

1976 BILL 84

Second Session, 18th Legislature, 25 Elizabeth II.

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 84

**THE EDUCATION STATUTES AMENDMENT
ACT, 1976**

THE MINISTER OF EDUCATION

First Reading

Second Reading

Third Reading

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Bill 84

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THE EDUCATION STATUTES AMENDMENT ACT, 1976

(Assented to , 1976)

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

The School Act

1. *(1) The School Act is amended by this section.*

(2) Section 2, clause (e) is amended

*(a) as to subclause (ii), by striking out the words "or
British subject", and*

*(b) by striking out subclause (iii) and by substituting
therefor the following:*

(iii) who

(A) in the case of a person signing a nomination of a candidate for trustee, is resident on the date of signing the nomination in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the date on which the nomination was signed, or

Explanatory Notes

The School Act

1. (1) This section will amend chapter 329 of the Revised Statutes of Alberta 1970.

(2) Section 2(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) 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 vote for the election of a trustee, is resident on nomination day in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding nomination day, or
- (C) in the case of a vote other than a vote for the election of a trustee, is resident on the day upon which the vote is to be held in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which the vote is to be held, or
- (D) in the case of the performance of any other function or the exercise of any other right under this Act, is resident on the day upon which that function is performed or that right is exercised in the district or division in respect of which that function is performed or that right is exercised and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which that function is performed or that right is exercised.

(3) Section 13, subsection (2) is amended by striking out the figures "98, 99,".

(4) Section 32 is amended

- (a) as to subsection (1), clause (c), by striking out the words "district or division" and by substituting therefor the words "district, division or subdivision", and*
- (b) as to subsection (2), clauses (e) and (f), by striking out the figure "\$600" and by substituting therefor the figure "\$1000".*

(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) Subsection (3) will come into force on February 1, 1977. Section 13(2) presently reads:

(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.

(4) Subsection (4)(a) will come into force on September 21, 1977. Section 32(1)(c) and (2)(e) and (f) presently read:

32. (1) *A person is not qualified to remain a trustee if he*

(c) ceases to be a resident of the district or division for which he was elected, or

(2) Subsection (1) does not apply to a person by reason only

(e) of the sale of goods, merchandise or service to the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services does not exceed \$600 in any one year, or

(5) Section 64 is amended by striking out the words "other than corporations who are separate school supporters," and by substituting therefor the words "other than corporations, who are separate school supporters".

(6) Section 65, subsection (3), clause (d) is amended by striking out the words "school buildings and dormitories," and by substituting therefor the words "school buildings, dormitories and school buses".

(7) Section 78, subsection (1) is amended by striking out the words "30 days' notice in writing of its intention to do so" and by substituting therefor the words "notice of the termination not less than 30 days prior to the effective date of the termination".

(8) Section 90, subsection (1), clause (d), subclause (ii) is amended by striking out the words "other than pregnancy".

(f) of the sale of goods, merchandise or services to persons contracting with the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of such goods, merchandise and services which accrue to the benefit of or ultimately become the property of the board does not exceed \$600 in any one year, or

(5) Section 64 presently reads:

64. Where the board of a separate school district has given a notice to a corporation under section 63, the proper officer of each municipality shall designate a percentage of the property of that corporation in the district assessable for separate school purposes which shall bear the same ratio to the total assessed value of the property of the corporation in the district as the assessment of property in the district of persons, other than corporations who are separate school supporters, bears to the total assessed value of the property in the district of all persons, other than the corporations.

(6) Section 65(3)(d) presently reads:

(3) A board shall subject to this Act and the regulations

(d) make rules for the administration, management and operation of schools, school buildings and dormitories under its jurisdiction and make them available to every teacher and other employee whom they concern, but the rules shall not impose duties and obligations on a principal, teacher or other employee contrary to or in conflict with a contract of employment,

(7) Section 78(1) presently reads:

78. (1) A board may terminate

(a) a contract of employment with a teacher, or

(b) a designation of a teacher made pursuant to section 82,

after giving the teacher 30 days' notice in writing of its intention to do so.

(8) Section 90(1)(d)(ii) presently reads:

90. (1) Subject to section 74 a board,

(d) shall pay for an authorized absence which is

(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 absences under this clause may not exceed 20 days each year, or

(9) Sections 97, 98 and 99 are struck out and the following is substituted therefor:

97. (1) No board shall purchase, construct, alter, add to or renovate a school building except in accordance with regulations made under subsection (2) where that purchase, construction, alteration, addition or renovation is subject to an approval of the School Building Board under *The School Buildings Act* and regulations thereunder.

(2) The Minister may make regulations

- (a) governing the manner by which a school building or any class thereof shall be purchased, constructed, altered, added to or renovated;
- (b) governing the manner in which a board shall obtain tenders;
- (c) prescribing conditions or restrictions relating to the calling of tenders;
- (d) concerning the manner in which, the times at which and the conditions upon which tenders may be submitted to a board;
- (e) governing the manner in which and the time at which tenders may be opened and contracts may be awarded;
- (f) requiring performance bonds or other security to be given to a board and the nature, amount and conditions of those bonds or security;
- (g) governing the withdrawal of tenders and the conditions upon which tenders may be withdrawn;
- (h) prohibiting any person from withdrawing a tender after the time fixed for receiving tenders;
- (i) requiring the submission of tenders and information concerning tenders to the Minister or a person designated by him;

(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.

(9) Subsection (9) will come into force on February 1, 1977. Sections 97, 98 and 99 presently read:

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.

(3) The Lieutenant Governor in Council may make regulations

(a) governing the manner in which a board shall obtain tenders;

(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;

(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.

98. (1) With respect to a school building to be used for the instruction or accommodation of pupils, a board shall submit to the Minister the tender or tenders that it wishes to accept, together with such information concerning the other tenders received as the Minister or person designated may require.

(2) With respect to the construction, purchase, alteration or renovation of school buildings approved by the School Buildings Board for financial aid and used for the instruction or accommodation of pupils, a board shall not award a contract until the Minister has given his approval of the tender which specified the terms of the contract.

(3) All specialties, bills, notes or accounts stated, given or made, in whole or in part, for or to secure any price or materials in connection with a contract for the construction or purchase of a school building to be used for the instruction or accommodation of pupils are void, unless all of the terms of the contract given or made conform to the tender and change orders approved by the Minister.

- (j) requiring approval of the Minister or a person designated by him of any tender prior to the awarding of a contract with respect to the purchase, construction, alteration, addition or renovation of a school building or any class thereof;
- (k) governing the form and content of a contract awarded with respect to the purchase, construction, alteration, addition or renovation of a school building or any class thereof;
- (l) permitting the construction, alteration, addition or renovation of a school building or any class thereof without the calling of tenders where the Minister or person designated by him approves of a scheme of construction other than that carried out pursuant to a contract entered into following the acceptance of a tender;
- (m) governing the information that must be provided to the Minister in respect of a scheme of construction other than that carried out pursuant to a contract entered into following the acceptance of a tender.

(10) Section 117, subsection (3) is amended

(a) as to clause (a), by striking out the words "or of corporations designated" and by substituting therefor the words "or of corporations, designated", and

(b) by striking out the word "and" at the end of clause (a) and by adding after clause (a) the following:

- (a.1) the assessments of property of a municipality that is liable to assessment and taxation under *The Municipal and Provincial Properties Valuation Act* shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a corporation is apportioned pursuant to section 64, and

99. (1) A board may submit to the Minister or a person designated in writing by him a scheme for the construction, partial construction, alteration or structural alteration by a method of construction other than under contract of

(a) a school building to be used for the instruction or accommodation of pupils, or

(b) space approved by the School Buildings Board for support of a school building used for the instruction or accommodation of pupils.

(2) A scheme for construction by a method of construction other than under contract submitted by a board shall set out in detail the manner in which it is proposed to provide the materials, supplies and labour required for the implementation thereof.

(3) Upon the scheme being approved by the Minister or person designated in writing by him and adopted by resolution of a board, the board may proceed with the scheme so approved.

(4) Any contract or engagement made pursuant to and in conformity with the scheme is valid and binding upon all parties thereto, notwithstanding anything in this Part to the contrary.

(10) Section 117 presently reads:

117. (1) The Alberta Assessment Equalization Board shall apportion among the districts, whether public or separate, and the divisions lying wholly or in part within a municipality, in each year the equalized assessment established in respect of the municipality for that year and thereafter the Alberta Assessment Equalization Board shall advise the municipality of such apportionment.

(2) Upon being advised by the Alberta Assessment Equalization Board of an apportionment under subsection (1) the proper officer of a municipality within which a district or division is situated in whole or in part shall provide a certificate to the secretary of the board showing the portion of the equalized assessment of the municipality as determined pursuant to subsection (1) that is applicable to that part of the municipality that is within the district or division.

(3) Where a separate school district lies in whole or in part within a municipality, for the purposes of this section,

(a) the assessments of property, whether of individuals or of corporations designated for the support of separate schools, shall pertain to the separate school district, and

(b) the valuations of exempt properties lying within the boundaries of the district in respect of which grants are paid in lieu of taxes shall be apportioned between the separate school district and the public school district in the same manner as the assessment of a corporation is apportioned pursuant to section 64,

and if the separate school district or the public school district has been included in a division the assessments and valuations pertaining to the district shall pertain to the division.

(11) Section 123 is amended by striking out subsection (2) and by substituting therefor the following:

(2) Where a board passes a resolution under subsection (1), that resolution does not have any effect unless it was passed prior to the submission by that board of its requisition under section 121 to the municipality within which the hamlet lies or partly lies.

(12) Section 146, subsection (5) is amended by adding after the words "the board shall" the words ", within 14 days of receiving the report,".

The School Buildings Act

2. *(1) The School Buildings Act is amended by this section.*

(2) Section 4 is amended by striking out subsection (1) and by substituting therefor the following:

4. (1) Where a school division intends to
- (a) alter, add to or renovate a school building,
 - (b) acquire a portable school building,
 - (c) replace an existing school building with another school building, or
 - (d) carry out a school building project,

the cost of which is to be paid for in whole or in part, or in respect of which capital borrowings are to be retired in whole or in part, from funds available under the School Foundation Program Fund established pursuant to *The School Act*, that school division must obtain from the board those approvals as required under the regulations made under section 5.

(11) Section 123 presently reads:

123. (1) If a board of a division determines that the educational requirements exclusive of capital requirements of a hamlet justify an additional requisition, the board by resolution, subject to the prior approval of the Minister, may determine the amount of the additional requisition to be made and designate the hamlet within which the levy will be made to produce that amount.

(2) Any resolution passed under this section shall be passed within 30 days after the estimates of the Department of Education have been approved by the Legislative Assembly in the year in which it is to take effect.

(3) Where an additional requisition has been approved by the Minister under this section it shall continue in effect from year to year until changed as hereinafter provided.

(4) An additional requisition established by this section may be reduced by resolution of the board or increased by resolution of the board with the prior approval of the Minister.

(12) Section 146(5) presently reads:

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

The School Buildings Act

2. (1) This section will amend chapter 330 of the Revised Statutes of Alberta.

(2) Section 4(1) presently reads:

4. (1) A school division shall apply to the board for approval of any school building project the cost of which is to be paid for in whole or in part from funds available for capital purposes, including the retirement of capital borrowings, under the School Foundation Program Fund regulations established pursuant to The School Act.

(3) Section 5 is amended by striking out subsection (1) and by substituting therefor the following:

5. (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing conditions that must exist prior to the board approving any initial planning in respect of a school building project;
- (b) prescribing requirements that must be complied with in respect of a school building project, including
 - (i) the preparation of the site,
 - (ii) the provision of services,
 - (iii) the provision for water and sewage systems, and
 - (iv) the provision for furniture and fixtures,prior to the board approving any construction in respect of the school building project;
- (c) prescribing requirements that must be complied with prior to the board approving a completed school building project;
- (d) prescribing requirements that must be complied with prior to the board approving any alteration, addition or renovation made in respect of a school building;
- (e) prescribing requirements that must be complied with prior to the board approving completed alterations, additions or renovations made in respect of a school building;
- (f) governing
 - (i) the terms upon which a school division may dispose of a school building and replace it with another school building, and
 - (ii) the requirements which must be complied with prior to the board approving the acquisition of the replacement school building;
- (g) governing the location of portable school buildings or relocation of portable school buildings within or outside of the boundaries of a school division;

(3) Section 5(1) presently reads:

5. (1) The Lieutenant Governor in Council may make regulations to govern the board in granting approval of a school building project including the preparation and development of the site, the service connections, a water system, sewage disposal and the furniture and fixtures relative to the project.

- (h) governing the making of applications to the board for approvals;
- (i) governing the rescission of or amendments to approvals issued by the board.

The School Election Act

3. (1) *The School Election Act is amended by this section.*

(2) *Section 2, clause (f) is amended*

(a) *as to subclause (ii), by striking out the words "or British subject", and*

(b) *by striking out subclause (iii) and by substituting therefor the following:*

(iii) who

- (A) in the case of a person signing a nomination of a candidate for trustee, is resident on the date of signing the nomination in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the date on which the nomination was signed, or
- (B) in the case of a vote for the election of a trustee, is resident on nomination day in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding nomination day, or
- (C) in the case of a vote other than a vote for the election of a trustee, is resident on the day upon which the vote is to be held in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which the vote is held, or

The School Election Act

3. (1) This section will amend chapter 331 of the Revised Statutes of Alberta 1970.

(2) Section 2(f) presently reads:

2. *In this Act,*

(f) "elector" means a person

(i) 18 years of age or older,

(ii) who is a Canadian citizen or British subject, and

(iii) who

(A) has resided in Alberta for the six consecutive months immediately preceding nomination day, and

(B) is resident in the district or division in which the vote is to be held on nomination day;

(D) in the case of the performance of any other function or the exercise of any other right under this Act, is resident on the day upon which that function is performed or that right is exercised in the district or division in respect of which that function is performed or that right is exercised and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which that function is performed or that right is exercised;

(3) Section 10, clause (c) is amended by striking out the words "or British subject".

(4) Section 11, subsection (2), clauses (e) and (f) are amended by striking out the figure "\$600" and by substituting therefor the figure "\$1000".

(5) Section 64 is amended by striking out the word "qualifications" and by substituting therefor the word "residences".

(3) Section 10(c) presently reads:

10. To be eligible to become a trustee a person must be

(c) a Canadian citizen or British subject,

(4) Section 11, subsection (1) provides that a person is not eligible to become a trustee if he has certain business relationships with the board. Subsection (2)(e) and (f) which read as follows provide certain exemptions from subsection (1):

(2) Subsection (1) does not apply to a person by reason only

(e) of the sale of goods, merchandise or services to the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services does not exceed \$600 in any one year, or

(f) of the sale of goods, merchandise or services to persons contracting with the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services which accrue to the benefit of or ultimately become the property of the board does not exceed \$600 in any one year, or

(5) Section 64 presently reads:

64. The secretary of the board shall deliver to the returning officer and the returning officer shall deliver to every deputy returning officer, before the time fixed for the opening of the poll, a correct copy of the list of electors, certified by the secretary of the board to be a correct copy, as is required for each polling place, together with a blank poll book, in the prescribed form, in which to record the names and qualifications of the electors who vote.

(6) Section 87, subsection (1), clause (b) is amended by striking out the words "name, qualification and residence" and by substituting therefor the words "name and residence".

(7) Section 88 is amended

(a) as to subsection (1), by striking out the words "If a person" and by substituting therefor the words "Where a resolution has not been passed under section 33.1 and a person", and

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

(1.1) Where a resolution is passed under section 33.1 and a person presents himself for the purpose of voting and claims he is entitled to vote because he is an elector of the polling division, the deputy returning officer shall permit him to vote if he takes the oath or affirmation in the prescribed form.

The Alberta School Trustees' Association Act

4. (1) The Alberta School Trustees' Association Act is amended by this section.

(2) Section 4 is amended by striking out subsection (2) and by substituting therefor the following:

(2) The Provincial Treasurer may, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, guarantee on behalf of the Government of Alberta the repayment as to principal or interest or both of any or all of the capital indebtedness of the association.

(6) Section 87(1)(b) presently reads:

87. (1) When a person whose name is on the list of electors presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:

(b) he shall ensure that there be recorded in the proper columns of the poll book the name, qualification and residence of the person;

(7) Section 88 presently reads:

88. (1) If a person whose name is not on the list of electors of the polling division in which he resides presents himself for the purpose of voting and claims he is entitled to vote because he is an elector the deputy returning officer shall place the person's name upon the list and permit him to vote if he takes the oath or affirmation in the prescribed form.

(2) If the person presenting himself to vote takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter or cause to be entered upon the poll book the voter's name together with the word "sworn" or "affirmed", according to the fact.

(3) Where the person presenting himself to vote has been required to take an oath or affirmation and refuses to take it the deputy returning officer shall enter or cause to be entered opposite the name of that person in the proper column of the poll book the words "refused to swear" or "refused to affirm", according to the fact, and the vote of that person shall not be taken or received.

(4) Except in the case mentioned in subsection (3), the ballot papers shall then be initialled and delivered to the voter.

The Alberta School Trustees' Association Act

4. (1) This section will amend chapter 332 of the Revised Statutes of Alberta 1970.

(2) Section 4 presently reads:

4. (1) For any of the purposes set out in section 3, the association

(a) may borrow money in such amounts, at such rates and on such terms as are deemed advisable,

(b) may, under the signatures of such officers as may be designated by by-laws or regulation of the association, draw, make, accept and endorse such bills of exchange, cheques and promissory notes as are deemed necessary, and

(c) may acquire by gift, purchase or otherwise, and may sell, exchange, mortgage, lease or otherwise dispose of, real and personal property.

(2) Nothing contained in subsection (1) authorizes the association to issue bills or notes payable to bearer or intended to be circulated as money or as bills or notes of a bank.

Commencement

5. (1) *This Act, except section 1, subsections (3), (4) and (9), comes into force on the day upon which it is assented to.*

(2) *Section 1, subsections (3) and (9) come into force on February 1, 1977.*

(3) *Section 1, subsection (4) comes into force on September 21, 1977.*