

1978 BILL 27

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ~~UNIVERSITY~~

BILL 27

THE EDUCATION STATUTES AMENDMENT ACT, 1978

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 27

1978

THE EDUCATION STATUTES AMENDMENT ACT, 1978

(Assented to , 1978)

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

The Department of Education Act

1 (1) *The Department of Education Act is amended by this section.*

(2) *Section 7(1) is amended*

(a) *by adding the following after clause (b):*

(b.1) prescribing fees payable in respect of the evaluation of qualifications for the certification of teachers,

(b.2) providing for a refund of all or part of a fee paid in respect of the evaluation of qualifications for the certification of teachers,

(b) *by repealing clause (d).*

(3) *The following is added after section 7.1:*

7.2 The Minister may charge fees for any service provided, research done or materials provided by the Department.

7.3 The Minister may

(a) conduct competitions and award prizes to the competitors;

(b) donate prizes to be awarded in competition;

(c) award prizes to persons attaining high scholastic achievements;

Explanatory Notes

The Department of Education Act

1(1) This section will amend chapter 96 of the Revised Statutes of Alberta 1970.

(2) Provides for the making of regulations governing the payment of fees in respect of the evaluation of qualifications for certification of teachers. Section 7(1)(d) presently reads:

7(1) The Minister may make regulations

(d) prescribing a tariff of fees payable for any service provided, research done or material provided by the Department,

(3) Section 7.2 provides for the payment of fees to the Department. Section 7.3 allows the Minister to award prizes.

(d) donate prizes to be awarded to persons attaining high scholastic achievements.

The School Act

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

(2) *Section 12(1) is amended by adding the following after clause (c):*

(c.1) defining “resident pupil” for the purpose of section 64.1,

(3) *Section 30 is amended by adding the following after subsection (6):*

(7) A board of trustees may by resolution change its corporate name to another name that is approved by the Minister.

(4) *The following is added after section 64:*

64.1(1) Where

(a) a separate school district is situated wholly or partly within a municipality, and

(b) there is property situated in that district that is

(i) owned or leased by the municipality, and

(ii) liable to assessment and taxation under *The Municipal and Provincial Properties Valuation Act*,

the proper officer for the municipality shall, for the purposes of enabling the council of that municipality to establish its mill rates for school purposes, designate a portion of the assessment of that property to be allocated for separate school purposes which shall bear the same ratio to the total assessment of that property under *The Municipal and Provincial Properties Valuation Act* as the number of resident pupils residing in that municipality who are under the jurisdiction of the board of the separate school district bears to the total number of

(c) resident pupils residing in that municipality who are under the jurisdiction of the board of the separate school district, and

The School Act

2(1) This section will amend chapter 329 of the Revised Statutes of Alberta 1970.

(2) Allows the Minister to make regulations defining “resident pupil” for the purposes of section 64.1.

(3) Changing the name of a board of trustees.

(4) Allocation of assessments and valuations.

(d) resident pupils residing in that municipality who are under the jurisdiction of the board of the public school district.

(2) Where

(a) a separate school district is situated wholly or partly within a municipality,

(b) there is property situated in that district that is

(i) owned by the Government of Alberta or an agency of the Government of Alberta, and

(ii) given a valuation under *The Municipal and Provincial Properties Valuation Act*,

and

(c) in respect of that property, grants may be paid to that municipality under *The Crown Property Municipal Grants Act*, *The Alberta Home Mortgage Corporation Act*, *The Liquor Control Act*, *The Alberta Housing Act*, *The Alberta Government Telephones Act* or *The Treasury Branches Act*,

the proper officer for the municipality shall, for the purposes of enabling the council of that municipality to establish its mill rates for school purposes, designate a portion of the valuation of that property to be allocated for separate school purposes which shall bear the same ratio to the total valuation of that property under *The Municipal and Provincial Properties Valuation Act* as the number of resident pupils residing in that municipality who are under the jurisdiction of the board of the separate school district bears to the total number of

(d) resident pupils residing in that municipality who are under the jurisdiction of the board of the separate school district, and

(e) resident pupils residing in that municipality who are under the jurisdiction of the board of the public school district.

(3) For the purposes of subsections (1) and (2), a board shall, not later than December 31 of each year, give to the proper officer of the municipality a notice stating the total number of resident pupils residing in that municipality who are under the jurisdiction of that board.

(4) Subsections (1) and (2) only apply to the year 1979 and subsequent years.

(5) *The following is added after section 76:*

76.01 (1) A board may employ a teacher under a contract for a period that includes all the teaching days in a school year to instruct on a part-time basis and be paid only for time that he renders services to the board.

(2) Where the board employs a teacher under this section, the board may, unless that teacher's contract provides otherwise, vary the amount of time that the teacher is required to instruct in the subsequent semester or school year.

(3) Where a board, under subsection (2), varies the amount of time that a teacher is required to instruct and the teacher does not agree to instruct for that amount of time, the board may terminate that teacher's contract of employment.

(4) Section 85 does not apply in respect of a termination of a contract under subsection (3).

(6) *Section 76.2 is amended by renumbering it as 76.2(1) and by adding the following:*

(2) For the purposes of subsection (1), a teacher employed under section 76.01 is deemed to have been employed by the board for a complete school year when at the conclusion of a school year the total amount of time that the teacher has given instruction for the board is at least equal to the amount of time the teacher would be required to instruct in a complete school year if he had been employed by the board to instruct on a full-time basis.

(7) *Section 90 is amended*

(a) by repealing subsection (1)(d) and substituting the following:

(d) shall not deduct any amount from a teacher's salary in respect of that teacher's absence from his teaching if the absence

(i) is approved by the board or the Minister, or

(ii) is

(A) for the purpose of that teacher receiving necessary medical or dental treatment, or

(B) on account of injury to or illness or disability of that teacher,

(5) Part time teachers.

(6) Section 76.2 presently reads:

76.2 A board may employ a teacher for a complete school year under a contract that terminates at the conclusion of that school year where that teacher

(a) was not employed by that board as a teacher in the previous year, or

(b) was employed by that board in the previous year under section 89 or under a contract referred to in-section 76.1.

(7) 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

where the total number of days that the teacher is absent in a school year does not exceed the total number of days of absence which that teacher is allowed under subsection (1.1),

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

(1.1) For the purposes of subsection (1)(d)(ii), a teacher is allowed to be absent in a school year not more than

(a) a total of 20 days, or

(b) the number of days determined by dividing by 9 the total number of days that the teacher instructs for the board during the school year,

whichever is the lesser number of days.

(c) by adding the following after subsection (3):

(4) Where a teacher's employment with a board terminates prior to

(a) the conclusion of the school year, in the case of a teacher employed under a contract to teach for a complete school year, or

(b) the expiry date provided for in the contract or under this Act, in the case of a teacher employed under a contract to teach for part of a school year,

the board may deduct from the amounts payable to that teacher 0.5% of his annual salary for each day that the teacher was absent from his teaching that exceeds

(c) the number of days that the teacher was allowed under subsection (2), or

(d) the number of days determined by dividing by 9 the total number of days that the teacher taught for the board in the school year in which the teacher's employment was terminated,

whichever is the greater number of days.

(8) Section 101(2) is amended by striking out "if the borrowing is repayable within five years".

(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 days

one 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 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

(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 following the submission of such reports, returns and property of the board or the Department of Education as are required.

(8) Section 101 (2) presently reads:

(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.

(9) *Section 117(3) is amended*

(a) *in clause (a.1) by striking out “the assessment of a corporation is apportioned pursuant to section 64” and substituting “prescribed under section 64.1(1)”, and*

(b) *in clause (b) by striking out “the assessment of a corporation is apportioned pursuant to section 64” and substituting “prescribed under section 64.1(2)”.*

(10) *The following is added after section 129:*

129.1 The Minister may

(a) deduct from the amount to be paid to a board under the School Foundation Program Fund any fees payable by that board to the Alberta School Trustees' Association, and

(b) pay those fees so deducted under clause (a) to the Alberta School Trustees' Association.

(11) *Section 160 is amended by adding the following after clause (b):*

(b.1) enter into an agreement with a board of trustees or similar body in another province to provide or receive, as the case may be, educational, managerial or any other service, matter or thing that relates to the operation of schools,

(b.2) enter into an agreement with a corporation to provide educational services to handicapped pupils, where that corporation is not incorporated for the purpose of acquiring gain for its members,

The Teachers' Retirement Fund Act

3(1) The Teachers' Retirement Fund Act is amended by this section.

(9) Section 117(3) presently reads:

(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,

(a.1) the assessment 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

(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.

(10) Payment of fees to the Alberta School Trustees' Association.

(11) Section 160(b) presently reads in part:

160 A board with the prior approval of the Minister may

(a) enter into an agreement

(b) enter into an agreement

The Teachers' Retirement Fund Act

3(1) This section will amend chapter 361 of the Revised Statutes of Alberta 1970.

(2) *Section 9 is amended by adding “as amended from time to time, or under section 108 or 109 of the *Loan Companies Act* (Canada), as amended from time to time” after “Canadian and *British Insurance Companies Act* (Canada)”.*

(3) *Section 30 is repealed and the following is substituted:*

30(1) The Board shall maintain a separate record of the contributions and the payments prescribed by sections 27 and 28 and the contributions provided for by a by-law made under section 30.1, adequate for the purposes of a separate actuarial survey of the Fund in relation to private schools.

(2) In prescribing

(a) the amount of contributions by private school teachers under section 27,

(b) the amount of the additional percentage of the salaries of private school teachers that a private school is required to pay out of its funds to the Board under section 28(4), and

(c) the amount of contributions in respect of previous employment provided for by a by-law made under section 30.1,

the Board shall maintain as closely as may be the actuarial solvency of that part of the Fund created by the contributions and payments described in clauses (a), (b) and (c), without regard to the guarantee provided by section 40.

(4) *The following is added after section 30:*

30.1(1) In this section and section 30(1), “private school” means a private school as defined in section 2 and includes a school designated by the Minister as a private school for the purposes of this section and section 30(1), whether or not that school exists at the time of the designation.

(2) Notwithstanding section 26, the Board may, by by-law,

(a) provide for contributions to the Fund in respect of the previous employment of a teacher or private school teacher as a private school teacher by a private school as defined in subsection (1), and

(b) prescribe the conditions on which those contributions may be made.

(2) Section 9 presently reads:

9 The Board shall lend or invest the Fund upon or in securities of the kind, but not limited to the proportions, in which insurance companies are permitted to lend or invest under the Canadian and British Insurance Companies Act (Canada).

(3) Section 30 presently reads:

30(1) The Board shall maintain a separate record of the contributions and the payments prescribed by sections 27 and 28 adequate for the purposes of a separate actuarial survey of the Fund in relation to private schools.

(2) In prescribing

(a) the amount of contributions by private school teachers under section 27, and

(b) the amount of the additional percentage of the salaries of private school teachers that a private school is required to pay out of its funds to the Board under section 28, subsection (4),

the Board shall maintain as closely as may be the actuarial solvency of that part of the Fund created by contributions of private school teachers and payments by private schools, without regard to the guarantee provided by section 40.

This amendment is consequential to the proposed section 30.1.

(4) Provides for contributions in respect of prior service as a private school teacher.

(3) A designation made under subsection (1) may specify a period or periods in respect of which the designation is effective.

(5) *Section 32(1) is amended*

(a) *in clause (c) by striking out “or intends to return”,*

(b) *in clause (c)(ii) by striking out “as a teacher by” and substituting “with”, and*

(c) *by striking out “under clause (b), subclauses (i) and (ii) is continuous,” and substituting “under clause (b), his previous employment under clause (a) and his subsequent employment under clause (c) are continuous,”.*

(6) *The following is added after section 46:*

46.1 A designation of a beneficiary made by a teacher pursuant to the by-laws of the Board is revoked by the teacher’s subsequent marriage.

Commencement

4 The Act comes into force on the day upon which it is assented to.

(5) Section 32(1) presently reads:

32(1) A person who

(a) leaves or has left his employment as a teacher in Alberta, and

(b) immediately thereafter is or becomes employed or engaged in

(i) an occupation, service or activity approved by the Board, or

(ii) attending and completing a course of university studies approved by the Faculty of Education of a university under The Universities Act leading to an improvement in his teacher qualifications, or

(iii) any consecutive combination of the employments or engagements designated in subclauses (i) and (ii),

and

(c) returns or intends to return to employment

(i) as a teacher in Alberta or in another province or territory of Canada in respect of which the Board has by by-law made reciprocal provision for the payment of pension, or

(ii) as a teacher by an authority with whom the Board has a reciprocal agreement,

may, when his employment or engagement under clause (b), subclauses (i) and (ii) is continuous, (except for such periods of absence as in the opinion of the Board are justified in the circumstances) apply to the Board for permission to contribute to the Fund in respect of the period designated in clause (b), subclause (i).

Provides that contributions in respect of employment in an occupation, service or activity approved by the Board may be made only if the teacher returns to employment as a teacher immediately after that employment.

(6) Provides for revocation of a designation of a beneficiary by a subsequent marriage.