

1971 Bill 95

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 95

An Act to Amend The School Act

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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BILL 95

1971

AN ACT TO AMEND THE SCHOOL ACT

(Assented to _____, 1971)

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

1. *The School Act is hereby amended.*

2. *Section 2 is amended by striking out clause (i) and by substituting the following:*

(i) "parent" includes

(i) a person appointed as guardian under Part 7 of The Domestic Relations Act,

(ii) the Director of Child Welfare, with respect to a child who is a ward of the Crown within the meaning of The Child Welfare Act, and

(iii) any other person who completely maintains, supports and controls a child as a parent would.

3. *Section 5 is amended by striking out subsection (6) and by substituting the following:*

(6) Within 21 days of the establishment of any committee under this section, the committee shall make recommendations to the board concerning the areas of concern identified in the public meetings at which the committee was established.

4. *Section 12, subsection (1) is amended by adding the following clause after clause (b):*

(b1) governing the use of any language other than English or French as a language of instruction,

5. *Section 44, subsection (1) is amended by striking out the word "one" and by substituting the words "the chairman or a".*

Explanatory Notes

1. This Bill will amend chapter 329 of the Revised Statutes of Alberta 1970.

2. Section 2, clause (i) presently reads:

(i) "parent" includes a guardian of a child or person standing in loco parentis;

3. Section 5 (6) presently reads:

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

4. Section 12, subsection (1) presently reads:

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

5. Section 44 (1) presently reads:

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

6. *Section 45 is amended by striking out clause (c) and by substituting the following:*

- (c) a vote on a question shall be taken by open vote unless, with respect to the election a chairman, or a vice-chairman, one or more trustees request that the vote be by secret ballot, in either of which cases the vote shall be by secret ballot.

7. *Section 77, subsection (1), clause (c) is amended by striking out the words "that a school is operating in a" and by substituting the words "of the".*

8. *Section 79, subsection (3) is amended by striking out the words "10 days" and by substituting the words "14 days".*

9. *Section 93 is amended*

- (a) *as to subsection (1) by striking out the words "to be used" and by substituting the word "designed",*
- (b) *as to subsection (2) by striking out the words "to be used" and by substituting the word "designed".*

10. *Section 101 is amended*

- (a) *as to subsection (1) by striking out the words "repayable within a year of the date they are borrowed" and by substituting the words "required to be repaid by December 31 of the year in which they are borrowed",*

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

(3) The amount of any borrowing by a board under this section may be secured

(a) by a charge

(i) on taxes levied or to be levied by the Board,
or

(ii) on requisitions made or to be made by the Board, or

(iii) on other money due or accruing due to the Board

or,

(b) by a promissory note, or

(c) in any other manner.

(4) A charge secured by a Board pursuant to subsection (3) is not effective against the Provincial Government, municipality or any other person not a party to the charge.

6. Section 45 (c) presently reads:

45. At a meeting of a board

(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.

7. Section 77 (1) (c) presently reads:

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

(c) on the last day that a school is operating in a school year if the teacher has attained 65 years of age.

8. Section 79 (3) presently reads:

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

9. Section 93 (1) and (2) presently read:

93. (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.

10. Section 101 presently reads:

101. (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.

(5) The lender of any moneys under this or any other section of this Act is not required to establish the necessity for the purpose for which the moneys are borrowed.

11. *Section 105 is amended*

- (a) *as to subsection (1) by striking out the word "prior",*
- (b) *as to subsection (3) by striking out the word "prior".*

12. *Section 106 is amended by striking out the word "prior".*

13. *Section 118 is struck out and the following is substituted:*

118. In each year, within 30 days after the establishment of the School Foundation Program Fund regulations under section 129, a board shall prepare and adopt, in the form prescribed by the Minister, a detailed estimate of its revenues and expenditures for the current year.

14. *Section 129, subsection (7) is amended by adding to the end thereof the words "each year".*

15. *Section 131, subsection (2) is amended by striking out clause (b).*

16. *Section 134 is amended by striking out clause (f) and by substituting the following:*

- (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
 - (i) for a child under seven years of age, or
 - (ii) for a child who is 15 years of age,or
- (g) either
 - (i) the principal of the school has suspended the pupil from school, or
 - (ii) the Board has expelled the pupil from school, but the pupil is only excused attendance from school during the period of the suspension or expulsion.

17. *Section 139, subsection (2), clause (b) is amended by striking out the words "there shall be provided" and by substituting the words "for each pupil there shall be provided the opportunity of taking".*

11. Section 105 (1) and (3) presently read:

105. (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.

(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.

12. Section 106 presently reads:

106. 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.

13. Section 118 presently reads:

118. 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.

14. Section 129 (7) presently reads:

(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.

15. Section 131 (2) (b) presently reads:

- (2) A board named in an order made under this section
 - (b) shall, in preparing its assessment roll, use only the assessed values provided by the Department of Municipal Affairs for the purpose.

16. Section 134 (1) (f) presently reads:

134. (1) A pupil is excused from attendance at school if
- (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.

17. Section 139 (2) (b) presently reads:

- (2) A board shall specify the vacation periods in a school year but
 - (b) there shall be provided one school vacation of at least four consecutive weeks' duration during a school year.

18. *Section 150 is struck out and the following is substituted:*

150. (1) The Board may authorize

- (a) that French be used as a language of instruction, or
- (b) subject to the prior approval of the Minister, that any other language be used as a language of instruction

in addition to the English language in all or any of its schools.

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

19. *Section 165, subsection (1) is amended*

- (a) *as to clause (a) by adding after the words "section 115" the words "or section 116",*
- (b) *by adding after the words "section 115" the words ", section 116".*

20. *Section 171 is amended by striking out subsection (2) and by substituting the following:*

(2) Where a child whose parent is a resident of a district or division contravenes any of the provisions of this Act relating to school attendance, then only the employee of the board who has the responsibility of enforcing the provisions relating to school attendance may institute a prosecution for the contravention.

(3) Where a child whose parent is resident outside a district or division contravenes any of the provisions of this Act relating to school attendance, then the Minister, or a person designated by him, may institute a prosecution for the contravention.

21. *This Act, except section 7, comes into force on the day upon which it is assented to.*

(2) *Section 7 comes into force on September 1, 1971.*

18. Section 150 presently reads:

150. (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.

19. Section 165 (1) presently reads:

165. (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 115 or section 164, and

(b) either

(i) the board has refused or failed to commence an action under section 164 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 164,

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 115 or section 164.

20. Section 171 (2) presently reads:

(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.