district, pursuant to a resolution passed by the board, that this section is to apply to it.

(12) A resolution in effect pursuant to subsection (11) may be rescinded at any time by the board and upon certification to the Minister that the resolution has been rescinded the application of this section to the district ceases and determines as of December 31 next following.

**128.** Where a municipality is in default of payment of a requisition or payment into the School Foundation Program Fund the amount unpaid shall bear interest at a rate approved by the Lieutenant Governor in Council.

#### **Board Levying and Collecting Taxes**

**129.** (1) Notwithstanding any provision of this Part, the Minister by order may empower a board to levy and collect taxes with respect to its whole area and this section applies only to boards that have been empowered.

(2) A board named in an order made under this section

(a) has for the purpose of imposing, collecting, compromising and refunding taxes, all the powers with respect to the imposition and collection of taxes that are vested in a municipality by *The Municipal Taxation Act* and *The Tax Recovery Act*, and

(b) shall, in preparing its assessment roll, use only the assessed values provided by the Department of Municipal Affairs for the purpose.

(3) A board named in an order made under this section has and may exercise all the powers of a municipality under *The Municipal Government Act*, but only to the extent that the power is not being exercised in the district by any other public authority.



**128.** Interest on payments in default.

**129.** Board levying and collecting taxes.

(4) A board which exercises any of the powers given by subsection (3) shall prepare a separate budget in respect thereof, shall account separately for moneys received and expended for that purpose and shall indicate in its tax notices the portion of its taxation, in mills, which is levied in respect thereof.

(5) An order made under this section shall be published in *The Alberta Gazette*.

**130.** The provisions of this Part relating to the making of requisitions upon municipalities do not apply to a board empowered by the Minister to collect taxes.

**130.** Self-explanatory.

## **PART 8**

### **SCHOOL**

**131.** (1) Every child who has attained the age of six years at school opening date and who has not attained the age of 16 years is a pupil for the purposes of this Act and unless excused for any of the reasons mentioned in section 132 shall attend a school over which a board has control.

(2) A person may continue to attend school up to the age of 21 years and a person so continuing to attend school is a pupil for the purposes of this Act.

**132.** (1) A pupil is excused from attendance at school if

- (a) a Department of Education inspector or a Superintendent of Schools (whether appointed by a board of the Department of Education) certifies in writing that the pupil is under efficient instruction at home or elsewhere, or
- (b) he is unable to attend by reason of sickness or other unavoidable cause, or
- (c) he is absent on a day regarded as a holy day by the religious denomination to which the pupil belongs, or
- (d) in a special case, the proper officer of a board, in consultation with the pupil's parent and upon the written recommendation of the school principal, excuses the pupil from attendance for such period as he may direct, or
- (e) he is attending a private school approved under *The Department of Education Act, 1970*, or
- (f) the board, after receiving the recommendation of a Department of Education inspector or a Superintendent of Schools (whether appointed by a board or the Department of Education) is of the opinion that no suitable program of instruction is offered in its school for a child who is 15 years of age.

(2) A board may temporarily excuse from attendance in a regular classroom any pupil whose special educational needs in the opinion of an inspector or superintendent are of such a nature that regular classroom experience is not productive or is detrimental to the pupil or to the school, until such time as the board with the approval of the parent can arrange the needed special education through attendance in a special class or by entering the child in a special school or in any other suitable manner.

**133.** (1) Where the parents of a pupil are resident in a public school district or division the pupil, subject to section

**131.** School attendance up to 21 years.

**132.** Pupils excused from school attendance.

**133.** Power of boards to direct pupils to schools inside or outside the district or division.

140, shall attend the school he is directed to attend by the board of the public school district or division.

(2) Where the parents of a pupil are resident in a separate school district the pupil, subject to section 140, shall attend the school he is directed to attend by the board of the separate school district.

(3) Where one parent of a pupil is a resident of a public school district and the other parent is a resident of a separate school district having the same boundaries, the pupil, subject to section 140, shall attend the school he is directed to attend by the board of the district designated by his parents and the designation shall be made as follows:

- (a) the parents may on a form prescribed by the Minister designate whether the pupil is to attend school within a public school district or a separate school district, and
- (b) the designation
  - (i) is effective for the school year in which it is made, if it is made not later than the 10th day of the school year, otherwise it is effective at the beginning of the following school year,
  - (ii) is effective at the time a pupil is enrolled at a school where his parents become resident in a district after the 10th day of a school year,
  - (iii) remains in effect for three years and thereafter continues in effect unless another designation is made in a form prescribed by the Minister, and
  - (iv) may not be made with respect to a pupil enrolled in a senior high school except at the time the parents become resident in a district.

(4) Where in the circumstances specified in subsection (3), no designation is made, the pupil shall attend the school he is directed to attend by the board of the district in which his father is resident, unless the mother of the pupil has control or custody of the pupil, in which case the pupil shall attend the school he is directed to attend by the board of the district in which his mother is resident.

**134. (1) A board shall**

- (a) accept in its schools every pupil whose parents reside in its district or division, or
- (b) direct the pupil to a school in another district or division.

(2) Where a board directs a pupil to a school in another district or division the board

**134.** Duty of boards to accept pupils.

- (a) shall ensure that the board of the other district or division is able to accept the pupil, and
  - (b) is responsible for all fees for the education and fees consequent thereto of the pupil, provided the pupil attends the school he is directed to attend.
- (3) A board of a district or division whose school a pupil is directed to attend shall accept the pupil if it has sufficient accommodation and the board making the direction agrees to pay the fees.
- (4) A board may in its discretion
- (a) pay all or part of fees payable by a parent residing in the district or division, and
  - (b) pay to the parent of a pupil, in order to assist him to pay the cost of the education of that pupil at a private school or institution that maintains instructional standards approved by the Minister, a sum not exceeding that which would be payable for fees if the private school or institution had power to charge fees in the same manner as a board.

**135.** Nothing in this Part shall be held to require the child of a resident of a separate school district to attend a public school or to require the child of a resident of a public school district to attend a separate school.

**136.** Notwithstanding anything in this Part a board may

- (a) lower the school entrance age of pupils and may make such rules and conditions in connection therewith as it thinks fit,
- (b) provide special education by operating special schools or classrooms or by making a grant and sending pupils to an organization or agency approved by the Minister which provides special education, and
- (c) arrange for, undertake or sponsor, for its pupils and at its own cost or otherwise, educational, cultural or recreational trips inside or outside its district or division.

**137.** (1) A board shall

- (a) specify the school opening date,
- (b) specify the number and the days of school operation,
- (c) specify the length of the school day and the number of minutes of school operation, and



**135.** Self-explanatory.

**136.** Special board powers.

**137.** General school operation.

(d) specify the number of minutes of classroom instruction and the number and length of recesses.

(2) A board shall specify the vacation periods in a school year but

(a) the minimum Christmas vacation shall extend from December 24 to January 2, inclusive, and

(b) there shall be provided one school vacation of at least four consecutive weeks' duration during a school year.

(3) A board in its discretion may declare one day a month to be a school holiday.

(4) A holiday declared by a municipality does not apply to a school within the municipality unless the board declares it to apply.

**138.** A board may, with the approval of the Minister, close a school for such period as may be approved by the Minister.

**139.** (1) Notwithstanding section 138 a board may close a school for any reason if the health or safety of pupils is endangered.

(2) A board may delegate its authority to close a school under this section to a Superintendent of Schools, principal of a school, teacher or other responsible employee.

**140.** (1) A parent of a pupil may apply to the board of a district or division in which he is not a resident for the admission of his child as a pupil to a school controlled by the board.

(2) Where there is sufficient accommodation in a school and if the parent agrees to pay the fees authorized by this Act, the board shall admit the pupil to its school.

**141.** (1) No tuition fees shall be charged by a board for the attendance in its school of a pupil whose parent is a resident of the district or division.

(2) A board may charge tuition fees for any pupil whose parent is not a resident of the district or division but the fee shall not exceed the amount of the net average local cost per pupil of maintaining the program in which the pupil is enrolled.

**138.** School closure with Minister's approval.

**139.** Emergency closure of schools.

**140.** Entry to school in another district.

**141.** School fees.

**142.** Where the parent of a pupil resides in territory not included in a district or division and is not an Indian, the Minister or person designated in writing by him shall pay such tuition fees, maintenance payments or payments in lieu of transportation as he determines to the appropriate parent or board of the district or division in which the pupil attends school.

**143.** All disputes as to the amount of fees payable by a board or by a parent under the provisions of this Part shall be referred to the Minister whose decision is final.

**144.** (1) Subject to this section a board may make rules regarding the suspension and expulsion of pupils in its schools and may delegate the power to enforce the rules.

(2) In accordance with the rules of a board

(a) a teacher may suspend a pupil from his class,

(b) a principal may suspend a pupil from

(i) class, or

(ii) school, or

(iii) riding on a school bus,

and

(c) a principal may reinstate a pupil suspended by him or a teacher.

(3) Where a principal suspends a pupil the principal shall immediately report all the circumstances of the suspension to the pupil's parents.

(4) Where a pupil is not to be reinstated within seven days of the date of his suspension the principal shall immediately report all the circumstances of the suspension to the board and make recommendations.

(5) Upon a report from a principal the board may reinstate the pupil or expel him from school.

(6) A pupil expelled from school or his parents may appeal to the Minister who may in his discretion reinstate the pupil or confirm the expulsion.

**145.** A board shall provide such health services as it considers necessary to pupils in its schools.

**142.** Parents living in unorganized territory.

**143.** Disputes over fees.

**144.** Suspension, expulsion and reinstatement.

**145.** Health services.

**146.** An employee of a board who has the responsibility of enforcing the provisions relating to compulsory attendance may

- (a) enter any dwelling house or other building where a pupil may be found or employed,
- (b) send a pupil suspected of truancy home or to school and accompany him for that purpose, and
- (c) institute or cause to be instituted legal proceedings against any person who contravenes or who assists in a pupil contravening the provisions relating to compulsory attendance.

**147.** Subject to section 148 all pupils in school shall be taught in the English language.

**148.** (1) A board may authorize that French be used as a language of instruction in addition to the English language in all or any of its schools.

(2) A board authorizing the use of French as a language of instruction shall comply with the regulations of the Minister.

**149.** A board may

- (a) prescribe religious exercises for pupils in its schools, and
- (b) permit religious instruction for pupils in a school.

**150.** A board may prescribe patriotic exercises and instruction for pupils in its schools.

**151.** A board shall display the Canadian flag at each school.

**152.** (1) Upon receipt by a teacher of a written statement signed by a parent requesting that a pupil be excluded from religious or patriotic exercises or instruction, or both, the pupil shall be permitted to leave the classroom or may be permitted to remain without taking part.

(2) No teacher, trustee, inspector or superintendent, shall attempt in any way to deprive a pupil who attends a school in which religious instruction is given and who does not take part in that instruction, of any advantage that he might derive from the ordinary education given in the school.

**146.** Enforcing school attendance.

**147.** Self-explanatory.

**148.** French as a language of instruction.

**149.** Religion in schools.

**150.** Patriotism in schools.

**151.** Showing the flag.

**152.** Exclusion from religious or patriotic exercises.

(3) Any attempt under subsection (2) on the part of a teacher, trustee, inspector or superintendent, shall be held to be a disqualification for and voidance of the position or office held by him.

**153.** (1) A board may before or after normal school operating hours establish courses of study for any person on any subject and may employ teachers or other persons for that purpose.

(2) Where a board establishes a course of study the board shall ensure that the course of study does not interfere with normal school operation.

(3) A board may charge such fees as it determines for any course established by it.

(4) Any person may apply to a board for a course of study established by the board and the board may in its discretion accept or refuse the applicant.

#### **Transport**

**154.** (1) Subject to the other provisions of this Part, a board shall by agreement with a municipality or otherwise provide transport for pupils resident in the district or division to and from the site of the school that the board has directed the pupil to attend if the parent of the pupil resides at a distance greater than 3 miles from the site of the school that the board has directed the pupil to attend.

(2) The board shall be deemed to have complied with subsection (1) when transport is provided on a route that is not more than  $1\frac{1}{2}$  miles from the residence of the pupil's parent.

(3) Where an agreement is entered into to provide transport for pupils a board may charge the parents of pupils riding on the transport provided such fee as it determines.

(4) In computing distances for purposes of this Part,

- (a) the official survey made under any Act of Canada or the Province relating to surveys shall be accepted as final and conclusive and all sections shall be deemed to be one mile square and no more,
- (b) the width of road allowances shall be excluded from the computation, and
- (c) the distance of a residence from a school or from a bus route shall be the shortest distance measured along a travelled road or public right of way between the boundary of the school site or the bus route, as the case may be, and the nearest boundary of the quarter section or lot upon which the pupil resides.



**153.** Courses of study outside normal school operating hours.

**154.** Transport to school.

**155.** (1) A board may instead of providing transport, contract with the parent of the pupil whereby the parent will convey the pupil to and from school or the bus route and receive payment therefor in accordance with the regulations.

(2) No board is under any liability for negligence to the parent of a pupil or to a pupil who is being conveyed to and from a school or bus route pursuant to an agreement made between the board and the parent.

**156.** Where a pupil, with the approval of a board, attends a school that requires the pupil's absence from his residence the board shall pay such sum per day as is specified in the regulations.

**157.** Any dispute regarding the payment of transport fees or maintenance grant shall be submitted for settlement to the Minister whose decision is final.

**158.** A board with the prior approval of the Minister may

- (a) enter into an agreement with the Provincial Government, the Government of Canada or the government of any other province or municipality for the provision of educational services to children who are supported wholly or partly by public moneys of the Province, and
- (b) enter into an agreement with the Government of Canada or any agency or person having responsibility for the education of Indian children to educate Indian children or the children of members of the Canadian Forces or of other persons employed by the Government of Canada in a school or schools of the district or division and receive consideration therefor.

**159.** (1) A board may approve work experience programs for pupils in its schools.

(2) Where a board wishes to send pupils on a work experience program it shall obtain the approval of

- (a) the pupil's parents,
- (b) the Minister or person designated in writing by him, and
- (c) the Board of Industrial Relations.

(3) A pupil attending a work experience program shall receive credit for attendance at school for the time he spends in the program.

**155.** Contracts for transport.

**156.** Absence from residence.

**157.** Self-explanatory.

**158.** Agreements.

**159.** Work experience program.

**PART 9**  
**OFFENCES AND PENALTIES**

**160.** Any person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and if no other penalty is prescribed liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 90 days.

**161.** A person who is required by this Act or the regulations

- (a) to furnish any information, or
- (b) to make a return or statement in writing, or
- (c) to perform any act or duty,

and who refuses, neglects or fails to do so is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 90 days.

**162.** (1) Where a board applies money borrowed for capital expenditure, for a current expense, then whether or not they are still trustees, the persons who were trustees of the board at the time the improper application of capital money was approved are jointly and severally liable for the payment to the board of the amount of capital money applied for the current expense.

(2) A person is not liable under subsection (1)

- (a) if, being a trustee when the improper application of capital money was approved and being present at the meeting of the trustees or a committee thereof at the time it was approved, he
  - (i) protested the improper application of capital money at that meeting orally or in writing, and
  - (ii) notified the Minister in writing of his protest within eight days after the date of that meeting,or
- (b) if, being a trustee when the improper application of capital money was approved but not being present at the meeting of the trustees or of a committee thereof at the time it was approved, he
  - (i) filed his written protest with the secretary of the board against the improper application of capital money, and
  - (ii) notified the Minister in writing of his protest,within 30 days after the date on which he first had

**160.** General penalty.

**161.** Failure to give information.

**162.** Liability of trustees.

notice that the improper application of capital money was so approved or within 60 days after the date when the improper application of capital money was approved, whichever is the sooner.

**163.** (1) Upon the application to the Supreme Court by way of originating notice of motion by any elector of the district or division of a board, a judge of the Court may, if he is satisfied that

- (a) the elector has reasonable grounds for believing that the board has a cause of action under section 113 or section 162, and
- (b) either
  - (i) the board has refused or failed to commence an action under section 162 within 60 days after receipt of a written request from the elector to do so, or
  - (ii) the board has failed to prosecute diligently an action commenced by it under section 162,

may make an order, upon such terms as to security for costs and otherwise as to the judge seems fit, requiring the Attorney General to commence or continue an action in the name and on behalf of the board to enforce the liability created under section 113 or section 162.

(2) The board and the Attorney General shall be given notice of any application under subsection (1) and shall have the right to appear and be heard thereon.

(3) Every order made under subsection (1) shall provide that the board co-operate fully with the Attorney General in the institution and prosecution of the action and shall make available to the Attorney General all books, records, documents and other material or information known to the board or reasonably ascertainable by the board relevant to the action.

(4) An appeal lies to the Appellate Division from an order made under subsection (1).

**164.** A trustee, teacher or other employee who, after ceasing to hold office, refuses to surrender any money, book, paper or thing belonging to a board or the Department of Education is guilty of an offence and liable on summary conviction to a fine of not more than \$20 for each day during which he retains possession of the money, book, paper or thing after having received notice in writing from the chairman of the board or from the Minister requiring him to deposit it in the hands of a person designated in the notice.

**163.** Action to enforce liability of trustees.

**164.** Failure to return property.

**165.** (1) Where property of a board is destroyed, damaged, lost or converted by the intentional or negligent act of a pupil, the pupil and his parents are jointly and severally liable to the board in respect of the act of the pupil.

(2) Where property of a board is destroyed, damaged, lost or converted by the intentional or negligent acts of two or more pupils acting together, the pupils and their parents are jointly and severally liable to the board in respect of the acts of the pupils.

**166.** (1) Any person who is not permitted to teach pursuant to section 72 and who teaches and any board that knowingly employs that person is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.

(2) A person who is not permitted to teach is not entitled to recover in a court of law any remuneration for his services as a teacher.

**167.** (1) A judgment against or order for the payment of money by a board may be enforced by means of a writ of execution and not otherwise.

(2) The writ of execution shall specify the manner of satisfying the judgment on such terms as the court determines.

**168.** (1) A false statement made in any notice that is given by a corporation does not relieve the corporation from taxes.

(2) Any corporation that fraudulently gives notice or makes a false statement therein is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 and any person who gives for a corporation a notice, who fraudulently or wilfully inserts in a notice a false statement is guilty of an offence and liable on summary conviction to a like penalty.

**169.** (1) A parent whose child contravenes any of the provisions of this Act relating to school attendance is guilty of an offence and liable on summary conviction to a fine of not more than

(a) \$100 for a first offence,

(b) \$250 for a second offence, and

(c) \$500 for a third and every subsequent offence, and in default of payment to imprisonment for a term not exceeding 60 days.



**165.** Damage to property.

**166.** Unqualified teachers.

**167.** Enforcement of judgment.

**168.** False statement of corporation.

**169.** Non-attendance.

(2) Only an employee of a board who has the responsibility of enforcing the provisions relating to compulsory attendance may institute a prosecution under this section.

**170.** A justice of the peace or magistrate trying a complaint concerning compulsory attendance may, instead of imposing a penalty, require a person convicted of an offence to give a bond in a sum of not more than \$1,000 with one or more sureties to be approved by him upon the condition that the person convicted will after the expiration of five days cause the child to attend school as required by this Act.

**171.** A person who

(a) disturbs or interrupts the proceedings of a school meeting, or

(b) disturbs or interrupts the proceedings of a school, is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

**172.** (1) No person shall canvass, sell or offer to sell goods, services or merchandise to a teacher or a student in a school without the prior consent of the board.

(2) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 90 days.

**170.** Alternative penalty for non-attendance.

**171.** Disturbing or interrupting school.

**172.** Sales in a school.

## PART 10

### TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

**173.** Upon the commencement of this Act the board of every public school district within a division including a board established pursuant to section 85 of *The School Act*, being chapter 297 of the Revised Statutes of Alberta, 1955 is hereby dissolved and thereafter the members thereof shall be deemed to be a Local Advisory Board.

**174.** *The Northland School Division Act* is amended

- (a) as to section 3, clause (b) by striking out sub-clause (ii) and substituting the following:
  - (ii) any district not included in a division or school district in the Division, and
- (b) as to section 4 by striking out subsection (4) and substituting the following:
  - (4) The members of the board shall be appointed for terms of three years except that an appointment made to fill a vacancy shall be for the unexpired period of the term of the person replaced.
- (c) as to section 6 by striking out the words "Part IX of *The School Act*" and by substituting the words "Part 7 of *The School Act, 1970*",
- (d) by striking out section 8 and substituting the following:

**8.** The provisions of *The School Act, 1970* with respect to transport and education of children who are required to attend school apply to the Division and the board only with respect to pupils whose parents reside within school districts but the board, to the extent that it considers it feasible to do so, shall make arrangements for the education of children whose parents reside within the Division but not within school districts.

- (e) by striking out section 9 and substituting the following:

**9.** The provisions of *The School Act, 1970* regarding compulsory attendance at a school apply to the Division only with respect to children whose parents reside within school districts in the Division.

- (f) by striking out section 10 and substituting the following:

**10.** The Minister may by order exempt the Division from the whole or part of any provision of *The School Act, 1970* and thereupon that provision

**173. Dissolution of certain boards on Proclamation.**

**174. Amends chapter 64 of the Statutes of Alberta, 1965.**

**(a) Section 3, clause (b), subclause (ii) presently reads:**

3. (1) Notwithstanding anything in The School Act, the Division shall consist of

.....

(b) all that part of the Province lying north of the north boundary of township 55 excepting thereout any lands contained in

.....

(ii) any non-divisional school district or school district in the Division, and

**(b) Section 4, subsection (4) presently reads:**

(4) Of the members of the Board first appointed

(a) two shall be appointed for a term of three years,

(b) two shall be appointed for a term of two years, and

(c) one shall be appointed for a term of one year,

and subsequent appointments shall be for a term of three years except that an appointment made to fill a vacancy shall be for the unexpired period of the term of the person replaced.

**(d-f) Sections 8, 9 and 10 presently read:**

8. Clause (c) of section 177 and Part X of The School Act apply to the Division and the board only with respect to pupils whose parents or guardians reside within school districts but the board, to the extent that it considers it feasible to do so, shall make arrangements for the education of children whose parents or guardians reside within the Division but not within school districts.

9. Section 398 of The School Act applies to the Division only with respect to children whose parents or guardians reside within school districts in the Division.

10. The following provisions of The School Act do not apply to the Division or the board:

sections 72 and 73;

sections 75 and 76, subsections (2) to (5) of section 86 and sections 88, 90 to 94 and 100 to 103;

all of Part IV;

subsection (2) of section 162;

section 174, clause (h) of subsection (1) and subsection (2) of section 186 and sections 187, 203 and 204.

ceases to apply to the Division or any person, municipality or child resident in the Division to the extent specified in the order.

- (g) by adding after the words "*The School Act*" wherever they occur the figure ", 1970".

**175.** *The Municipal and School Administration Act* is amended

- (a) as to section 2, subsection (2) by striking out clause (b),
- (b) as to section 7, subsection (3) by striking out the words "*The School Act*" and by substituting the words "*The School Election Act*",
- (c) as to section 10 by striking out subsections (3) and (4) and substituting the following:

(3) The nomination and election of a representative may be held at the same time and place and by the returning officer who conducts the municipal elections and be conducted in the same manner as the nomination and election of trustees of a school board and the qualifications for nomination and voting and the election shall be in accordance with *The School Election Act*.

(4) The restrictions and exceptions applicable to trustees of a school board set out in *The School Election Act* and *The School Act, 1970* apply to the eligibility for election and right to sit as a representative.

- (d) as to section 13, subsection (6) by striking out the words "Part VIII of *The School Act*" and by substituting the words "Part 7 of *The School Act, 1970*",
- (e) as to section 15 by striking out subsection (3),
- (f) by adding after the words "*The School Act*" wherever they occur the figure ", 1970".

**176.** *The County Act* is hereby amended

- (a) as to section 6, subsection (1) by striking out clause (c),
- (b) section 16a is amended by striking out subsection (2) and substituting the following:

(2) The council of each town or village shall appoint a representative having the same qualifications as are required for a trustee under *The School Election Act*.

**175. Amends chapter 54 of the Statutes of Alberta, 1962.**

**(a) Section 2, subsection (2), clause (b) presently reads:**

(2) This Act does not apply with respect to

.....

(b) a consolidated school district, or

**(c) Section 10, subsections (3) and (4) presently read:**

(3) The nomination and election of a representative shall be held at the same time and place and by the same returning officer and conducted in the same manner as the nomination and election of council members, except as to the qualifications for nomination and for voting which shall be as provided in section 110 of The School Act.

(4) The restrictions, and the exceptions thereto, applicable to members of a council set out in The Municipal Election Act and The Municipal Government Act apply to the eligibility for election and the right to sit and vote as a representative.

**(e) Section 15, subsection (3) presently reads:**

(3) Notwithstanding the merger of the municipal and school administration, a superintendent of schools shall continue to perform the functions prescribed for him by The School Act.

**176. Amends chapter 64 of the Revised Statutes.**

**(a) Section 6, subsection (1), clause (c) presently reads:**

6. (1) The provisions of this Act do not apply to a

.....

(c) consolidated school district, or

**(b) Section 16a, subsection (2) presently reads:**

(2) The council of each town or village shall appoint a representative having the same qualifications as are required for a member of a council of a town or village and who is an elector of a school district included in the county for school purposes.

- (c) as to section 17
  - (i) by striking out subsection (5) and substituting the following:
    - (5) No person shall
      - (a) be elected under subsections (2) and (3) as a representative of a town or village unless he has the qualifications required for a trustee under *The School Election Act*, or
      - (b) be permitted to vote as an elector for a representative under clause (a) unless he is an elector as defined in *The School Election Act*,  
and unless he is an elector of a school district included in the county for school purposes.
  - (ii) by striking out subsection (6) and substituting the following:
    - (6) A representative of a town or a village shall, when required by subsections (2), (3) and (4), be nominated and elected in the same manner as is provided by *The School Election Act* for the election of trustees but the election shall
      - (a) be conducted by the town or village, and
      - (b) be held at the same time as the municipal election is held.
- (d) as to section 17a, subsection (3) by striking out the words "sections 132 to 145 of *The School Act* and not by *The Municipal Election Act*" and by substituting the words "*The School Act, 1970* and *The School Election Act* and in this section "elector" has the same meaning it has in *The School Election Act*",
- (e) as to section 18 by striking out the words "subsection (2) of section 11 of *The Municipal Election Act* and subsection (2) of section 29 of *The Municipal Government Act*" and by substituting the words "*The School Act, 1970* and *The School Election Act*",
- (f) as to section 27, subsection (2) by striking out the words "Part VIII of *The School Act*" wherever they occur and substituting the words "Part 7 of *The School Act, 1970*",
- (g) by striking out section 28,
- (h) by adding after the words "*The School Act*" wherever they occur the figure ". 1970".



(c) Section 17, subsections (5) and (6) presently read:

(5) No person shall be elected under subsections (2) and (3) as a representative of a town or a village unless he has such qualifications as are required for a member of a council of a town or village under The Municipal Election Act and unless he is an elector of a school district included in the county for school purposes.

(6) A representative of a town or a village shall, when required by subsections (2), (3) and (4), be nominated and elected at the same time and in the same manner as is provided by The Municipal Election Act for the election of councillors.

(d) Section 17a, subsection (3) presently reads:

(3) The election of a representative to the school committee for the area of the rural school districts and that part of a school district outside the boundaries of a town or village included in the county for school administrative purposes only, pursuant to this section, shall be governed by sections 132 to 145 of The School Act and not by The Municipal Election Act.

(e) Section 18 presently reads:

18. A person is not eligible to be appointed or elected under section 16a, 17 or 17a and is not entitled to sit or vote as a representative who has himself or by or with or through another an interest in any contract with the council or with any person or persons acting for the council, or in any contract under which any money of the county is to be paid for any service, work, matter or thing, except as provided in subsection (2) of section 11 of The Municipal Election Act and subsection (2) of section 29 of The Municipal Government Act.

(g) Section 28 presently reads:

28. The divisional superintendent of schools appointed under The School Act, may attend all meetings of the county council in the exercise of the duties imposed upon a superintendent by section 199 of The School Act.

**177.** *The Public Health Act* is amended as to section 33, subsection (2), clause (b) by striking out the words “to provide by section 183 of *The School Act*, or is under a duty to supply by section 184 of that Act” and by substituting the words “or is under a duty to provide pursuant to *The School Act, 1970*”.

**178.** *The Municipalities Assessment and Equalization Act* is amended as to section 21, subsection (6) by striking out the words “section 304a of *The School Act*” and substituting the words “the School Foundation Program Fund under *The School Act, 1970*”.

**179.** *The Teachers’ Retirement Fund Act, 1965* is amended

- (a) as to section 2, clause (h), subclause (i) by striking out the words “Part XII of *The School Act*” and by substituting the words “Part 5 of *The School Act, 1970*”,
- (b) as to section 16, subsection (2) by striking out the words “teacher as defined in *The School Act*” and substituting the words “temporary or part-time teacher”,
- (c) by adding after the words “*The School Act*” wherever they occur the figure “, 1970”.

**180.** *The Municipal Taxation Act* is amended

- (a) as to section 2, clause 7 by striking out the words “section 305 of *The School Act*” and substituting the words “*The School Act, 1970*”,
- (b) by adding after the words “*The School Act*” wherever they occur the figure “, 1970”.

**181.** *The Family Court Act* is amended as to section 4, clause (c) by striking out the words “Part XIV of *The School Act*” and by substituting the words “*The School Act, 1970*”.

**182.** *The Local Tax Arrears Consolidation Act* is amended as to section 2, clause (j) by striking out subclause (ii) and by substituting the following:

- (ii) includes taxes levied and collected by a school district empowered to do so by *The School Act, 1970*.

**177.** Amends chapter 255 of the Revised Statutes.

1. Section 33, subsection (2), clause (b) presently reads:

(2) For the purposes of subsection (1) the local board may

.....

(b) enter into an agreement with a school authority that is wholly or partially situated within the health district whereby the local board may undertake the provision of any or all of the services mentioned in subsection (1) that the school board is empowered to provide by section 183 of The School Act, or is under a duty to supply by section 184 of that Act.

**178.** Amends chapter 61 of the Statutes of Alberta, 1957.

**179.** Amends chapter 91 of the Statutes of Alberta, 1965.

(b) Section 16, subsection (2) presently reads:

(2) Notwithstanding subsection (1), no contributions shall be made by a substitute teacher as defined in The School Act in respect of his daily salary in any calendar month unless he is engaged and paid for ten or more days in that month.

**180.** Amends chapter 54 of the Statutes of Alberta, 1967.

**181.** Amends chapter 108 of the Revised Statutes.

**182.** Amends chapter 185 of the Revised Statutes.

1. Section 2, clause (j), subclause (ii) presently reads:

2. In this Act,

.....

(j) "tax"

.....

(ii) includes taxes levied and payable to a school district pursuant to The School Act;

**183.** *The Municipal Election Act* is amended by striking out sections 32 to 36.

**184.** *The Students Assistance Act, 1959* is amended as to section 8, subsection (1) by striking out clause (g) and by substituting the following:

(g) at any high school in the Province operated by the board of a school district or division.

**185.** *The Alberta Labour Act* is amended as to section 34 by striking out subsection (2) and substituting the following:

(2) No person shall during normal school operating hours

(a) employ, or

(b) permit to work on his premises

a child that is required to attend school pursuant to *The School Act, 1970*.

**186.** This Act repeals

(a) *The School Act*,

(b) *The Emergency Teacher Training Act*, and

(c) *The Accredited School Districts Act*.

**187.** This Act comes into force on August 1, 1970.

**183. Amends chapter 66 of the Statutes of Alberta, 1968.**

**1. Sections 32 to 36 presently read:**

32. Subject to The School Act, the election of school trustees in city and town school districts only shall be held in accordance with this Act.

33. (1) All the provisions of this Act respecting the election and qualification of councillors and the qualification of electors apply, the necessary changes being made, to the election of school trustees, except that where a school district extends beyond the limits of a municipality a person residing in the extended portion and qualified as an elector in the school district is eligible to be nominated and to vote at an election of school trustees, notwithstanding that he is not qualified to vote for councillors, if the person subscribes to the declaration in the prescribed form.

(2) Notwithstanding subsection (1), a paid official or employee of the municipality is eligible to be elected and entitled to sit and vote as a school trustee.

34. (1) In a city or town where the election of school trustees is held concurrently with the municipal election, the board of trustees shall give notice to the municipal secretary on or before the first day of September in every year in which a general election is to be held of the number of vacancies required to be filled to make the school board complete.

(2) When the notice has been given to the municipal secretary, nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and councillors.

35. At each election the returning officer shall, where necessary, prepare a separate set of ballot papers which shall contain the names of the candidates nominated for school trustees and the ballot papers shall be prepared in the same form as those used for the election of councillors, except that the words

(a) "Public School Trustees", or

(b) "Separate School Trustees",

as the case requires, shall be substituted for the word "Councillor" thereon.

36. At a poll, a deputy returning officer shall deliver

(a) a ballot paper for public school trustees only to a person who is a public school supporter, and

(b) a ballot paper for separate school trustees only to a person who is a separate school supporter.

**184. Amends chapter 83 of the Statutes of Alberta, 1959.**

**1. Section 8, subsection (1), clause (g), presently reads:**

8. (1) A person is eligible to receive a loan, grant, bursary, prize or scholarship under this Act who is a bona fide resident of the Province and who is registered in a course of studies approved by the Board

.....

(g) at any high school in the Province operated under authority of The School Act.

**185. Amends chapter 167 of the Revised Statutes.**

**1. Section 34, subsection (2) presently reads:**

(2) Subsection (1) does not apply to a child who has been excused under Part 14 of The School Act from school attendance by the Chief Attendance Officer for the purpose of securing vocational training through employment.

**186. Repeals chapter 297 of the Revised Statutes of Alberta, 1955, chapter 81 of the Statutes of Alberta, 1962, chapter 100 of the Revised Statutes of Alberta, 1955 and chapter 1 of the Statutes of Alberta, 1963.**