

1975 Bill 43
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 43

THE SCHOOL AMENDMENT ACT, 1975

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

BILL 43

1975

(Second Session)

THE SCHOOL AMENDMENT ACT, 1975

(Assented to _____, 1975)

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 12, subsection (2) is amended by striking out clause (b) and substituting the following clause:*
 - (b) approve any course of study or pupil program submitted to him by a board, but instruction in the course of study or pupil program shall not commence without the prior approval of the Minister in writing,
3. *Section 34 is amended by striking out the words "under sections 32 and 33" and substituting the words "under section 32 or 33".*
4. *Section 66 is amended*
 - (a) *as to subsection (1), by striking out the words "board meeting" and substituting the words "or board meeting, a budget adopted by a board",*
 - (b) *as to subsection (2), by adding after the word "contract," the words "budget adopted by a board,".*
5. *Section 91, subsection (2) is amended*
 - (a) *by striking out clause (a) and substituting the following clause:*
 - (a) acquire by gift, lease or purchase and hold any real or personal property or any interest therein,
 - (b) *by striking out clause (d) and substituting the following clause:*
 - (d) enter into contracts for the acquisition of an option to lease or purchase any real or personal property,

Explanatory Notes

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

2. Section 12 (2) (b) presently reads:

- (2) The Minister may
 - (b) approve any course of study or pupil program submitted to him by a board, but no course of study or pupil program shall be initiated by a board or teacher without the prior approval of the Minister in writing,

3. Section 34 presently reads:

- 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.

4. 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, 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.

5. Section 91 (2) presently reads:

- (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.

Subsection (2) is revised to deal only with the acquisition of real and personal property.

- (c) *as to clause (e), by striking out the words “, furnish and rent out residences and dormitories,” and substituting the words “and furnish residences and dormitories,”.*

6. Section 93 is amended

- (a) *by striking out subsections (1), (2) and (3) and by substituting the following:*

93. (1) Subject to this section, a board may sell, lease, rent or otherwise dispose of any of its personal property or any interest therein.

(2) Subject to this section, a board may, with the prior approval of the Minister in writing, sell, lease, rent or otherwise dispose of any real property or buildings thereon.

(2.1) The Minister may by regulation exempt any class or type of real property from the operation of subsection (2).

(3) Subject to subsection (7), real or personal property of a value exceeding \$1000 or likely to be disposed of at a price exceeding \$1000 shall be disposed of in accordance with subsections (4), (5) and (6).

- (b) *by striking out subsection (7) and substituting the following subsection:*

(7) Subsections (4), (5) and (6) do not apply to any sale, lease, rental or other disposition of real or personal property by a board to another board, a municipal corporation, a community association, a charitable or non-profit organization, the Crown in right of Alberta or any agent of the Crown in right of Alberta if the board disposing of the property obtains the approval of the Minister.

7. Section 97 is amended by adding the following subsection after subsection (2):

(3) The Lieutenant Governor in Council may make regulations

- (a) governing the manner in which a board shall obtain
ulations.
- (b) prescribing conditions and restrictions relating to the calling of tenders;
- (c) concerning the manner in which, the times at which and conditions upon which a tender may be made to a board;

6. Section 93 presently reads:

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

(2) Subject to this section, a board may only dispose of school buildings designed for the instruction or accommodation of pupils if it obtains the prior approval of the Minister.

(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 if required.

(7) Notwithstanding subsection (3), a board may dispose of any real or personal property to another board, a municipal corporation, a community association or other charitable or non-profit organization for a nominal consideration if it obtains prior approval of the Minister.

7. Section 97 presently reads:

97. (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.

- (d) governing the manner in which and the time at which tenders are opened and contracts are awarded;
- (e) requiring performance bonds to be held and the nature, amount and details of the bonds required to be held.

8. Section 115 is amended by striking out subsection (1.1) and substituting the following:

(1.1) The Minister may grant permission to a board to use money acquired or accumulated pursuant to subsection (1) for purposes other than those for which it was acquired or accumulated, upon such conditions as the Minister considers necessary.

9. Section 129 is amended by striking out subsection (7) and substituting the following:

(7) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to pay from the School Foundation Program Fund such sums as are required to be paid by the regulations;
- (b) prescribing the amounts to be paid each year from the School Foundation Program Fund to each board and county either specifically or in accordance with a formula;
- (c) authorizing the Minister to make any calculation or perform any function or duty that is required to determine a sum to be paid to a board or a county from the School Foundation Program Fund;
- (d) empowering the Minister to determine the entitlement of any board or county or make any calculation, perform any function or do any act for the purpose of determining the entitlement of any board or county to any sum from the School Foundation Program Fund.

10. Section 139 is amended by adding the following subsection after subsection (5):

(6) Where a board wishes to declare Farmers' Day to be a holiday, Farmers' Day shall be declared by the board to be a holiday on the second Friday of June in any year.

11. Section 160 is amended

(a) by striking out clause (a) and substituting the following clause:

- (a) enter into an agreement with the Government of Alberta, the Government of Canada or the government of any other province, a municipi-

8. Section 115 (1) and (1.1) presently read:

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.

9. 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 each year.

10. Farmers' Day

11. Section 160 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, municipality or board for the provision of educational services to children who are supported wholly or partly by public moneys of the Province,
- (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, and
- (c) enter into an agreement with one or more boards or a joint committee of the trustees of the boards whether pursuant to section 92, subsection (2) or not, to provide educational, managerial and any other service, matter or thing for pupils in one or more districts or divisions or any school therein.

pality, another board or the operator of a private school for the provision of educational services,

(b) *as to clause (b), by striking out the word "and" at the end thereof and by adding the word "and" at the end of clause (c),*

(c) *by adding the following clause after clause (c):*

(d) enter into an agreement with any person or organization to provide an early childhood services program to children resident in the district or division.

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