

1970 Bill 41

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 41

An Act respecting the Department of Education

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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1970

An Act respecting the Department of Education

(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 Department of Education Act, 1970*.

2. In this Act,

- (a) "board" means the board of trustees of a school district or division or regional district or the school committee of a county council;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "school" means a school either operating under this Act or *The School Act, 1970* or both Acts.

3. There shall be a department of the public service of the Province called the Department of Education over which there shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Education.

4. That part of the administration of the Government relating to education is under the administration of the Minister of Education unless responsibility therefor is specifically assigned to some other person.

5. (1) In accordance with *The Public Service Act, 1968* there may be appointed a Deputy Minister and such other employees as are required for the purposes of the Department.

(2) The Minister may appoint persons to advise him or to inquire into and report on matters within the Minister's administration and a person so appointed shall be paid such remuneration and expenses as the Minister prescribes.

Explanatory Notes

1. This Bill repeals and replaces chapter 95 of the Revised Statutes.

2. Definitions.

3. Department of Education.

4. Authority of Minister.

5. Special appointments.

6. (1) The Minister may establish such boards, committees or councils as he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Minister may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may make rules governing the calling, procedure and conduct of meetings, reporting and such other matters as required.

(4) A board, committee or council established pursuant to this section may exercise such powers and shall perform such duties and functions as the Minister may approve, confer or impose upon it.

7. (1) The Minister may make regulations

- (a) for the apportionment and distribution of all money appropriated by the Legislature for the purpose of making grants towards education in Alberta,
- (b) concerning the certification of teachers,
- (c) concerning the definition, administration, operation, management, control and licensing of all pre-school education programs in Alberta,
- (d) for the establishment, operation, administration and management of vocational or technical schools or institutes and prescribing fees or a schedule of fees to be charged for any matter connected with the vocational or technical school or institute,
- (e) for the establishment, operation, administration and management of schools, institutes or facilities for the education and training of persons with special educational needs and prescribing fees or a schedule of fees to be charged for any matter connected with the school or institute,
- (f) providing for correspondence courses and the fees to be charged in connection therewith, and

6. Advisory committees.

7. Regulations of the Minister and power to delegate.

(g) governing the registration (and fees therefor) and operation of private correspondence courses and private tutoring institutions, and *The Regulations Act* applies to any regulation made under this section.

(2) The Minister shall recommend and in his discretion approve

(a) all instructional materials of teachers, and

(b) books for school libraries,

and *The Regulations Act* does not apply to anything done by the Minister under this subsection.

(3) The Minister may delegate any of his powers under this section to any person in the Department or body established under section 6.

8. (1) In this section “private school” means a school other than a school as defined in section 2 that offers or purports to offer instruction in courses established by the Department or courses substantially the same.

(2) The Lieutenant Governor in Council may make regulations governing the establishment, administration, operation and management of private schools.

(3) No person shall operate a private school until it has been approved by the Minister.

(4) A person contravening the provisions of subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.

9. (1) The Minister may appoint one or more persons to inquire into and report upon

(a) any appeal, complaint or dispute arising from the decision of a board or inspector or other school or private school official, or

(b) the condition of one or more schools or private schools, or

(c) any other school or private school matter, and the person or persons appointed may take evidence on oath.

(2) The Minister may upon receipt of the report make such order thereon as to him seems proper.

10. (1) The Minister may appoint in writing a person to examine and inspect

(a) the financial condition, or

(b) the administrative condition, or

8. Private school.

9. Ministerial investigators.

10. Examination and inspection.

(c) any other matter connected with the management, administration or operation, of a board or private school and the person appointed by the Minister may examine, inspect and take copies of

(d) all books of record and account,

(e) all bank books, and

(f) any other papers, documents or things.

(2) The books, papers, documents and things mentioned in subsection (1) shall be made available to the person appointed by the Minister at the time he requests them from the person having custody of them.

(3) A person appointed pursuant to this section shall report to the Minister on his examination and inspection and upon receipt of the report the Minister may make such order thereon as to him seems proper.

11. (1) The Minister,

(a) where a board fails to comply with an order made under section 9, subsection (2) or section 10, subsection (3), or

(b) where he considers it in the public interest to do so,

may, subject to such terms and conditions as he considers necessary, appoint an official trustee to conduct the affairs of a board, private school or school committee of a county, city or town.

(2) An official trustee appointed under subsection (1)

(a) has the powers and duties conferred by *The School Act, 1970* upon a board,

(b) shall be remunerated out of the funds of the board or county or otherwise as the Lieutenant Governor in Council determines, and

(c) notwithstanding *The County Act* or *The Municipal and School Administration Act* has power to

(i) borrow money,

(ii) pass a by-law, and

(iii) revoke any resolution or by-law concerning school administration that may be passed or may previously have been passed by a school committee or county council or the council of a city or town.

(3) Upon the appointment of an official trustee the board or school committee of a county, city or town for which he is appointed, ceases to hold office as such.

(4) An official trustee holds office during the pleasure of the Minister.

11. Official trustee.

12. (1) The Minister may have school books printed and published and purchase school books and books for school library purposes and school supplies and may sell them to boards, teachers or other persons.

(2) The Provincial Treasurer may advance from time to time out of the General Revenue Fund such sums of money as are required to pay for the printing and publishing or purchase of books and for the purchase of school supplies, but the aggregate amount of such advances at any time outstanding shall not exceed the sum of four million dollars or such less amount as may be determined from time to time by the Lieutenant Governor in Council.

(3) Moneys received from time to time from the sale of any books or supplies referred to in subsection (1) shall be paid to the Provincial Treasurer and credited in reduction of the amount of the advances outstanding under subsection (2).

(4) In computing the value of any book or article sold the Minister may take into account the cost of handling, storage, transportation, insurance, distribution and other costs, charges or expenses, including the expense of office assistance, that may be incurred from time to time in connection therewith.

13. The Minister shall report annually to the Lieutenant Governor in Council upon all schools, private schools and vocational or technical institutes with such statements as he considers necessary.

14. The Minister may enter into agreements on any matter respecting education or the operation of education in Alberta.

15. This Act repeals

- (a) *The Department of Education Act*, and
- (b) *The School Grants Act*.

16. This Act comes into force on August 1, 1970.

12. School books and supplies.

13. Minister's annual report.

14. Agreements.

15. Chapter 95 of the Revised Statutes and chapter 299 of the Revised Statutes are repealed.