

1979 BILL 53

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

**THE DEPARTMENT OF EDUCATION
AMENDMENT ACT, 1979**

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 53

1979

THE DEPARTMENT OF EDUCATION AMENDMENT ACT, 1979

(Assented to _____, 1979)

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

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

2 *Section 2(a) is repealed and the following is substituted:*

(a) “board” means the board of trustees of a school district or division or regional district, the board of education of a county or the school committee of a city or town whose administration has been merged under *The Municipal and School Administration Act*;

3 *Section 7(h) is amended by striking out “programs” and substituting “program”.*

4 *Section 8(1) is repealed and the following is substituted:*

8(1) In this section and section 10, “private school” means a school, other than a school operated by a board under *The School Act* or by the Government of Alberta or by the Government of Canada,

(a) that provides or purports to provide instruction to a pupil referred to in section 133(1) of *The School Act* who is attending the school instead of attending a school operated by a board under *The School Act*, or

(b) that provides or purports to provide instruction in courses that are prescribed or approved by the Minister under section 12(2) of *The School Act*, other than correspondence courses or courses in an early childhood services program.

Explanatory Notes

1 This Bill will amend chapter 96 of the Revised Statutes of Alberta 1970.

2 Section 2(a) presently reads:

2 In this Act,

(a) "board" means the board of trustees of a school district or division or regional district or the school committee of a county council;

3 Corrects a typographical error.

4 Section 8(1) and (3) presently reads:

8(1) In this section and in section 10, "private school" means a school that

(a) provides instruction in courses, other than courses in an early childhood services program, which are prescribed or approved by the Minister, or

(b) provides instruction to pupils excused from attendance at a school of a board under section 134 of The School Act,

but does not include a school operated by a board under The School Act or by the Government of Alberta or Government of Canada.

5 *The following is added after section 10(1):*

(1.1) If the Minister so provides, a person appointed under subsection (1) has all the powers, privileges and immunities of a commissioner appointed under *The Public Inquiries Act*.

6 *Section 11 is amended*

(a) *in subsection (1) by striking out “or school committee of a county, city or town”,*

(b) *in subsection (2)(c)(iii) by striking out “school committee or county council” and substituting “board of education of a county, a county council or the school committee”,*

(c) *by repealing subsection (3) and substituting the following:*

(3) Upon the appointment of an official trustee to a board, the members of the board cease to hold office as members of that board.

5 Section 10 presently reads:

10(1) The Minister may appoint in writing a person to examine and inspect

(a) the financial condition, or

(b) the administrative condition, or

(c) any other matter connected with the management, administration or operation,

of a board, private school or early childhood services program and the person appointed by the Minister may examine, inspect and take copies of

(d) all books of record and account,

(e) all bank books, and

(f) any other papers, documents or things.

(2) The books, papers, documents and things mentioned in subsection (1) shall be made available to the person appointed by the Minister at the time he requests them from the person having custody of them.

(3) A person appointed pursuant to this section shall report to the Minister on his examination and inspection and upon receipt of the report the Minister may make such order thereon as to him seems proper.

6 Section 11 presently reads in part:

11(1) The Minister,

(a) where a board fails to comply with an order made under section 9, subsection (2) or section 10, subsection (3), or

(b) where he considers it in the public interest to do so,

may, subject to such terms and conditions as he considers necessary, appoint an official trustee to conduct the affairs of a board or school committee of a county, city or town.

(2) An official trustee appointed under subsection (1)

(c) notwithstanding The County Act or The Municipal and School Administration Act has, with the prior approval of the Minister, power to

(i) borrow money,

(ii) pass a by-law, and

(iii) revoke any resolution or by-law concerning school administration that may be passed or may previously have been passed by a school committee or county council or the council of a city or town whose administration has been merged under The Municipal and School Administration Act.

(3) Upon the appointment of an official trustee the board or school committee of a county, city or town for which he is appointed, ceases to hold office as such.

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