

1972 Bill 97

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 97

The School Amendment Act, 1972

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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1972

THE SCHOOL AMENDMENT ACT, 1972

(Assented to _____, 1972)

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 6 is amended by striking out clause (b) and by substituting the following clause:*
 - (b) by posting it, not later than the eighth day prior to the date fixed for holding the meeting in one or more conspicuous places;
3. *Section 7 is amended by striking out clause (a) and by substituting the following clause:*
 - (a) by posting it in one or more conspicuous places, and
4. *Section 65, subsection (4) is amended by adding the following clauses after clause (i):*
 - (j) purchase instructional materials and supplies, and
 - (k) sell, rent and distribute instructional materials and supplies to teachers and pupils.
5. *Section 66 is struck out and the following section is substituted:*

66. (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, account or financial statement prepared pursuant to section 67, of the board of the district or division in which he is resident, other than individual pupil or employee records.

(2) An elector of a district or division may request the board of the district or division in which he is resident for a copy of any minutes, by-law, contract, account or financial statement prepared pursuant to section 67 and the secretary of the board shall send the same to him upon payment therefor at the rate of 15 cents per page.

Explanatory Notes

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

2. Section 6, clause (b) presently reads:

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:

(b) by posting it, not later than the eighth day prior to the date fixed for holding the meeting, in a conspicuous place at or near each post office within a district or division;

3. Section 7, clause (a) presently reads:

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

4. Section 65, subsection (4) reads in part:

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

5. Section 66 presently reads:

66. (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.

6. *Section 70 is amended*

(a) *by renumbering the section as subsection (1),*

(b) *by adding the following subsection after subsection (1):*

(2) The Minister in his discretion may publish or otherwise disseminate all or part of the documents submitted to him pursuant to subsection (1).

7. *Section 76 is amended by renumbering the section as subsection (1) and by adding the following subsection:*

(2) A board shall send to the Minister a copy of every agreement it enters into with a teacher which does not continue in force from year to year, within 30 days of the agreement being entered into.

8. *Section 77 is amended by adding the following subsection after subsection (2):*

(3) For the purpose of subsection (1), clause (c), "school year" means the period from July 1 to the following June 30.

9. *Section 104 is amended by striking out subsection (3) and by substituting the following subsection:*

(3) Where the result of the vote is to defeat the proposal for debenture borrowing, the board is bound by the vote for a period of 12 months from the date thereof and during that time shall not propose debenture borrowing for the same or a similar project.

10. *Section 121, subsection (1) is amended by striking out the word "immediately" and by substituting the words "within 30 days".*

11. *Section 133 is amended by adding the following subsection after subsection (2):*

(3) A board in its discretion may admit to its schools during normal operating hours any person 18 years of age or over and thereupon that person is a pupil for the purposes of this Act.

12. *Section 129 is amended by adding the following subsection after subsection (12):*

(13) Notwithstanding anything contained in this section or the regulations, in the event of a cessation of services by teachers or other employees of a board by reason of a strike or lockout, the Minister shall

6. Section 70 presently reads:

70. An auditor shall forward on or before February 28 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.

7. Section 76 presently reads:

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

8. Section 77, subsection (1) presently reads:

77. (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.

9. Section 104, subsection (3) presently reads:

(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.

10. Section 121, subsection (1) presently reads:

121. (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.

11. Section 133 presently reads:

133. (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 134 shall attend a school over which a board has control.

(2) A person may continue to attend school up to the age of 18 years and a person so continuing to attend school is a pupil for the purposes of this Act.

12. Payment of moneys from the School Foundation Program Fund reduced in certain circumstances.

- (a) pursuant to the regulations made under this section, calculate the amount payable to the board for the period during which the cessation of services continued, and
- (b) reduce the amount payable to the board by any sum up to and including 60 per cent of the amount calculated pursuant to clause (a).

13. Section 146 is amended by striking out subsections (3), (4) and (5) and by substituting the following:

(3) Where a principal suspends a pupil, the principal shall immediately report in writing 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 in writing all the circumstances of the suspension to the board, together with his recommendations.

(5) Upon receiving a report from a principal pursuant to subsection (4), the board shall either reinstate or expel the pupil.

14. Section 160, clause (a) is amended by striking out the words "or municipality" and by substituting the words "municipality or board".

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

13. Section 146 presently reads:

146. (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.

14. Section 160, clause (a) presently reads:

160. 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