

1981 BILL 42

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

THE SCHOOL AMENDMENT ACT, 1981

DR. CARTER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 42
Dr. Carter

BILL 42

1981

THE SCHOOL AMENDMENT ACT, 1981

(Assented to _____, 1981)

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

1 *The School Act is amended by this Act.*

2 *Section 64.1 is amended*

(a) in subsections (1) and (2) by striking out "for school purposes" and substituting "with respect to school board requisitions";

(b) by adding the following after subsection (2):

(2.1) Where

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

(b) there is federal property situated in that district, and

(c) in respect of that property, grants may be paid to the municipality under the *Municipal Grants Act, 1980* (Canada),

the proper officer for the municipality shall, for the purposes of enabling the council of that municipality to establish its mill rates with respect to school board requisitions, designate a portion of the assessed value of that property to be allocated for separate school purposes which shall bear the same ratio to the total assessed value of that property as the number of resident pupils residing in that district who are under the jurisdiction of the board of the separate school district bears to the total number of

Explanatory Notes

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

2 Section 64.1 presently reads in part:

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 district 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 district who are under the jurisdiction of the board of the separate school district, and

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

(2) Where

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

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

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

(2.2) For the purposes of subsection (2.1), “federal property” and “assessed value” have the meanings given to them in the *Municipal Grants Act, 1980* (Canada).

(c) in subsection (3) by striking out “and (2)” and substituting “, (2) and (2.1)”;

(d) by adding the following after subsection (4):

(5) Subsection (2.1) only applies to the year 1982 and subsequent years.

3 *Section 65(4)(g) is repealed and the following is substituted:*

(g) make grants or payments to another school board, an association of school trustees or to a person or organization engaged in educational activities,

4 *The following is added after section 87:*

87.1(1) A copy of an order of the Board of Reference may be filed with the clerk of the Court of Queen's Bench in the judicial district in which the cause of the proceedings before the Board of Reference arose.

(2) On filing a copy of an award with the clerk of the Court of

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 district 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 district who are under the jurisdiction of the board of the separate school district, and

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

(3) For the purposes of section 64 and subsections (1) and (2) of this section, 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 the district who are under the jurisdiction of that board.

3 Section 65(4)(g) presently reads:

(4) In addition to the powers vested in it by section 16 of The Interpretation Act a board, subject to this Act and the regulations, may

(g) make cash contributions towards an educational organization and an association of school trustees,

4 Enforcement of order of the Board of Reference.

Queen's Bench pursuant to subsection (1), the order of the Board of Reference has the same force and effect as if the order were an order of that Court.

5 *Section 117(3)(b) is amended by adding “and (2.1)” after “64.1(2)”.*

6 *Section 140 is amended by adding “or transfer all of the pupils of the school to another school” after “school”.*

7 *Section 142 is amended by striking out subsection (3) and substituting the following:*

(3) If a parent makes an application under subsection (1) for the admission of his child to a school under the jurisdiction of an adjacent district or division and the school was, prior to a boundary change under section 18 or 19, under the jurisdiction of the board of the district or division in which the parent resided prior to the boundary change, the Minister may direct that the board of the district or division in which the parent resides shall pay to the board to which the parent has applied all or some of the fees authorized by this Act with respect to that child in accordance with any terms or conditions that the Minister may impose.

5 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 prescribed under section 64.1(1), and

(b) the valuations of exempt properties lying within the boundaries of the district in respect of which the 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 prescribed under section 64.1(2),

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.

6 Section 140 presently reads:

140 A board may, with the approval of the Minister, close a school for such period as may be approved by the Minister.

7 Section 142(3) presently reads:

(3) If

(a) the boundaries of a district or division are changed under section 18 or 19 so that the district or division in which a parent resides is different from the one in which he resided before the boundaries were changed, and

(b) the parent makes an application under subsection (1) for the admission of his child to a school controlled by the board of the district or division in which the parent resided before the boundaries were so changed,

the Minister may direct that the board of the district or division in which the parent resides shall pay the board to which the parent has applied all or some of the fees authorized by this Act with respect to that child in accordance with any terms and conditions that the Minister may impose.

8 *Section 161 is amended by adding the following after subsection (1):*

(1.1) A board, with the approval of the Minister, may enter into agreements with a person to provide a place of work and facilities for pupils in a work experience program.

9 *Section 142(3) as enacted by this Act is repealed and the following is substituted:*

(3) If a parent makes an application under subsection (1) for the admission of his child to a school under the jurisdiction of an adjacent district or division and

(a) the school was, prior to a boundary change under section 18 or 19, under the jurisdiction of the board of the district or division in which the parent resided prior to the boundary change, or

(b) the school offers a language instruction program authorized under section 150 that is not offered by any school of the district or division in which the parent resides,

the Minister may direct that the board of the district or division in which the parent resides shall pay to the board to which the parent has applied all or some of the fees authorized by this Act with respect to that child in accordance with any terms or conditions that the Minister may impose.

10 *The School Amendment Act, 1979 is amended by repealing section 21.*

11 *Section 9 of this Act comes into force on Proclamation.*

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill, except section 9, comes into force on the date it receives Royal Assent.

8 Section 161(1) presently reads:

161(1) A board may approve work experience programs for pupils in its schools.

9 Amends section 142(3) of the Act as enacted by section 7 of this Bill. This section will be brought into force by Proclamation.

10 Consequential.