

1974 Bill 28

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 28**

**The School Amendment Act, 1974**

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THE MINISTER OF EDUCATION

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First Reading .....

Second Reading .....

Third Reading .....

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## BILL 28

1974

### THE SCHOOL AMENDMENT ACT, 1974

(Assented to \_\_\_\_\_, 1974)

**H**ER 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, clause (e) is amended by striking out sub-clause (iii) and by substituting the following:*

(iii) who

- (A) in the case of a vote, is resident in the district or division in which the vote is to be held on nomination day, or
  - (B) in the case of a petition, is resident in the district or division in which the petition is to be presented on the day upon which he signs the petition,
- and who has been a resident of Alberta for the six consecutive months immediately preceding nomination day or the day upon which he signs the petition, as the case may be;

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

- (d) by announcement, giving the time, place, date and purpose of the meeting on three consecutive days during the eight days immediately preceding the day of the meeting,
  - (i) on a radio station serving the district or division, between the hours of 7:00 a.m. and 9:00 a.m. or 5:00 p.m. and 11:00 p.m., or
  - (ii) on a television station serving the district or division, between the hours of 5:00 p.m. and 11:00 p.m.

## **Explanatory Notes**

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

**2.** Section 2, clause (e) presently reads:

- (e) "elector" means a person
  - (i) 18 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;

**3.** Section 6, clause (d) 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:

.....

- (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.

*4. Section 12, subsection (1) is amended*

- (a) by striking out clause (f) and by substituting the following:*
  - (f) respecting the matters concerning which boards, trustees, teachers and other employees of boards must supply information, including the times and dates by which the matters must be reported on and information supplied,*
- (b) as to clause (n) by striking out the words “notice of its intention to” and by substituting the words “notice of its intention to and the conditions under which it may”.*

*5. Section 13 is amended by striking out subsection (2) and by substituting the following subsection:*

- (2) The Minister may delegate all or any of his powers or duties under section 65, 93, 95, 96, 98, 99, 115, 116 or 144 to any person designated by him in writing.*

*6. Section 39, subsection (1) is amended by striking out the words “shall elect” and by substituting the words “shall, and periodically thereafter at such intervals as the board may determine, elect”.*

*7. Section 46 is amended by adding the following subsection after subsection (2):*

- (3) Notwithstanding subsections (1) and (2), where a board wishes to increase the honoraria payable to*
  - (a) one or more trustees, or*
  - (b) any person appointed to a committee of the board,*  
*it shall do so by by-law, and*
  - (c) give first reading of the by-law in accordance with subsection (2),*
  - (d) give second reading of the by-law no earlier than 14 days after the date of first reading of the by-law, and*
  - (e) give third reading of the by-law no earlier than 14 days after the date of second reading of the by-law,*  
*and where 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.*

*8. Section 65, subsection (4), clause (f) is amended by striking out the word “provide” and by substituting the words “subject to section 46, subsection (3), provide”.*

**4. Section 12, subsection (1), clauses (f) and (n) presently read:**

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

.....

(f) respecting the matters concerning which boards must supply information, including the times and dates by which the matters must be reported on and information supplied,

.....

(n) respecting the manner in which and the persons to whom a board shall give notice of its intention to

(i) dispose of land, or

(ii) dispose or discontinue use or accommodation of a school building or other improvement or part thereof used for the instruction or accommodation of pupils.

**5. Section 13, subsection (2) presently reads:**

(2) The Minister may delegate all or any of his powers or duties under sections 93, 95, 96, 98, 99 or 144 to a person designated by him in writing.

**6. Section 39, subsection (1) presently reads:**

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.

**7. Section 46 presently reads:**

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.

**8. Section 65, subsection (4), clause (f) presently reads:**

(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

(f) provide for the payment of travelling and other expenses and honoraria of

(i) trustees, and

(ii) persons appointed to committees of the board,

*9. Section 90 is struck out.*

*10. Section 115 is amended by striking out subsection (1) and by substituting the following subsection:*

**115.** (1) Subject to subsections (1.1) and (2), any money of a board

- (a) acquired by borrowing, or
- (b) accumulated by way of a reserve fund, or
- (c) acquired in any other manner,

for capital expenditure, shall only be used for the purpose for which it was acquired or accumulated.

(1.1) The Minister may grant permission to a board to use money acquired or accumulated pursuant to subsection (1) for purposes other than capital expenditures and upon such terms and conditions as the Minister considers expedient.

*11. Section 139 is amended by adding the following subsection after subsection (4):*

(5) A board shall, before May 31 in each year, give notice to the Minister stating

- (a) the opening and closing dates of all schools under its jurisdiction for the 12 months next following, and
- (b) the dates of the vacation periods in the school year.

*12. Section 144 is amended by striking out the words "in writing".*

*13. (1) This Act, except section 9, comes into force on the day upon which it is assented to.*

*(2) Section 9 comes into force on July 1, 1975.*

**9. Section 90 presently reads:**

90. (1) Subject to section 74 a board,
- (a) shall pay the annual salary of every teacher who teaches upon all the days of a school year upon which his school is in operation,
  - (b) shall, except as provided in clause (c), pay to every teacher who is under contract for a period including all the teaching days of a school year and who does not teach upon all the days upon which his school is in operation, his full annual salary less one two hundredth part of his salary for each day upon which he does not teach,
  - (c) shall pay
    - (i) to every teacher under contract for a period that does not include all the teaching days of a school year, and
    - (ii) to every teacher who is under contract for a period including all the teaching days of a school year but who during that year teaches upon fewer than 100 daysone two hundredth part of his annual salary for each day taught,
  - (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 absence 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.
- (2) A board may under this section pay full or part salary for a greater number of days than 20, and may adopt a scheme whereby a teacher may earn, during service with a board, an entitlement of salary applicable to periods of illness, the unused portion of which may be carried forward from year to year.
- (3) Notwithstanding any agreement to the contrary, a board shall, on or before the last day of each month or within seven days of the termination of a contract, pay to each teacher on contract the moneys due him, but 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 allowing the submission of such reports, returns and property of the board or the Department of Education as are required.

See section 13 of this Bill. Section 90 will continue in force until July 1, 1975 to allow existing collective agreements to expire and permit negotiators to deal with the matters referred to section 90, in new collective agreements.

**10. Section 115, subsections (1) presently reads:**

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

**11. New**

**12. Section 144, presently reads:**

144. Where the parent of a pupil resides in territory not included in a district or division and is not an Indian, the Minister in writing 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.

Corrects a drafting error.