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A BILL TO CONSOLIDATE AND AMEND  
THE SCHOOL ACT.

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NOTE.

This Bill is a consolidation and revision of *The School Act*, embodying the substance of all the existing provisions of that Act, and making additional provision for the grouping of rural school districts into divisions.

The Act is divided into Parts, each Part containing provisions dealing with specified matters:

PART I—The establishment of public and separate school districts.

PART II—Meetings of electors on the formation of any district.

PART III—Annual meetings of all districts.

PART IV—The constitution of Boards of Trustees, and conditions and tenure of office of trustees.

PART V—Election of trustees in all districts.

PART VI—Election to fill vacancies.

PART VII—Declaration of office.

PART VIII—Meetings of Boards of Trustees.

PART IX—Boards of Trustees and the officers thereof.

PART X—Conveyances of school children.

PART XI—School sites.

PART XII—Conduct of schools.

PART XIII—Teachers.

PART XIV—Borrowing powers.

PART XV—Fees payable for tuition.

PART XVI—Constitution of school divisions.

PART XVII—General, and miscellaneous, regulations.

The Bill makes no substantial alteration in the law with regard to the establishment of any school districts; neither

adds to nor detracts from any of the rights heretofore enjoyed by a minority to establish separate schools: does not change the right of any School Board in the matter of religious teaching, and the provisions of Part XVI affect only those rural public school districts which are included in a division.

Provision is made for the grouping of rural public school districts into divisions, divided into five subdivisions, for the appointment of a delegate from the Board of each district in the division, for the meeting of delegates for the nomination by the delegates of each subdivision of a director, and for the election of a director in the case of a contest by the electors of the subdivision at large.

The Board so constituted is the executive of the division, and is charged with the duty of providing for the educational requirements of the division, and for that purpose is given all the powers which are otherwise vested in the Board of Trustees of a district in relation to the appointment of the teacher and the general control and supervision of the teaching in the schools in the division.

Part XVI further provides for the appointment of a general board consisting of one representative from each division constituted under this Part, and the main functions of this Board are to establish a teacher's salary schedule, to pay all teachers' salaries, and to raise the necessary funds for the payment of the expenses of both the general board and each divisional board in the following manner:

Each divisional board will make an annual estimate of its expenditures, and will transmit that estimate to the general board, and similarly the general board will make an estimate of its annual expenditure. The general board will then ascertain by divisions the value of all land and other property assessable for local taxation under the provisions of *The Municipal District Act, 1926*, and *The Improvement Districts Act, 1927*; and will then proceed to strike a mill rate on all the assessable property in all the districts in all the divisions sufficient to raise the estimated expenditure of the general board, and to strike another mill rate on the total value of the assessable property in each division sufficient to raise the amount of the estimated expenditure for each division; and will then proceed to make a requisition upon the Council of each Municipal District, and upon the Minister in respect of assessable lands and property in Improvement Districts, for an amount equal to the amount which would be raised in each Municipal District or Improvement District if a rate levied upon all the assessable property in the Municipal District or Improvement District at the rates struck by the Board were paid in full. Thereupon, the Municipal District or the Minister, as the case may be, become liable for the payment to the general board by quarterly instalments of the amount so requisitioned, and may levy such a rate as is deemed necessary to raise the required amount.

Provision is made for the appointment of one superintendent and two supervisors for each division. The salaries and expenses of the supervisors will be paid out of the total amounts of school grants earned by the districts comprised in the divisions, and the balance of such grants will be paid to the general board and will be applied by that Board in payment of teachers' salaries.

Part XV contains the following departure from the present law:

- (1) The maximum amount payable for tuition in grades below Grade IX is raised from sixteen dollars to thirty dollars.
- (2) The fee payable for tuition in grades above Grade VIII is the cost of the tuition, exclusive of overhead charges.
- (3) The maximum amount payable by a parent or guardian is raised from thirty dollars to sixty dollars.
- (4) In the case of school districts comprised in a division, the fees which would otherwise be paid by the district are payable by the general board where a pupil whose parents reside in a school district in a division attends a school in a district not in a division, and in the opposite case fees are payable to the general board; but no fees are payable or receivable as between districts comprised in any division.

WALTER S. SCOTT,  
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*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

## BILL

No. 61 of 1929.

An Act to Consolidate and amend The School Act.

(Assented to \_\_\_\_\_, 1929.)

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

1. This Act may be cited as "*The School Act, 1929.*"

2. In this Act, unless the context otherwise requires—

- (a) "Board" shall mean the board of trustees of any school district;
- (b) "Department" shall mean the Department of Education;
- (c) "District" shall mean any school district established pursuant to the provisions of this Act;
- (d) "Elector" shall mean—
  - (i) in any proposed rural, village or town district, any person of the full age of twenty-one years actually residing therein who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of the first school meeting;
  - (ii) in any established district in which there is no assessment roll or revised list of voters of the district or of the consolidated district, any person of the full age of twenty-one years actually residing therein who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of any school meeting;
  - (iii) in any district wholly or partly within a municipal district, any person of the full age of twenty-one years actually residing in the school district whose name appears on the last revised list of voters furnished by the secretary-treasurer of any municipal district;
  - (iv) in any district wholly or partly within an improvement district, any person of the full age of twenty-one years actually residing in the school district whose name appears on the last revised list of voters furnished by the Deputy Minister of Municipal Affairs;

- (v) in any other district any person of the full age of twenty-one years actually residing in the school district whose name appears on the last revised assessment roll of the district;
- (vi) the husband, wife, son, daughter, father, mother, or sister of any elector as hereinbefore defined, provided such husband, wife, son, daughter, father, mother, or sister is of the full age of twenty-one years and resident in the same house as the said elector;
- (e) "Inspector" shall mean any school inspector appointed under this or any other Act, and shall include any superintendent and any supervisor appointed pursuant to this Act;
- (f) "Judge" shall mean a Judge of the District Court of the Judicial District in which the school district is wholly or mainly situated;
- (g) "Minister" shall mean the Minister of Education;
- (h) "Occupant" shall mean the inhabitant occupier of any land, or if there be no inhabitant occupier, the person entitled to the possession thereof and the leaseholder or holder under any agreement for lease and holder under agreement for sale, and any person having or enjoying in any way or for any purpose whatsoever the use of land;
- (i) "Owner" shall mean any person who is registered under *The Land Titles Act* as the owner of land;
- (j) "Ratepayer" shall mean any person of the full age of twenty-one years whose name appears on the last revised assessment roll or revised list of voters of the district, or in the case of a district or proposed district in which there is no revised assessment roll or revised list of voters, any person of the full age of twenty-one years who is and has been for a period of at least two months the owner or occupant of assessable property therein;
- (k) "Rural district" shall mean any district, no part of which is within the limits of a city, town or village:  
 Provided that in any rural district, in case a village is incorporated wholly or in part, such rural district shall for purposes of this Act be deemed to continue to be a rural district until the end of the then current calendar year;
- (l) "School" shall mean any school established pursuant to this Act, or any class-room thereof;
- (m) "Secretary" or "Treasurer" shall include secretary-treasurer;
- (n) "Teacher" shall mean any person holding a legal certificate of qualification as a teacher;
- (o) "Town District" shall mean any district situated wholly or in part within the limits of any city or town;

- (p) "Ungraded School" shall mean the school of a district employing only one teacher;
- (q) "Unorganized Territory" shall mean any part of the Province which has not been established into a school district;
- (r) "Village District" shall mean any district situated wholly or in part within the limits of any village: Provided that in case any village in which is situated in whole or in part a village district is at any time incorporated as a town, such village district shall for the purpose of this Act be deemed to continue to be a village district until the end of the then current calendar year.

## PART I.

### ESTABLISHMENT OF SCHOOL DISTRICTS.

#### PUBLIC SCHOOL DISTRICTS.

3. Any portion of the Province of Alberta may be established as a public school district, provided that—

- (a) it does not exceed four miles in length or in breadth exclusive of road allowances;
- (b) it contains four persons actually resident therein who on the establishment of the district would be liable to assessment, and eight children not younger than five nor older than sixteen years of age;
- (c) the boundaries and name of the proposed district shall have been first approved by the Minister:

Provided, however, that in special cases the Minister may permit the boundaries of any district to exceed four miles in length or in breadth or in both.

4.—(1) Any three residents in any such portion of the Province may petition the Minister to establish that portion as a school district.

(2) The petition shall be in the form prescribed by the Minister.

#### SEPARATE SCHOOL DISTRICTS.

5. The minority of ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof and any person who is legally assessed or assessable for a public school in the said district shall not be liable to assessment for any separate school therein.

6. The petition for the establishment of a separate school shall be in such form as the Minister shall from time to time prescribe, and shall be signed by three electors of the religious faith indicated in the name of the proposed district.

7. The persons qualified to vote for or against the establishment of a separate school district shall be the electors in the district of the same religious faith, Protestant or Roman Catholic, as the petitioners.

8. The notice calling a meeting of the electors for the purpose of taking their votes on the petition for the establishment of a separate school district shall be in the form prescribed by the Minister.

9. The Minister may in his discretion approve the boundaries and name of a proposed district and upon so doing shall require the petitioners to call a first meeting of the proposed district pursuant to the provisions of this Act.

10. After the establishment of a separate school district under the provisions of this Act, such separate school district and the board thereof, shall possess and exercise all rights, powers and privileges as is herein provided in respect of public school districts.

#### ESTABLISHMENT OF SCHOOL DISTRICT BY THE MINISTER.

11.—(1) The Minister may by an order in writing establish any portion of the Province as a district.

(2) Notice of every such order shall be published in *The Alberta Gazette*; and upon such publication, such district shall be deemed to be duly established.

(3) The Minister may appoint a person to call a first school meeting of the electors of such district to elect trustees.

#### FORMATION OF CONSOLIDATED SCHOOL DISTRICTS AND RURAL SCHOOL DISTRICTS.

12. Two or more school districts of any kind, not less than thirty nor more than eighty square miles in area, may be consolidated by the formation of a new district in the manner hereinafter provided; and every such new district shall be known as "a consolidated school district."

13. Two or more adjoining school districts of any kind may consolidate in the manner hereinafter provided to form a new district for the purpose of establishing and maintaining therein a school or schools for the education of pupils who have completed the work of Grade VII or Grade VIII of the public school course as classified by the regulations of the Department, and a district so formed shall be known as a rural high school district.

14. Any person or persons desiring the formation of a consolidated school district or a rural high school district, or an addition to an established consolidated school district or to a rural high school district of one or more adjacent school districts, may submit to the Minister an application therefor, together with a detailed statement with reference thereto; and thereupon the Minister may cause such enquiries to be made with reference thereto as he may deem proper, and for that purpose may cause one or more public meetings of electors to be held in the proposed district, or in the established consolidated school district, and the area proposed to be added thereto, or as the case may be, at such time or times, place or places, and after such notice as he may require for the purpose of discussing the proposed new district; and may appoint one or more persons as a committee, whose duty it shall be to furnish him with such information with reference to the proposed district as he may require; and he may proceed to approve the boundaries of the proposed district and to authorize the circulation of a petition for signature by the electors in the proposed district, requesting the taking of a poll of such electors for and against the formation of the proposed district, or the Minister may in his discretion refuse the application.

15. If there is no district containing a town or village within the proposed district, and if the boundaries of the proposed district have been approved by the Minister, then upon the receipt by him of an application in that behalf, in such form as may be by him prescribed, signed by at least twenty-five per cent of the electors in each district, within the proposed district, the Minister may cause the holding of a meeting of the said electors at such place and time as may be determined by the Minister; and notice of such meeting shall be given in such form as may be provided by the Minister, and shall be posted up at least fourteen days before the date of the meeting, in five conspicuous places in each district included in the proposed district; and an additional notice in a post office within the proposed district; and if there be no such post office, then in the post office nearest thereto, or the Minister may in his discretion refuse the application.

16.—(1) If there is a district containing a town or village within the proposed district, the Minister may provide for the holding of a public meeting of the electors in those districts which do not include a town or village, included in the proposed district, upon the receipt by him—

- (a) of an application signed by twenty-five per cent of the electors of each of the districts which do not include a town or village and are included in the proposed district;



(b) of a request for the formation of the proposed district by each district which includes a town or village and is included in the proposed districts.

(2) The Minister may direct the Board of every district containing a town or village included in the proposed district to pass a resolution approving or disapproving the proposed district, and such resolution shall be passed at the next regular meeting of such Board held after the receipt of the direction of the Minister.

(3) It shall be the duty of the Board to give public notice as soon as may be after the passing of any such resolution in such form as may be prescribed by the Minister, setting forth the resolution passed by the Board, and that a poll of the electors may be held within eight days of the posting of the notice upon delivery to the Secretary, or, in his absence, upon delivery to the Chairman of the Board, a demand for a poll signed by—

- (i) twenty-five per cent of the electors of the district containing a town; or
- (ii) fifteen per cent of the electors of the district containing a village.

(4) If within eight days of the posting of the notice last mentioned, a demand in writing for a poll, signed by at least twenty-five per cent of the electors if the district contains a town, and fifteen per cent of the electors if the district contains a village, is delivered to the Secretary, or in his absence to the Chairman of the Board, then the Board shall, as soon as conveniently may be, cause a meeting of the electors in such district to be held to vote for or against the formation of the proposed new district.

17.—(1) All the provisions of this Act relating to the conduct of a first school meeting and the taking of a poll thereat, except such as relate to the election of trustees, shall apply to any meeting held pursuant to the provisions of this part of this Act.

(2) Forthwith after every such meeting, the Chairman thereof shall certify to the result of the poll in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, and shall securely seal the same and shall send the same by registered mail to the Minister.

18. Upon being satisfied that any poll has been held substantially in accordance with the provisions of this Act, and that—

- (a) in the case of a proposed district which includes no district containing a town or village, a majority of the votes cast in the total area of the proposed district have been cast in favour of the proposed district; or

- (b) in the case of a proposed district which includes a district containing a town or village, that—
- (i) the Board of such district containing a town or village, has passed a resolution in favour of the proposed district, and that no poll has been demanded; or
  - (ii) the said Board having passed a resolution for or against the proposed district, and a poll having been demanded thereon, the majority of the votes cast at such poll have been cast in favour of the proposed district; and
  - (iii) a majority of the votes cast in the area of the proposed district, exclusive of any district therein containing a town or village, have been so cast in favour of the proposed district—

the Minister may by order form such district included in the proposed district into a consolidated school district; a notice of every such order shall be published in *The Alberta Gazette*, and the Minister shall proceed to direct the calling of a first school meeting of the electors of each district included in the consolidated school district for the purpose of electing a trustee or trustees, and shall require the board of trustees of each district included in a rural high school district to appoint one of its members to be a trustee of the rural high school district.

19. The Minister may by order declare that any portion of the Province which does not exceed 640 acres in area, and which contains approximately twenty-five separate buildings, each occupied as a dwelling house, and which is not as to any part thereof, within the limits of any city, town or village, to be a village for the purposes of the next preceding four sections, and thereupon the same shall be conclusively deemed to be a village for the purposes aforesaid.

20. Upon the formation of a consolidated school district the trustees of the districts forming the consolidated district shall cease to hold office and the Minister shall appoint an official trustee for each of the said districts and for the consolidated district, who shall hold office from the time of the consolidation until a board of trustees for the consolidated district has been elected or appointed.

21. Notwithstanding any other provision of this Act, the Minister may, if he deems it necessary so to do, having regard to the special educational difficulties in any portion of the Province, by order, notice of which shall be published in *The Alberta Gazette*, form out of any portion of the Province a consolidated school district without any further or other proceedings prior to such order:

Provided that the Minister shall not form in any one year more than two consolidated school districts, by virtue of the power conferred upon him by this section.

22. Upon making any order for the formation of any consolidated school district, or any rural high school district, the Minister shall make all necessary alterations to the boundaries of any districts affected by such formation, and shall form such districts as he may deem advisable prior to making the order of formation.

23. Every consolidated school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Consolidated School District No..... of the Province of Alberta."

24. Every rural high school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Rural High School District No..... of the Province of Alberta."

25. After the formation of any consolidated school district or rural high school district the Minister may from time to time in his discretion—

- (a) alter the boundaries thereof by adding to or taking from the area of any district which forms a part of a consolidated school district or a rural high school district;
- (b) change the name of any consolidated school district or rural high school district in the manner provided by this Act for the change of name of a school district.

#### UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

26. If in any area there exist a public school district and a separate school district and it is resolved by the electors of each of such school districts at a public meeting of such electors respectively called for the purpose of considering the question that it is expedient that such districts should be dissolved for the purpose of the union of the same and the establishment of such area as a public school district, the Minister may, by order, notice of which shall be published in *The Alberta Gazette*, dissolve such existing districts and establish such area as a public school district with such name as he may decide upon; and thereafter the Minister may make such orders, provisions and appointments as to him shall appear proper for the carrying into effect of such dissolution and the establishment of the public school district, and as to all matters incident thereto and necessary for the operation of the same as a public school district, and for the carrying out therein of all the provisions of this Act, and for the adjustment, arrangement and winding-up of all the affairs of such dissolved districts, and for the settlement of their liabilities and disposition of their assets:

Provided that unless the liabilities of such dissolved districts are not otherwise liquidated, the same shall be assumed by and imposed upon such newly established district, and any debentures issued by the dissolved districts or either of them shall have the same force in and effect upon the newly established district and the property and rates thereof as they had in and upon the district by which they were respectively issued and its property and rates; and the trustees of such newly established district may authorize and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a dissolved district assumed by or imposed upon such new district.

## PART II.

### RELATING TO MEETINGS OF ELECTORS.

#### PLACE FOR MEETINGS.

**27.** In a consolidated school district and a rural high school district, meetings of electors held pursuant to any of the provisions of this Act shall be held at a central place within such district.

#### FIRST SCHOOL MEETINGS.

**28.** A first school meeting of the electors of any proposed district or of any district established by the Minister or of each district in a consolidated school district shall be called by the person or persons required by this Act so to do immediately upon the receipt by such person or persons of a direction so to do from the Minister; and such meeting shall be called by posting up a notice, in such form as may from time to time be prescribed by the Minister, in at least five widely separated places within such limits, one of which places shall be the post office therein if there be such post office, and if there be no such post office therein, an additional notice shall be posted in the nearest post office thereto; and every such notice shall be posted up at least two weeks prior to the date thereby fixed for the said meeting.

**29.** The persons whose duty it is to post the notices of any first school meeting shall furnish the Minister with proof to his satisfaction of the due posting up of the said notices, and such proof shall be in such form as may from time to time be prescribed by the Minister.

**30.** The persons entitled to vote at a first school meeting shall be the electors present thereof.

31. At one o'clock in the afternoon, standard time, on the day for which the meeting is called, the electors present shall choose one of their number as Chairman of the meeting, and shall appoint a Secretary, who shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

32. The Chairman shall upon his appointment sign the declaration in Form A in the schedule of this Act.

33. After the appointment of a Chairman any elector wishing to take any part in the meeting and vote thereat shall sign in the presence of the Chairman and Secretary the declaration in Form A to the schedule to this Act, and no one who has not signed such declaration shall be entitled to take any part in the meeting or vote thereat.

34. The Chairman shall not vote upon any question at the meeting, whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

35. At a first school meeting of a proposed district the Chairman shall, immediately after the signing of the declaration in Form A, proceed to take a poll of the votes of the electors for and against the establishment of such district, and in the case of the first school meeting of an established district shall proceed to the election of trustees for the district.

36. The Chairman shall preside over the taking of the poll, and the Secretary shall record the votes in the form prescribed by the Minister as they are given.

37. The poll shall remain open for one hour and at the end of that time the Chairman shall declare the same to be closed and shall proceed to sum up the votes and to declare the result of the poll.

38. If the result of the poll is favorable to the establishment of the district, the meeting shall proceed to the nomination and election of trustees, and all the provisions of this Act relating to the nomination and election of trustees at an annual meeting of a district other than a town district shall apply to such nomination and election.

39.—(1) No person shall be nominated for or capable of election as a trustee unless he is—

- (a) a British subject;
- (b) an elector of the district; and
- (c) able to read and write.

(2) Each candidate for the office of trustee shall be nominated by two electors of his district.

40. Nominations shall be received by the Chairman for thirty minutes after he first calls for the same.

41. In case the number of nominations does not exceed three, the Chairman shall declare the persons nominated to be elected.

42.—(1) If more than three candidates are nominated, the Chairman shall, at the close of the time for receiving nominations, declare a poll open for the election of trustees.

(2) Such election shall be by ballot, and shall be conducted as is hereinafter provided with regard to the annual election of trustees.

43.—(1) Immediately after any first school meeting has been held, the Chairman shall within ten days thereof send to the Minister—

- (a) a true copy of the notice calling the meeting;
- (b) due proof, in such form as the Minister may require, of posting the notices aforesaid;
- (c) a true copy of the minutes of the meeting;
- (d) a statement of the vote taken as to the establishment of the district;
- (e) the result of the elections of trustees;
- (f) the declarations regarding the Chairman and the electors.

(2) The Minister may upon receipt of all the last mentioned documents and upon being satisfied that all the requirements of this Act as to the establishment of the district have been substantially complied with, order the establishment of the district as a school district and assign to it a name and number.

(3) Notice of the establishment of the district shall be published in *The Alberta Gazette*, and such notice shall be conclusive evidence of the due establishment of the district.

## PART III.

### ANNUAL MEETINGS.

#### IN TOWN DISTRICTS.

44. An annual meeting of the electors and ratepayers of every town district shall be held at the same time and place as may be appointed for the nomination of councillors or aldermen or at such other time within six days before the said date as may be fixed by resolution of the Board, of which due notice shall be given by advertisement, at least once a week for two weeks previous to the date of the meeting, in some newspaper published in the district, or if there

be no newspaper published in the district, then in the manner herein provided with respect to meetings in rural and village districts.

#### IN ALL OTHER DISTRICTS.

45.—(1) In every district other than a town district there shall be held in the school house, or some other suitable place within the district, a meeting of the electors and ratepayers of the district not later than the fifteenth day of January in each year, commencing at any fixed hour between the hours of two and seven inclusive, in the afternoon.

(2) The Board of every such district shall call such meeting and shall cause notices of the meeting to be posted up not later than the eighth day before the day fixed for the meeting, in five conspicuous places within the district, one of which shall be the post office, and if there is no such post office then a notice shall be posted up in the nearest post office thereto; and such notices shall set forth the day, place and hour of the meeting.

46.—(1) At the time specified in the notice for the commencement of the meeting, the Chairman of the Board shall take the chair and call the meeting to order, and the Secretary of the Board, or someone appointed by the Chairman, shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

(2) In the absence of the Chairman, or upon his refusal or failure to act, the electors and ratepayers present shall forthwith elect an elector, present at the meeting, to preside.

47. The Chairman shall not vote on any question, whether it is to be decided by a show of hands or a poll, except in case of a tie, when he shall give a casting vote.

48. Ratepayers and electors shall be entitled to take part in the annual school meeting, but only electors shall be entitled to vote for the election of a trustee.

49. The business of the annual meeting may be conducted in the following order, that is to say:

- (a) Receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;
- (b) Receiving and considering the inspector's report;
- (c) Miscellaneous business;
- (d) Election of trustees.

50. The meeting having been duly opened, the Chairman shall proceed to call upon the Secretary to read the statements and reports specified below, which shall be considered and disposed of by the meeting, that is to say:

- (d) A statement of the teacher, signed by him, giving the following particulars:
- (i) The number of days on which school was kept open during each term succeeding the last annual meeting;
  - (ii) The total number of children attending school during that period, specifying the number of males and females respectively;
  - (iii) The number of children of school age residing in the district who did not attend school during the year;
  - (iv) The average daily attendance for each term and for the year;
  - (v) The classification of pupils and the number of pupils in each standard or class;
  - (vi) The subjects taught in the school and the number of children studying each;
  - (vii) The number of scholars suspended or expelled for misbehaviour or other causes;
  - (viii) The date upon which the public examination of the school was held and the number of visitors present;
- (h) A statement prepared by the trustees, showing—
- (i) The names of the trustees;
  - (ii) The officers of the district appointed by the trustees, and their salaries;
  - (iii) The vacancies created in the Board during the year, giving the causes thereof, with an account of the elections held to fill such vacancies and the results thereof;
  - (iv) The engagements entered into during the year by the Board, as well as an account of those entailed upon them by their predecessors;
  - (v) The number of regular and special meetings of the Board held during the year, together with a statement showing the number of meetings attended by each member;
  - (vi) The number of visits made by each member of the Board to the school while it was in operation;
- (e) The Treasurer's statement for the fiscal year ending on the thirty-first day of December preceeding the annual meeting, in which shall be set forth—
- (i) the amounts of money received by the district from each source of revenue, including Government grants, whether paid directly to the teacher or not;
  - (ii) the amounts of money paid out by the district, with particulars of payment;



- (iii) the amounts of money due to the district, from all sources, with particulars;
- (iv) the amounts of money due by the district, and the terms and times of payment;
- (d) A statement prepared by the collector of taxes and signed by him, giving the following particulars:
  - (i) The number of acres of land assessed, and the total assessed value of all property as shown by the last revised assessment roll;
  - (ii) The rate of the school tax;
  - (iii) The total amount of taxes levied during the year;
  - (iv) The current taxes collected during the year;
  - (v) The arrears of taxes collected during the year;
  - (vi) The total arrears of taxes which are due, together with a statement of the amount owing by each taxpayer;
- (e) The auditor's report;
- (f) The inspector's reports received since the next preceding annual meeting was held;
- (g) Such further statements in relation to the affairs of the district as may be deemed advisable.

51.—(1) Except in the case of a consolidated school district, as soon as the other business of the district has been transacted or one hour after the opening of the meeting, if the other business be not then concluded, the chairman shall call for nominations for the office of trustee.

(2) In the case of a consolidated school district, the meeting of that district shall then adjourn and the electors of each district included in the consolidated district, the term of office of whose trustees has expired or for which there is a vacancy to be filled, shall meet separately and appoint a chairman and secretary and proceed to the election of a trustee in accordance with the provisions of this Act for the election of trustees.

52. Each candidate shall be nominated by two electors of the district.

53. Nominations shall be received by the chairman for thirty minutes after he has first called for the same.

54.—(1) In case there are no more nominations than there are trustees to be elected the chairman shall declare the candidates nominated to be elected.

(2) Where two or more trustees are being elected for different terms, then—

- (i) if elected after a poll the trustee receiving the highest number of votes shall be elected trustee for the longest term; the trustee receiving the next highest number of votes shall be elected trustee for the next longest term, and so on; and as between two or more trustees receiving the same number of votes the trustee whose nomination is prior in time shall be deemed to have more votes than a trustee whose nomination is subsequent;
- (ii) if no poll is held then the trustee first nominated shall be elected a trustee for the longest term; the second nominated for the next longest term; and so on.

55. If there are more nominations than trustees to be elected, the Chairman shall, at the close of the time for receiving nominations, proceed to take a poll of the electors for the election of trustees, in the manner provided by this Act.

#### PART IV.

##### RELATING TO BOARDS OF TRUSTEES.

###### CONSTITUTION OF BOARDS.

56. In and for every district there shall be a board of trustees, which shall be a corporation under the name of "The Board of Trustees of..... (*full name of school district*)."

57. In every district other than consolidated school districts, rural high school districts and town districts, the board of trustees shall consist of three trustees, each of whom, unless elected at the first school meeting, shall hold office for three years.

58. In every town district, the board of trustees shall consist of five trustees, each of whom shall, unless elected at the first school meeting, hold office for two years.

59. In every unconsolidated school district, which does not include a town, the board of trustees shall consist of one trustee for each district included therein; and in every such

district which contains a town the board of trustees shall consist of two trustees for such town district and one trustee for each other district included therein:

Provided that if the board so constituted should consist of an even number of trustees, then the Board shall consist of the number of trustees aforesaid and one additional trustee, who shall be elected by the electors of the consolidated district at large and shall hold office until the next annual meeting; the other trustees shall, unless elected at the first election in such district hold office for two years.

60. In every school district within a consolidated school district the school trustee or trustees elected or appointed as hereinbefore provided shall, with respect to all property, assets and liabilities of such district, possess all the powers and be subject to all the responsibilities of the board of trustees for such district, but the secretary-treasurer of the consolidated district shall be the secretary-treasurer of each of the districts within such consolidated district:

Provided that the Board of the consolidated school district may, with the consent of the Minister, take over the assets and assume the liabilities of the districts or any one or more of them included in such consolidation, upon such terms and conditions as may be agreed upon by the said Board and the trustee or trustees representing the district or districts, the assets and liabilities of which are taken over and assumed; but such agreement shall not prejudicially affect the rights or security of the holder of any debentures issued by the district or districts, the assets and liabilities of which are taken over and assumed.

61. In every rural high school district not containing a town the Board of Trustees shall consist of one trustee for each district within the rural high school district, and in every rural high school district containing a town, the Board of Trustees shall consist of two trustees for the town district and one trustee for each other district included in the rural high school district, and each such trustee shall hold office for the term then being served by him as a trustee for the district for which he is appointed as a trustee for a rural high school district.

62. Every trustee shall continue to hold office until his successor has been duly elected or appointed, as the case may be.

62. No person shall be nominated for, or be capable of being elected to, the office of trustee unless he is—

- (a) a British subject;
- (b) an elector of the district; and
- (c) able to read and write.

#### RESIGNATION OF TRUSTEE

63.—(1) Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the Board, who shall immediately take the necessary steps to fill the vacancy, and such resignation shall take effect only upon the election of a new trustee.

(2) A trustee who resigns his office may be re-elected with his own consent.

#### DISQUALIFICATION OF TRUSTEE

64.—(1) Any trustee who is convicted of an offence or of any offence against the provisions of this Act, or *The School Attendance Act*, for which a penalty is provided, or becomes insane, or absents himself from the meetings of the Board for three consecutive months without being authorised by resolution entered upon its minutes, or ceases to be an actual resident within the district for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created.

(2) A trustee who is convicted of a criminal offence shall be disqualified from being nominated for, or elected to, the office of trustee for a period of one year from the date of conviction.

#### TRANSACTIONS PROHIBITED FOR TRUSTEES.

65.—(1) No trustee shall enter into any contract in which he has any pecuniary interest with the Board of which he is a member, in his own name or in the name of another, alone or jointly with another. Every such contract shall be null and void.

(2) No trustee shall receive payment for any work done for or materials supplied to any person in connection with any contract awarded or purchases made by the Board while such trustee was a member of the Board.

(3) A trustee violating the provisions of this section shall *ipso facto* vacate his seat, and it shall be the duty of the remaining trustees to declare his seat vacant and forthwith call a meeting of the ratepayers to elect a trustee in his place.

(4) A trustee violating the provisions of this section shall also be liable to a fine, not exceeding twenty-five dollars, on complaint laid before a justice of the peace by any two ratepayers of the district.

(5) Nothing in this section shall prevent a trustee receiving remuneration from the Board as secretary, treasurer, janitor, local attendance officer, assessor, collector, or for a school site, or a sum not exceeding ten dollars in any one year for labour.

#### ousting of trustee from office.

**67.**—(1) Any two or more ratepayers of the district may at any time upon their several affidavits disclosing facts from which it appears that a trustee or trustees—

- (a) is or are guilty of a violation of the preceding section or of gross neglect of duty; or
- (b) negligently or wilfully fails or fail to carry out the provisions of the school law; or
- (c) is or are for any other reason whatever, which reason need not be of a nature similar to those herein specified, unfit to act as trustee or trustees—

and upon payment into Court of the sum of fifteen dollars as security for costs, to abide the event of the application, apply to a judge for a direction calling upon such trustee or trustees to show cause why he or they should not be ousted of the office.

(2) Where upon the return of the summons it appears to the judge by affidavit or oral evidence that such trustee or trustees or any of them is or are for any of the above reasons, or for any other reason whatever as aforesaid, unfit to act as trustee or trustees, such trustee or trustees shall thereupon become and be ousted of such office; or the judge may discharge the summons, and in either case with or without costs.

(3) Any trustee so ousted from office shall not within three years thereafter be eligible for election as trustee in any school district.

(4) The proceedings above provided to be taken by any two or more ratepayers may be taken by a school inspector, in which case it shall not be necessary to deposit any sum as security for costs.

#### tenure of office by a trustee in consolidated school districts.

**68.** The trustees elected to the first Board of a consolidated school district shall hold office as follows, that is to say:

- (a) Of the total number of trustees elected—
  - (i) for all the districts included in the consolidated district if none of them contains a town; or
  - (ii) for all the districts included in the consolidated district except that district containing a town, if such there be—

one-half or a number equal to one-half plus one, according as the said total is even or odd, shall hold office until the second, and the remainder until the first, annual meeting is held;

- (b) The trustees of the district having the lowest numbers shall hold office until the second, and those of the districts having the highest numbers until the first, annual meeting respectively;
- (c) In the case of trustees elected for a district (if any) containing a town, the following provisions shall apply, that is to say:
  - (i) The trustees receiving the highest and next highest number of votes shall respectively hold office until the second and first annual meetings;
  - (ii) If such trustees are elected by acclamation or if they receive an equal number of votes, that trustee first nominated shall hold office until the second, and the other trustee until the first, annual meeting.

#### IN RURAL HIGH SCHOOL DISTRICTS.

69. Each trustee to be elected to the first Board of a rural high school district shall hold office for the term which he was (when so elected) serving in the district which he represents.

#### IN OTHER DISTRICTS.

70. The trustees elected to the first Board of any other district shall hold office as follows: If elected after a poll, the trustee receiving the highest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the second highest number of votes, until the second annual meeting is held; and the trustee receiving the lowest number of votes, until the first annual meeting is held; and as between two or more trustees receiving the same number of votes, the trustee whose nomination is first shall be deemed to have more votes than a trustee whose nomination was subsequent.

71. If no poll is held, then the trustee first nominated shall hold office until the third annual meeting is held, the second nominated until the second annual meeting is held, and the third nominated until the first annual meeting is held.

### PART V.

#### RELATING TO THE ELECTION OF TRUSTEES.

##### PERSONS ENTITLED TO VOTE AT AN ELECTION OF TRUSTEES.

72. The persons entitled to vote at an election of a trustee shall be the electors of the district.

# ELECTION OF THE FIRST BOARD OF TRUSTEES OF A DISTRICT.

73. The election of trustees to the Board of a district, other than a rural high school district, shall be held at the first school meeting held pursuant to the provisions of this Act, and all the provisions of the Act relating to the annual election of trustees in any district other than a town district shall apply thereto.

## ANNUAL ELECTION OF TRUSTEES IN TOWN DISTRICTS.

74. The trustees of every town district shall, at least twenty days prior to the date fixed for the municipal nominations in each year, give notice to the secretary-treasurer of the municipality, of the number of vacancies required to be filled to make the Board complete.

75. The nomination and election of trustees shall be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as municipal nominations and elections of councillors, except as to qualification to vote, which shall be as provided for in this Act; and the provisions of *The Town Act* respecting the time for receiving nominations and for opening and closing the poll, the mode of voting, corrupt or improper practice, vacancies and declarations of office shall, *mutatis mutandis*, apply to the election of school trustees.

76. The Secretary-Treasurer of the municipality shall deliver to the returning officer, before the opening of the poll for the election of trustees, a list of all the qualified voters in the district, and in the event of there being a separate school district he shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools, the letters "SSS," and the returning officer shall not deliver to any such person a ballot paper for public school trustees.

77. A separate set of ballot papers shall be prepared by the returning officer, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except in the substitution of the words "school trustee" for "councillor" or "alderman" on the said ballot papers.

78. In case any objection is made to the right of any person to vote at an election of trustees in any town district, the returning officer may require the person whose right of voting is objected to to make the following oath or affirmation:

"I, A.B., do solemnly swear (or affirm) that I am a bona fide resident ratepayer of (name of district in full), and I am of the full age of twenty-one years; that I have not

before voted at this election; and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward, for voting at this time and place. So help me God."

[NOTE: In the case of an affirmation the words "So help me God" shall be omitted.]

Any person making such declaration shall be permitted to vote for the election of trustees.

79. At the annual meeting held in any town district, the statements and reports required to be read at a meeting in a rural district shall be read, unless the reading of any or all of them is dispensed with by resolution passed to that effect by the electors and ratepayers present, but any elector or ratepayer of the district shall have access to such reports and statements either during or after the meeting; and if the Board deems it advisable or is authorized so to do by resolution of the ratepayers at the annual meeting it may have any or all of such reports or statements, or any parts of them, except the inspector's reports, printed in a newspaper published in the district.

80. Within ten days after the annual election of trustees in any town district is held, the Secretary of the district shall forward to the Department a certified copy of the returning officer's declaration as to the result of the poll.

#### FORMATION OF A NEW RURAL HIGH SCHOOL DISTRICT.

81.—(1) Upon the formation of a rural high school district and within fifteen days after the receipt of a requisition by the Minister so to do, the Board of each rural and village district therein shall appoint one of their number, and the Board of each town district therein shall appoint two of their number, to represent such rural, village or town district on the Board of the rural high school district.

(2) The trustees so appointed shall constitute the Board of the rural high school district.

(3) Upon the union of any district with a rural high school district as hereinbefore provided, the Board of Trustees of such district uniting with the rural high school district shall forthwith appoint one of their number to represent such district on the Board of Trustees of the rural high school district.

82. In the event of a rural high school district being formed by the union of only two districts, neither of which contains a town, the two trustees appointed by the Board of such districts, as trustees of the rural high school district, shall, after taking the declaration of office, forthwith under their hands appoint an additional trustee, who shall hold office until the next annual meeting, and thereafter upon the



completion of all other business at the annual meeting, the two trustees shall in like manner appoint an additional trustee, and in the event of the two trustees appointed by the Boards of their own districts being unable to agree as to the appointment of an additional trustee as aforesaid, such trustee shall be appointed by the Minister.

82. Whenever a vacancy occurs in the Board of any rural high school district a new trustee shall be appointed in the same manner as the trustee was appointed in respect of whom the vacancy occurs.

#### THE UNION OF ANY DISTRICT WITH AN ESTABLISHED CONSOLIDATED DISTRICT.

84.—(1) Upon the union of any district with a consolidated district the trustees of such district so uniting with a consolidated district, if there be a board of trustees, shall cease to hold office, and the Minister shall authorize such district to hold a meeting forthwith for the election of a trustee, which election shall be conducted as nearly as possible in the manner hereinbefore provided for the first election of trustees for a consolidated district.

(2) The Minister shall fix the duration of the term of office of such trustee.

(3) The Minister may appoint an official trustee for such district to hold office during the interval between the union of such district with the consolidated district and the election of a trustee for such district as aforesaid.

#### IN ALL OTHER DISTRICTS.

85. The poll for the election of a trustee shall be by ballot.

86. The Chairman shall preside at the taking of the poll and shall—

- (a) set apart a portion of the room where a voter may mark his ballot without being seen;
- (b) cause to be prepared a supply of ballot papers sufficient for the purposes of the election;
- (c) provide a suitable box in which the ballot papers can be deposited.

87. Each ballot paper shall consist of a sheet of paper as nearly as may be four inches wide and six inches long, and may be either written or partly written and partly

printed, and shall contain the names of the candidates duly nominated, arranged alphabetically in the order of their surnames, and shall be in the following form:

| SCHOOL TRUSTEES. |       |
|------------------|-------|
| Dickson, John    | _____ |
| Jones, Thomas    | _____ |
| Ross, Alexander  | _____ |
| Smith, Samuel    | _____ |
| Walker, William  | _____ |

88. The chairman shall initial each ballot before delivering it to the voter.

89.—(1) The chairman, if requested by any elector or ratepayer, or of his own accord, may require any person wishing to vote at the election of a trustee to subscribe the declaration in Form B(1) or B(2) in the schedule hereto, and any person subscribing such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed in the presence of the chairman and secretary, who shall subscribe their names as witnesses thereto.

(3) Any person making any false statement in such declaration shall be guilty of an offence and liable on summary conviction to a fine of not more than ten dollars and costs.

(4) All declarations subscribed pursuant to this section shall be retained by the chairman.

90. The voter shall place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate, and fold his ballot paper so as not to disclose any markings thereon, but so as to show the chairman's initials on the back, and then hand the same to the chairman to be deposited in the ballot box, and forthwith quit the polling place.

91. If any voter is unable to read or write, the chairman shall mark his ballot as directed by such voter in the presence of all persons in the polling place.

92. The chairman shall cause a poll book to be kept in Form D in the schedule hereto, in which the Secretary shall enter the name and residence of each voter, numbering the same in consecutive order.

93. Any candidate for the office of trustee, or an agent appointed by him in writing, shall have the right to remain in the polling place.

94. The poll shall remain open for two hours, at the end of which time it shall be declared closed, and the chairman shall forthwith, in the presence of all persons present in the room at the time, count the ballots and declare the result of the poll.

95. If it appears upon the counting of the ballots that two or more candidates for any office have an equal number of votes, the chairman shall, at the time he declares the result of the poll, give a casting vote so as to decide the election, but except in such case the chairman shall not vote at any election.

96. The chairman shall, unless the Minister otherwise directs, or unless a judge otherwise orders, retain the ballot papers and all other papers used in connection with the election for two months after the date thereof, and shall then, unless otherwise directed or ordered as aforesaid, forthwith burn such ballot papers and other papers.

97. The Minister may, from time to time, make such regulations as he may deem proper, not inconsistent with the provisions of this Act, in regard to the conduct of elections of trustees for rural, village and consolidated school districts.

98. A copy of the minutes of every annual meeting, signed by the chairman and the secretary of such meeting, shall be forthwith transmitted to the Department.

#### PART VI.

##### ELECTIONS TO FILL VACANCIES IN BOARDS OF TRUSTEES, IN DISTRICTS OTHER THAN RURAL HIGH SCHOOL DISTRICTS.

99. Where in any district, other than a town district or rural high school district, a vacancy occurs in the office of trustee in the interval between the last day of November and the next annual meeting of the district thereafter, then provided the number of remaining trustees constitutes a quorum an election to fill such vacancy shall be held at the time and in the manner provided for the election of trustees in such district at the annual meeting thereof, if such vacancy would continue after such meeting, and if not, no election shall be held to fill such vacancy.

##### VACANCIES IN TOWN DISTRICTS.

100. In town districts the election of a trustee to fill any vacancy shall be held in the same manner as is provided in this Act for the annual election of trustees in town districts.

## VACANCIES IN RURAL HIGH SCHOOL DISTRICTS.

101. In rural high school districts a trustee shall be appointed to fill any vacancy by the board of trustees of the district contained therein which appointed the trustee whose seat is vacant.

## VACANCIES IN ALL OTHER DISTRICTS.

102.—(1) Upon a vacancy occurring in the Board of any district other than a town or rural high school district, it shall be the duty of the remaining trustees in office forthwith to call a special meeting, to be called in the manner prescribed by this Act, of the electors of the district in respect of which the vacancy exists, and such election shall be held in the same manner as is prescribed by this Act for the conduct of the annual election of trustees.

(2) In the case of a consolidated school district the meeting shall be held in the district comprised therein in respect of which the vacancy to be filled has occurred.

103. If a vacancy is not filled in the manner by this Act provided within one month, the Minister may appoint some person to fill the vacancy, and the person so appointed shall hold office in every respect as if he had been elected.

## PART VII.

## DECLARATION OF OFFICE.

104.—(1) Every trustee shall, before undertaking any of the duties of a trustee and taking his seat as a member of the Board, make a declaration before the chairman of the meeting at which he was elected, or a justice of the peace, or a commissioner for oaths, in the form following:

"I, A.B., declare that I am a British subject, that I am an elector of *(name of school district in full)*, that I can read and write, and that I hereby accept the office of trustee to which I have been elected (or appointed) in *name of school district in full*, and that I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such trustee.

"Dated at..... Alberta, this.....day of..... 19....

"(Signed) A.B.,  
"Trustee."

(2) The chairman, justice of the peace, or commissioner for oaths before whom such declaration is taken shall deliver to the declarant a certificate signed by him in the form following:

"I, C.D., of..... Alberta, *(occupation)*, do hereby certify that A.B., of..... Alberta, *(occupation)*, having been elected (or appointed) a trustee for

(name of school district in full), has this day made before me the declaration of office required by *The School Act*.

"Dated at....., Alberta, this.....day of....., 19.....

"(Signed) C.B.,

*"Chairman of the meeting at which the said A.B. was elected such trustee.*

*"A Justice of the Peace.*

*"A Commissioner for Oaths."*

(3) Such certificate shall be delivered by the trustee to the Secretary of the Board at the first meeting of the Board attended by him, and the Secretary shall enter the fact of such delivery on the minutes of that meeting.

## PART VIII.

### MEETINGS OF THE BOARD.

#### ORGANIZATION MEETINGS.

**105.** Upon the establishment of a new district, the trustee elected for the longest term, upon being notified by the Minister of the establishment of the district, shall, within ten days after the receipt of such notice, call a meeting of the Board for the purpose of choosing one of its members as chairman and appointing a secretary, treasurer, or secretary-treasurer, and transacting any other business as may be necessary.

**106.** After every annual election the Board shall meet, in town districts, within ten days of the date of the annual municipal election, and in other districts within ten days of the annual meeting; and such meeting shall be called by the secretary, and if there be none, then by the member of the Board earliest elected.

**107.** The business to be transacted at such meeting shall be—

- (a) the appointment of the chairman of the Board, a secretary and a treasurer, or a secretary-treasurer, who shall each hold office during the pleasure of the Board;
- (b) fixing the remuneration of the secretary and the treasurer, or the secretary-treasurer.

**108.** The chairman of the Board shall not be the secretary, treasurer, or secretary-treasurer of the Board.

**109.** A teacher employed by the district may be the secretary, but shall not be the treasurer, or secretary-treasurer of the district.

## OTHER MEETINGS OF THE BOARD.

**110.** The chairman or any trustee may call a meeting of the Board, subject to the provision next hereinafter contained.

Every meeting of the Board shall be called by giving two clear days' notice thereof in writing, which notice may be given by the delivery of such notice to each trustee, or in the absence from his residence of any trustee, to any adult person thereat.

**111.** The Board may at any meeting at which all the members of the Board are present decide by resolution to hold regular meetings of the Board, and such resolution shall state the day, hour and place of every such meeting, and no further or other notice of any such meeting shall be necessary.

**112.** A meeting of the Board may be held at any time without any previous notice if all the members of the Board are present at the meeting and each of them consents to waive notice and signs a consent, which shall be recorded in the minutes of the meeting and shall be in the form following:

"We, the undersigned, trustees of the (name of school district), do hereby waive notice of this meeting."

**113.**—(1) No act or proceeding of any Board shall be deemed valid or binding on any party which is not adopted at a meeting at which a quorum of the Board is present.

(2) A majority of the Board shall form a quorum.

(3) Any contract or agreement made by the Board for the sale, transfer or hypothecation of any debentures, or any interest therein, made before the board of trustees has been authorized to borrow the money, represented by such debentures as hereinafter provided, shall be null and void.

(4) The purchase of furniture, equipment and supplies required for the initial operation of the first school in any new school district shall be subject to the approval of the Minister, and any contract for the purchase of the same entered into without such approval shall be null and void.

**114.** If the number of trustees be reduced to less than a quorum of the Board, the remaining trustees or trustee shall immediately take the necessary steps to fill the vacancies in the Board, but shall not transact any other business of the district.

**115.** All questions shall be submitted to the Board on the motion of the chairman or any other trustee, and no seconder shall be required.

**116.—(1)** At all meetings of the Board all questions shall be decided by the majority of the votes and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

(2) In case of absence of the chairman from any meeting of the Board the trustees present shall elect one of their number to act as chairman of the meeting.

**117.—(1)** Every meeting of the Board shall be open and no one shall be excluded therefrom except on account of improper conduct, or the lack of accommodation for the public.

(2) The chairman of every such meeting shall have the right to order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting.

## PART IX.

### RELATIVE TO BOARDS OF TRUSTEES AND THE OFFICERS THEREOF.

#### THE POWERS AND DUTIES OF BOARDS OF TRUSTEES.

**118.—(1)** It shall be the duty of the Board of every district, and it shall have power—

- (a) to appoint a chairman, a secretary and a treasurer, or a secretary-treasurer, and such other officers and servants as may be required by this Act;
- (b) to procure a corporate seal for the district;
- (c) to see that all the reports and statements required by this Act or by the Minister are transmitted to the Department without delay;
- (d) to provide the officers of the Board with the books necessary for keeping proper records of the district;
- (e) to take possession and have the custody and safe keeping of all the property of the district;
- (f) to provide adequate school accommodation for the purposes of the district, which shall include accommodation for pupils of six years of age;
- (g) to purchase or rent school sites or premises and to build, repair, furnish and keep in order the school house or houses, furniture, fixtures and all other school property; to keep the well, closets and premises generally in a proper and sanitary condition; and to make due provisions for properly lighting, heating, ventilating and cleaning the school room or rooms under its control;
- (h) to provide wholesome drinking water for the use of the children during school hours;
- (i) to provide suitable toilet and sanitary accommodation in the school building, or in the alternative separate buildings for privies for boys and girls, which buildings shall be erected in the rear of the

school house at least ten feet apart, with their entrances facing in opposite directions or otherwise effectually severed from each other;

- (j) to insure and keep insured all school buildings and equipment;
- (k) to select and provide from the list authorized by the Minister all such reference books for the use of the pupils and teachers, and all such globes, maps, charts and other apparatus as may be required for the proper instruction of pupils in the elementary grades, as may be approved by the inspector;
- (l) to require that no text-books or apparatus be used in the school under its control other than those authorized by the Department;
- (m) to allow students enrolled in the normal schools to attend any class-room of any public or separate school in the district at any time while it is in session, for the purpose of observation and practice teaching;
- (n) to cause to be erected and maintained on the school grounds a flag-pole, with all requisite attachments for raising and lowering a flag, and to furnish a flag, which shall be the British Union Jack, to be not less than four feet long and not less than two feet wide, and to cause the said flag to be displayed from such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the wall inside the school room;
- (o) to perform such other duties as may be required by this or any other Act or the regulations of the Department.

(2) Further, in every district other than a rural district comprised in a division, it shall be the duty of the Board and it shall have power—

- (a) to engage a teacher or teachers, duly qualified under the regulations of the Department, to teach in the school or schools in its charge, on such terms as it may deem expedient, under a contract in writing in the form prescribed by this Act, a certified copy of which shall forthwith be transmitted to the Department;
- (b) to provide for the payment of teachers' salaries at least once each month;
- (c) to make regulations for the management of the school, subject to the provisions of this Act, and to communicate them in writing to the teacher;
- (d) to suspend or dismiss any teacher for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the Board, and to forthwith transmit a written statement of the facts to the Department;



- (e) to see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- (f) to provide, when deemed expedient, at what times pupils may be admitted to Grade 1 or Primary Grade, and in the case of a district operating more than one school, to decide what school any of the children of such district shall attend; provided that in the case of ungraded schools the approval of the Inspector shall be first obtained.
- (g) to settle all disputes arising in relation to the school between the parents or children and the teacher;
- (h) to see that the law with reference to compulsory education and truancy is observed.

**119.**—(1) In addition to all powers, duties and liabilities conferred or imposed by this Act, the board of trustees of every consolidated school district shall supply and operate vans or other conveyances for conveying to and from school all pupils residing on any quarter section therein whose nearest boundary is more than one and one-half miles distant in a direct line from the school site of the consolidated district, unless the Minister upon investigation otherwise directs, and, subject to the approval of the Minister, shall determine the routes to be followed, the kind of conveyances supplied, and the contracts relating thereto.

(2) In the interval between the consolidation and the time when school facilities have been provided at the consolidation centre, it shall not be obligatory on the Board to provide conveyance for pupils residing within the limits of a school district in the consolidated district in which a school is being operated, but provision shall be made by the Board for the conveyance of pupils residing in a district within the consolidated district in which there is no school in operation.

(3) The Board shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children to and from school, or to and from the nearest conveyance route, if the nearest boundary of the quarter section on which they reside is more than two miles distant by the nearest travelled road from the school site, and more than one mile in a direct line from a regular conveyance route, and shall therefor pay a sum not exceeding twenty-five cents a mile per family per day for every mile between the nearest boundary of the quarter section on which the family resides and the school or the conveyance route, and not exceeding one dollar per day to the parents or guardians of any one family.

(4) Unless the Minister otherwise directs, it shall not be obligatory on the Board to provide conveyance for any of the pupils of a consolidated school district if none of the pupils thereof reside more than two and one-half miles from

the school site, measured by the nearest highway from the nearest boundary of the quarter section or lesser parcel of land upon which a pupil resides; but, subject to the approval of the Minister, the Board of a consolidated district may make provision for the conveyance to and from school of all pupils within the consolidated district.

(5) Daily records shall be kept by the principal of a consolidated school showing the days on which each driver of a conveyance was absent or late, and the number of pupils conveyed, and such other information as may be required, in such form as may be prescribed by the Minister.

**120.**—(1) The Board of every district not being a district comprised in a division shall at its discretion have power—

- (a) to provide, equip and maintain such room or rooms as may be required for giving instruction in manual training, domestic science, physical training, music and art, and to employ suitable teachers therefor;
- (b) to employ such physicians, dentists and nurses as may be deemed requisite to care for the health of the pupils, and advise parents and the Board with respect thereto, and the Board may make such expenditures as it may deem necessary to safeguard the health of such pupils;
- (c) to employ, subject to the regulations of the Department, a superintendent of schools when more than twenty teachers are employed.

(2) The Board of every district shall at its discretion have power—

- (a) to furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the Board;
- (b) to furnish the pupils with text-books, exercise books, pens, pencils, and other supplies, either free of charge or at a price to be fixed by the Board;
- (c) on the recommendation of the superintendent of schools of the district, or an inspector, to exclude from attendance at school any pupil who, in the opinion of such superintendent or inspector, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or is a menace to the school, subject, however, to the right of an appeal by the parent or guardian of such pupil to the chief inspector, whose decision shall be final;
- (d) to pay the expenses of any members of the Board, or of any officials or employees thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- (e) if deemed advisable, to purchase or rent sites or premises for a house for the teacher, and to build,

repair and keep in order such house; and, subject to the approval of the Minister, to dispose of any property, real and personal, belonging to the district;

- (f) to erect and keep in order suitable stabling accommodation;
  - (g) to provide a suitable library for the school and to make regulations for its management;
  - (h) to exempt from the payment of school taxes wholly or in part any indigent persons resident within the district, and to provide for the children of such persons text-books or other supplies at the expense of the district.
- (3) The Board of every town district shall, at its discretion, have power—
- (a) to establish, furnish and equip offices for the use of the Board and its officials in any school of the district, or to rent offices and furnish and equip the same;
  - (b) to provide free medical, dental and surgical treatment for such pupils or classes of pupils as it may determine, and for children of pre-school age, at the request of the council of any town or city and at the expense of such town or city.

**121.** The Board of every district shall, at its discretion, have power, upon obtaining the consent in writing of the Board of Governors of the University of Alberta and the approval of the Minister of Education, to establish a college, in affiliation with the University of Alberta, in which may be taught work of a university grade not to exceed that commonly accepted for credit for the first two years of an Arts course, and to maintain and administer the college, and be entitled to receive grants under *The School Grants Act* in respect of the same.

**122.** The Board of every town district situated in whole or in part within the limits of any incorporated city shall employ at least one physician, who shall be a member of the College of Physicians and Surgeons of the Province of Alberta, to inspect or supervise the inspection of pupils of each school in the district at least once during each school term, under such regulations as may be made by the Department.

**123.** The Boards of any two or more districts, each having not less than seventy-five pupils in grades above Grade V as classified by the regulations of the Department, may, subject to the approval of the Minister, enter into an agreement to make provision for instruction for such pupils in household sciences, manual training or commercial work, upon such terms as may be mutually agreed upon, and the Boards entering into any such agreement shall have full

power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of any such agreement.

#### DUTIES OF THE CHAIRMAN OF THE BOARD.

**124.** It shall be the duty of the chairman of the Board—

- (a) to certify all accounts against the district passed by the Board before such accounts are paid by the treasurer;
- (b) to exercise a general supervision over the affairs of the district.

#### DUTIES OF THE SECRETARY, SECRETARY-TREASURER AND TREASURER OF THE BOARD.

**125.** It shall be the duty of the secretary or secretary-treasurer of the Board—

- (a) to keep a full and correct record of the proceedings of every meeting of the Board in the minute book provided for that purpose, and to see that the minutes when confirmed are signed by the chairman;
- (b) to conduct the correspondence of the Board as he may be directed by the Board;
- (c) to have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps submitted to his charge by the Board during his term of office, and to deliver the same to the chairman on ceasing to hold office;
- (d) to faithfully prepare and duly transmit to the Department such reports and statements and such other information in regard to the district as may from time to time be required by the Minister, in such form as may be prescribed by the Minister;
- (e) at the request in writing of the chairman or any trustee, or when required so to do by any provision of this Act, to call a meeting of the Board;
- (f) to produce the minute book and other books, assessment rolls and all papers and other records of the Board for inspection when required by an inspector so to do;
- (g) to prepare the statement of the trustees to be submitted at the annual meeting of the electors and ratepayers;
- (h) to give the notice required by this Act of each annual meeting of the electors and ratepayers and to call special meetings of the electors and ratepayers as provided by this Act.

**126.**—(1) The treasurer or secretary-treasurer of the Board of a town district shall give security to the Board, before entering upon his duties, by bond of a guarantee company authorized to do business in the Province, which bond shall be in the form approved by and registered with the Minister.

(2) The bond shall be for such an amount as the Board shall deem sufficient to cover any loss through default of the treasurer, and the members of any Board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken:

Provided that when the majority of the Board refuse or neglect to take such security after demand by a trustee, the trustee so demanding the security to be taken shall be relieved from all personal liability for such default if his demand is duly recorded in the minutes of the Board.

**127.** It shall be the duty of the treasurer or secretary-treasurer of the Board of every school district—

- (a) to receive all school moneys payable by way of taxes or otherwise to the district of which he is treasurer and to disburse such moneys in the manner directed by the Board;
- (b) to pay all accounts payable by the district only when they are certified by the chairman of the Board;
- (c) to keep in a cash-book provided for the purpose a complete and detailed record of all moneys received and disbursed for school purposes, including government grants which may have been paid directly to the teacher;
- (d) to give and take receipts for all moneys received and paid out, and keep on file all vouchers of expenditure;
- (e) to close and balance the books of the district at the end of the school year, which shall be on the thirty-first day of December in each and every year;
- (f) to produce when called for by the trustees, auditor, school inspector or other competent authority all books, vouchers, papers, and money belonging to the district, and to hand over the same to the trustees or any person named by them upon his ceasing to hold office;
- (g) to prepare at the end of each year, and in the manner provided by this Act, a statement of the finances of the district, to be submitted to the annual meeting of the electors and ratepayers;
- (h) to faithfully prepare and duly transmit to the Department such reports and statements with reference to the finances of the district, as may from time to time be required by the Minister and in such form as may be provided by the Minister.

**128.**—(1) The treasurer of every village or rural school district shall, upon his appointment, and before entering upon the duties of his office, furnish a bond or covenant of some guarantee company, to be named by the Minister, to secure the due accounting by him for all school moneys and

property that come to his hands as such treasurer, which bond shall be in such form and for such amount as may be approved of by the Minister.

(3) The Minister shall pay the premiums for such guarantee bond or insurance and deduct the amount thereof annually from the legislative grant to each school district.

(4) In every case in which such guarantee company declines for any cause to give such bond or covenant in respect of any treasurer of a school district it shall be the duty of the trustees forthwith to appoint another treasurer who can furnish such bond; and the retiring treasurer shall in such case have no right to receive any salary as such beyond the proportionate part of his salary up to the time of such retirement.

(4) Every such bond shall be deposited and kept in the Department for the benefit of the school district.

#### HALF-YEARLY AND YEARLY RETURNS.

129.—(1) The Board of every district shall cause to be prepared by the proper officers of the district and transmitted to the Department in such form as the Minister may prescribe, the half-yearly and yearly returns respecting attendance and classification of pupils and the finances of the district.

(2) In case the Board of any district neglects or refuses to have prepared and transmitted to the Department such half-yearly and yearly returns within thirty days after the close of the half-year or year, as the case may be, such district shall forfeit the sum of ten dollars out of any government grant which may have been earned and to which the district is entitled, for each week that the returns are delayed, and the trustees through whose neglect or refusal such sums have been forfeited shall be jointly and severally responsible for the amount thus lost to the district, which amount may be recovered by action in the District Court of the judicial district in which the school district or any portion thereof is situated, by any person authorized by the Minister to bring such action:

Provided, however, that in case it can be shown to the satisfaction of the Minister that any delay in making such returns has been caused by the failure of the auditor of the municipality to audit the books and accounts of any town district as herein provided, the Minister may order that the amount so forfeited or any part thereof shall be paid by the municipality to the district, and the same shall be payable forthwith.

(3) Every college, school or other educational institution not being a school as defined by this Act shall within thirty days from the thirtieth day of June of each year furnish to the Department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of such college, school or educational institution.

PART X.  
CONVEYANCE OF SCHOOL CHILDREN.  
FROM ONE DISTRICT TO ANOTHER.

**130.**—(1) The Minister may empower the Board of any district not comprised in a division to enter into an agreement with any other Board or Boards for the education of the children of its district upon such terms as may be mutually agreed upon and approved by him, and the Board entering into any such agreement shall have full power and authority to make the necessary levy and assessment under the provisions of *The School Assessment Act* for the purpose of carrying out the terms of the agreement and for providing for the conveyance of children to and from school.

(2) Any such agreement may be terminated by any Board or partly thereto by giving notice on or before the first day of October in any year, and upon such notice being given the agreement shall cease and determine on the last day of the month of December following, unless otherwise ordered by the Minister.

(3) The Board of Trustees of any district entering into such an agreement shall, unless the Minister otherwise directs, provide conveyance to and from school for those pupils of the district who reside on any quarter section the nearest boundary of which is more than two and one-half miles from the school which such pupils have the right to attend:

Provided, however, that the Board of such district shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children upon the same terms as heretofore provided in the case of consolidated districts if the nearest boundary of the quarter sections on which such children reside is more than two and one-half miles from the school which they have the right to attend and more than one mile in a direct line from the nearest conveyance route.

(4) Subject to the approval of the Minister, the Board of Trustees may, in lieu of providing conveyance as herein mentioned, make provision for the attendance at the school of the children of the district or any of them, in any other suitable manner, and in making such provision may agree to pay to the parents or guardian a sum of money not exceeding one dollar per day per family.

WITHIN THE SCHOOL DISTRICT.

**131.**—(1) The Board of any district may make due provision, subject to the regulations of the Department in that behalf, for the proper conveyance of the school children resident within the district to and from school and may provide for the cost of such conveyance in the same manner as is provided for the other expenditures of the district.

(2) The secretary of every district in which provision is made as aforesaid shall forthwith notify the Minister.

132. The Minister may, subject to the approval of the Lieutenant Governor in Council, make such regulations as are deemed necessary and expedient for the proper conveyance of the children as heretofore provided and for the keeping of records as to number of children conveyed, the distance travelled, the cost of conveyance and such other information as may be desired.

## PART XL.

### SCHOOL SITES.

#### IN TOWN DISTRICTS.

133.—(1) In every town district the Board may from time to time select and acquire such sites for schools as it may deem desirable.

(2) If the purchase price of any site is to be provided by debenture, the Board shall not proceed to acquire such site until the issue of such debenture has been ratified by the ratepayers.

#### IN OTHER DISTRICTS.

134. In every district other than a town district the Board shall acquire a site for a school and may acquire a site for a teacher's residence at such point in each case as may be approved or selected by the Minister, and may from time to time acquire by way of addition to either of such sites such other or additional sites as may be approved by the Minister.

#### POWERS OF COMPULSORY ACQUISITION.

135.—(1) Upon the Minister being satisfied that the title to any site approved or selected by him cannot be obtained by the Board of the district on account of the refusal or failure of the owner to sell such site or to accept a fair price for it, or for the reason that the whereabouts of the owner of the site cannot after reasonable enquiry be ascertained, or on account of the refusal or failure of any person having any interest in the property to execute any transfer, discharge, release or other assurance necessary to vest such site in the Board in fee simple free from all encumbrances, except only taxes, the Minister may execute a transfer of such site in favour of the Board, and upon application or writ to a Judge of the Supreme Court and upon presentation to him of such transfer and upon his being satisfied that such transfer has been executed by the Minister in the due exercise of his powers under this section, he shall make an order, directed to the Registrar of



the proper Land Titles Office, vesting the title to the land described in the said transfer in the Board free from all encumbrances other than taxes.

(2) The Board shall pay to the owner of the land so transferred, and to all other persons interested therein, such compensation, based on the fair actual value of the said land, and all questions as to the amount of compensation, the manner of payment, the persons to whom it shall be paid and the distribution thereof amongst the persons if more than one entitled thereto shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Minister and the other by the owner or other persons having an interest in the said land; and all the provisions of *The Arbitration Act* shall apply to any such arbitration.

**136.**—(1) The Minister may at any time after a site has been selected or approved by him as a school site or a site for a teacher's residence, as the case may be, make an order authorizing the Board to enter upon and take possession of such land; and thereupon the Board shall be entitled to the possession of the said land for school purposes, as against all persons whatsoever except the Crown; and every such order shall have the same force and effect and be enforced by the same persons and in the same way as a writ of possession issued out of the Supreme Court of Alberta.

(2) The Board shall pay to any person dispossessed of land pursuant to this section compensation, and the questions as to the amount thereof, the persons entitled thereto, and if there be more than one such person, the distribution thereof shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Minister and the other by the person or persons dispossessed, and all the provisions of *The Arbitration Act* shall apply to such arbitration.

**137.** Unless title has been first acquired, before any Board shall take possession of any such land, the secretary shall file in the Land Titles Office for the land registration district in which the land is situated a caveat (in accordance with the provisions of *The Land Titles Act*).

**138.**—(1) Every contract or agreement for the acquisition of any land by the Board of any town district, shall, in case the purchase price thereof is to be raised by debenture be void and of no effect, if the debenture issue is not ratified by the ratepayers of the districts; and any monies paid thereunder shall thereupon be forthwith repaid to the Board.

(2) Every contract or agreement for the acquisition of any land for the site of a school or a teacher's residence by any district other than a town district, shall be void and of no effect, unless such site has been approved by the Minister; and any monies paid thereunder shall be forthwith repaid to the Board.

(3) Each member of the Board of any district which acquires a site for a school or a teacher's residence in contravention of the provisions of this section, not having voted against the resolution of the Board for such acquisition shall be guilty of an offence and shall be liable on summary conviction or on information laid by the Minister or by any ratepayer of the district to a penalty of not more than one hundred dollars and costs.

#### CONTRACTS FOR SCHOOL BUILDINGS IN RURAL AND VILLAGE DISTRICTS.

139.—(1) In rural and village school districts the trustees shall obtain tenders for the erection of all school buildings required to be erected, and the same shall be built under contract and not by day labour, and no such contract shall be entered into or signed by the trustees or any other person until submitted to and approved by the Minister, and no action shall be maintained or enforced for the price of any school building or materials supplied to construct the same unless the contract therefor is approved and no claim in respect thereof shall be allowed by way of set-off or counterclaim, nor shall such contract have any legal validity whatever unless so approved as aforesaid.

(2) All specifications, bills, notes or accounts stated, given, or made, in whole or in part, for or to secure any such price or materials shall be void, unless the contract under which the same are given or made is approved as aforesaid.

140. Where in the opinion of the Minister it is advisable that a temporary school should be established in any district, he may authorize the Board to lease premises for such purpose, and to make such repairs or alterations as may be necessary to fit the same for school purposes, or to purchase a tent to be used as a school building, and for the purposes of this Act such tent shall be deemed to be a frame school building.

### PART XII.

#### RELATING TO THE CONDUCT OF SCHOOLS.

##### SCHOOL TERMS.

141. The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms, ending the thirtieth day of June and the thirty-first day of December respectively, the former to be known as the June term, and the latter as the December term.

##### HOURS.

142.—(1) School shall be held from nine o'clock to twelve o'clock in the forenoon and from half-past one o'clock to four o'clock in the afternoon, standard time, of every day, not including Saturdays, Sundays and holidays, but the Board may alter or shorten the said school hours upon receiving the permission of the Minister.

(2) A recess of fifteen minutes both in the forenoon and in the afternoon shall be allowed the children attending school.

#### VACATION AND HOLIDAYS.

**143.**—(1) In every school there shall be not less than seven nor more than ten weeks' vacation in rural districts and not less than eight nor more than twelve weeks' vacation in village and town districts.

(2) The summer vacation shall fall between the first day of July and the first day of September and the winter vacation shall extend from the twenty-third day of December to the third day of January:

Provided that the Minister may, on proper representation made to him, allow the Board to keep the school open during the period above mentioned as the time for summer vacation or any part thereof, and allow vacation in lieu thereof at some other time:

Provided further that the Minister may, on proper representation being made to him, allow the board of a rural school district to extend the winter vacation not more than four weeks, and correspondingly shorten the summer vacation.

(3) All schools that open not later than the day following Labor Day and which, prior to Good Friday in the following year, have not been closed except for the prescribed winter vacation or for any other lawful purpose for which authority to close the school is granted under this Act, shall have as an additional vacation period the four days immediately following Easter Monday:

Provided that in all school districts the Board of Trustees and the teacher may by mutual agreement arrange for the operation of the school during the teaching days of Easter Week, in which case such days shall be regarded as legally authorized teaching days.

**144.** New Year's Day, Good Friday, Easter Monday, the twenty-fourth day of May, or when such day falls upon a Sunday, the twenty-fifth day of May (to be known as Victoria Day), Dominion Day, Christmas Day, Thanksgiving Day, and any other day proclaimed as a holiday by the Governor General, the Lieutenant Governor of the Province or the mayor of a city or town, shall be holidays; and it shall be at the discretion of the Board to permit any other holidays not exceeding one day at a time:

Provided that the Board of any district may declare Ash Wednesday, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Labor Day and any other day appointed by proclamation a public holiday for the planting of forest or any other trees, commonly known as Arbor Day, or any of them, to be holidays or a holiday, and no such day shall be a holiday within the meaning of this Act unless the Board has made a declaration to that effect, with regard thereto.

## LANGUAGES TO BE USED.

**145.**—(1) All schools shall be taught in the English language, but it shall be permissible for the Board of any district to cause a primary course to be taught in the French language.

(2) The Board of any district may, subject to the regulations of the Department, employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same, but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the Department and by this Act.

(3) The Board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all costs, charges and expenses of such course of instruction shall be collected by the Board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same.

## RELIGIOUS INSTRUCTION.

**146.**—(1) Except as hereinafter provided, no religious instruction shall be permitted in the school of any district from the opening of such school until one half-hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the Board may be given.

(2) It shall, however, be permissible for the Board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

**147.** Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced as provided for in the next preceding section or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

**148.** No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such attempt on the part of any teacher, school trustee or inspector shall be held to be a disqualification for and voidance of the office held by him.

## KINDERGARTEN CLASSES.

**149.** Kindergarten classes may be established in any school for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such school a fee may be charged, not exceeding one dollar per month for each pupil, to cover the cost of maintaining such classes.

## NIGHT CLASSES.

**150.**—(1) The Board of any district may engage a teacher of approved qualifications, and make the necessary arrangements at the expense of the district, for the maintenance of a night school.

(2) If an inspector of schools has recommended the establishment of a night school in any district and the board thereof has failed to establish the same, the Minister may direct the Board of such district to open and maintain a night school therein for such period as the Minister may determine.

(3) If the night school is kept open for at least one month, a fee not exceeding two dollars per month may be charged for each month or portion of a month that a pupil is in attendance:

Provided that any district maintaining a technical school or special classes in technical, commercial, art, or other higher training may charge such fees for night classes as may be approved by the Minister.

## COMPULSORY EDUCATION.

**151.** No board of trustees shall have authority to close the school for any cause, other than as herein provided, without the approval of the Minister.

**152.** If for any cause other than that of statutory vacations or holidays the Board of trustees of any rural or village district closes its school for a period exceeding three days, it shall be the duty of such Board through its secretary to report such closing to the Department within five days, giving a full statement of the reasons therefor; and it shall also be the duty of the Board through its secretary to report to the Department within five days after the re-opening of the school at the commencement of each term, and also after the re-opening of the school if it has for any cause been closed for more than three days.

## PART XIII.

## RELATING TO THE TEACHER.

## QUALIFICATION.

**153.**—(1) No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the Department.

(2) No person who is not so qualified shall be entitled to recover in any court of law any remuneration for his services as teacher.

(3) Any person other than the holder of such certificate of qualification, who undertakes to conduct a school as teacher, shall be guilty of an offence and on summary conviction liable to a penalty not exceeding fifty dollars, and in default to imprisonment for a term not exceeding one month;

Provided, however, that no prosecution shall be instituted under this section except on the order of the Minister.

#### ENGAGEMENT AND DISMISSAL.

**154.** A teacher shall not be engaged except under the authority of a resolution of the Board passed at a regular or special meeting of the Board.

**155.** The contract entered into shall be in the form prescribed by the Minister, but such form may be altered or amended as may be mutually agreed upon by the contracting parties:

Provided that such alterations or amendments shall be subject to the approval of the Minister.

**156.** The contract shall be deemed valid and binding if signed by the teacher and by the chairman on behalf of the Board.

**157.** Any teacher who has been suspended or dismissed by the Board may appeal to the Minister, who may take evidence and confirm or reverse the decision of the Board and in the case of reversal he may order the reinstatement of such teacher:

Provided that if the teacher does not appeal from the decision of the Board, or is not reinstated, the teacher shall not be entitled to salary from and after the date of his suspension or dismissal.

#### BOARD OF REFERENCE.

**158.**—(1) There shall be constituted a Board to be known as the Board of Reference, to serve as a board of conciliation or as a board of arbitration, as the case may be; and the said Board shall consist of three members to be appointed by the Lieutenant Governor in Council, one member to represent the school trustees of the Province, one to represent the school teachers of the Province, and a third member who shall be neither trustee nor teacher, and who shall act as chairman of the Board.

(2) When any dispute or disagreement arises between a school board and its teacher or teachers, either party to the dispute or disagreement may make application to the Minister to refer such dispute to the Board of Reference.

(3) All such applications to the Minister shall be accompanied by a full and complete statement of the nature of the complaint or dispute, verified by a statutory declaration on the part of the party or parties making the said application.

(4) Upon receipt of such application the Minister shall refer the dispute or disagreement in question to the Board of Reference, which shall institute such investigations as may seem to be warranted and necessary, and shall deliver

a report of its findings to the Minister, who shall transmit a copy of the same to the several parties to the dispute or disagreement.

(5) The Board of Reference shall have power also to act as a board of arbitration, upon the request of both parties to any dispute between any board of trustees and its teacher or teachers, and the award of the Board in such cases shall be binding upon both parties, and have the same force and effect as an award made under *The Arbitration Act*.

(6) The Board of Reference shall have power also to deal with such other matters as may be referred to it, from time to time, by the Lieutenant Governor in Council.

(7) The members of the Board of Reference shall receive such remuneration as the Lieutenant Governor in Council may, from time to time, determine.

(8) The Board of Reference may, for the purpose of procuring the attendance of any person as a witness before such Board, serve such person with a notice requiring him to attend thereon, which notice shall be served in the same way and have the same effect as a notice requiring the attendance of a witness, and the production by him of documents at the hearing or trial of an action, but no such person shall be compelled under any such notice to produce any document which he could not be compelled to produce on the trial of an action.

#### PAYMENT OF TEACHERS.

**150.** Every teacher shall be paid the amount of salary due to him at least once a month and it shall be the duty of the Board liable for the payment of salary to make due provision for such payment.

**160.**—(1) The salary of a teacher shall be estimated by dividing the rate of salary for the year by two hundred and multiplying the result obtained by the number of actual teaching days within the period of his engagement:

Provided that if the salary stated in the teacher's contract is given at a monthly rate, the rate of salary for the year shall be deemed to be a sum equal to twelve times the said monthly rate:

Provided further that if a teacher has taught more than two hundred days in any school year he shall be entitled only to a year's salary:

Provided further that, subject to the provisions of this Act, the Board of every district may enter into such agreement with its teacher regarding the amount of salary to be paid as may be mutually agreed upon and set forth in the contract provided herein:

Provided further that a teacher shall be entitled to salary for days he is necessarily absent from his school in order to attend any teachers' convention or institute approved by the Minister, and for days during which his school is closed by order of a duly qualified medical practitioner, or

by the Board, on account of the existence within the district of an actual or threatened epidemic of disease, but not exceeding in all thirty teaching days in the school year.

(2) Unless otherwise provided for in the contract, either party thereto may terminate the agreement for teaching between the teacher and the Board of Trustees by giving thirty days' notice in writing to the other party of his or its intention so to do.

(4) Notwithstanding any agreement to the contrary, every teacher in an ungraded school shall be entitled to receive a minimum salary of seventy dollars per month or eight hundred and forty dollars per year:

Provided that upon an inspector of schools certifying after investigation that in his opinion it would be a hardship on the district to pay such salary, the Minister may authorize a less salary to be paid.

**161.** Every teacher in case of disability, sickness or accident certified by a qualified medical practitioner shall be entitled, at the termination of his engagement, or if engaged under a continuous agreement, at the end of each year's service, to his salary during such disability for a period not exceeding twenty teaching days for the entire year, and in case of an engagement for a shorter term than one year, for a period bearing the same proportion to twenty that the term of engagement bears to a year; but the Board may at its discretion allow a salary in case of disability from sickness or accident for a greater number of days than that provided herein.

**162.** A teacher whose agreement with a Board has expired, or who has been dismissed by it, shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by the said Board; and if such payment be not made by the Board or tendered to the teacher, he shall be entitled to recover the full amount of his salary due and unpaid with interest in any court of competent jurisdiction.

#### DUTIES OF TEACHERS.

**163.** It shall be the duty of every teacher—

- (a) to teach diligently and faithfully all the subjects required to be taught by the regulations of the Department;
- (b) to maintain proper order and discipline and to conduct and manage the school according to the regulations of the Department;
- (c) to keep in a conspicuous place in the school room a time-table which shall show the classification of pupils, the subjects taught each day in the week, the length of each recitation period and the seat work given; and to submit such time-table to the inspector for his approval and signature on the occasion of his visit to the school;



- (d) to keep in the prescribed form the school registers and to give access to them to trustees, officers of the Board, inspectors and any other person authorized by the Minister;
- (e) to make at the end of each term or at any other time such promotions from one class or standard to another as he may deem expedient, subject to the ratification of the inspector at his next visit;
- (f) to admit to his class room for the purpose of observation and practice teaching pupils enrolled in the normal schools, and to render such assistance to the students and instructors of such schools as the inspectors may consider necessary for the proper training of the students;
- (g) to hold during each year a public examination of his school and give due notice thereof to the Board and through the pupils to their parents or guardians;
- (h) to send monthly to the parents or guardians of each pupil, if required by the Board, a report on the pupil's attendance, conduct and progress;
- (i) to encourage the observance of Arbor Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds and to secure the co-operation of trustees and parents in planting trees and shrubs about the school;
- (j) to give strict attention to the proper heating, ventilation and cleanliness of the school-house and to the condition of the out-houses in connection with the same and to report to the Board any defect with respect thereto;
- (k) to exercise vigilance over the school property, the buildings, fences, furniture and apparatus so that they may not receive unnecessary injury and to give prompt notice in writing to the Board of any such injury;
- (l) to notify the chairman of the Board whenever he has reason to believe that any pupil attending school is affected with or has been exposed to smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, trachoma or other infectious or contagious disease, and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician or the chairman of the Board that such contagious or infectious disease does not exist or that the pupil has not been exposed or that all danger from exposure to any of them has passed away;

- (m) to assist the Board and its officers in making the prescribed returns to the Department;
- (n) to furnish to the Minister, the Inspector of schools, the Board, or any person authorized by the Minister, any information which it may be in his power to give respecting anything connected with the operation of the school or in any wise affecting its interests or character;
- (o) to deliver up the school registers, school-house key or any other property of the district in his possession when required to do so by a written order of the Board;
- (p) to attend all meetings of the teachers called by the principal where more than one teacher is employed.

**164.** Every teacher shall have power to suspend from school any pupil guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school and the teacher shall forthwith report in writing the facts of such suspension to the Board of the division, in the case of a district included in a division, and in all other cases to the Board of the district; and thereupon the Board shall deal further with the matter and may make such further disposition thereof as it deems proper.

#### DUTIES OF PRINCIPAL.

**165.** In every school in which more teachers than one are employed, the head teacher shall be called "the principal" and the other teachers "assistants."

**166.** Subject to the approval of the Board of the Division, in the case of schools of districts comprised in a division, and of the Board in all other cases, the principal shall prescribe the duties of the assistants and shall be responsible for the organization and general discipline of the whole school.

#### TEACHERS' ASSOCIATIONS.

**167.** Any number of teachers may organize themselves into an association, and, subject to the regulations of the Department, may hold conventions and institutes for the purpose of receiving instruction in and discussing educational matters.

## PART XIV.

## BORROWING POWERS OF THE DISTRICT.

## TEMPORARY.

**168.**—(1) The Board of—

- (a) any village district; or
- (b) any district declared to be a village district for assessment and taxation purposes by order of the Minister; or
- (c) any consolidated district; or
- (d) any rural district outside of a collecting municipal district; or
- (e) any district separated from a municipal district by order of the Minister of Municipal Affairs—

may, by resolution or by-law, authorize its chairman and treasurer to borrow from any person, bank or corporation such sums as the Board deems necessary to meet the expenditure of the district until such time as the taxes for the current year are available, and the amount so borrowed shall be a charge upon the taxes due to the district, and may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board.

(2) The Board of any rural district, a portion of which is outside a collecting municipal district, may borrow as herein provided on the security of the taxes on such portion.

**169.**—(1) The Board of a town district, rural high school district or rural district situate wholly or in part within a collecting municipal district may, by resolution or by-law, on receiving the written consent of the Minister, borrow from any person, bank or corporation such sums as the Board may deem necessary, and the Minister may approve.

(2) The amount so borrowed may be made a charge on the moneys due to such school district, and such sum may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board, or by such form of assignment or covenant as may be fixed by such resolution or by-law.

**170.** The Board of a town district may, by resolution or by-law, borrow from any source such sums as the Board deems necessary and may hypothecate as security for the said sums any debenture or debentures which have been duly registered and countersigned as required by this Act.

## BY DEBENTURE.

**171.**—(1) Should it appear desirable to the Board of any district that a sum of money should be borrowed upon the security of the district for securing, purchasing, adding to, extending or improving a school site or sites or a site

for a teacher's house or for securing a water supply or for purchasing, repairing, moving, erecting, furnishing or adding to any school building or teacher's house and in the case of a consolidated school district for the additional purpose of purchasing conveyances, or for all or any of the said purposes, it shall pass a by-law to that effect, which may be in form prescribed by the Minister or to the like effect, and which shall be under the corporate seal of the district.

(2) A copy of every such by-law shall be inscribed in the minute book containing a record of the Board's proceedings.

(3) No expenditure for any of the purposes set out in this section, to meet which it is proposed to borrow money by way of debenture, shall be made until such borrowing has been authorized by the Board of Public Utility Commissioners.

**172.—(1)** Within five days after the passing of the by-law the Board shall give notice of its intention to apply to the Board of Public Utility Commissioners for authority to borrow the amount specified in the by-law and on the conditions therein set forth.

(2) Every such notice shall be in the form prescribed by the Board of Public Utility Commissioners and shall be given by notices posted up in at least five widely separated and conspicuous places in the district, one of which shall be a post office situated therein, but should there be no post office in the district an additional notice shall be posted in the post office nearest thereto.

(3) In the case of a town school district, or in the case of a rural high school district containing a town, a copy of the notice provided for in the preceding subsection shall be printed in at least three issues of a newspaper or newspapers published within the limits of the school district, and if there be no newspaper published within the school district, then in the newspaper whose place of publication is nearest thereto.

**173.—(1)** A poll of the electors for and against the by-law may be demanded within fifteen days after the date of the posting of the notices in the next preceding section mentioned, by a demand in writing signed by twenty electors of the district in a town district, consolidated district or rural high school district, ten in a village district, or four in a rural district, and such poll shall be held as herein-after provided:

Provided that no poll shall be demanded if the amount to be borrowed is for the purpose of providing a first school-house for the district and does not exceed two thousand dollars; or is for the purpose of erecting a first school-house for a consolidated district and does not exceed five thousand dollars.

(2) Every demand for a poll shall be delivered to the secretary, or, in his absence, to the chairman of the Board, and a certified copy of the demand shall be forthwith transmitted to the Board of Public Utility Commissioners.

**174.**—(1) In the event of a poll not being required or not being demanded as hereinbefore provided, the secretary of the Board shall transmit to the Board of Public Utility Commissioners—

- (a) a certified copy of the by-law;
- (b) a certified copy of the notice of intention to apply for authority to borrow, and a statutory declaration proving the posting of copies thereof;
- (c) such other information as the Board of Public Utility Commissioners may require.

(2) Upon receipt thereof and upon being satisfied that the several conditions required by this Act have been substantially complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

**175.**—(1) In the event of a poll being demanded in a district other than a town school district, the Board shall by resolution fix the time and place for holding the same and shall give notice in the form prescribed by the Board of Public Utility Commissioners, or to the like effect, of such time and place of polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling, one of which notices shall be posted in the post office situated within the district, but should there be no such post office an additional notice shall be posted in the post office nearest thereto.

In the event of a poll being demanded in a town school district situated wholly or partly within the limits of a town or city, the council of the town or city shall on receipt of a notice from the secretary-treasurer of the school district that a poll has been demanded, as herein provided, forthwith submit the proposed by-law to the ratepayers of the school district, and all the provisions of *The Town Act* or special Act, as the case may be, governing the taking of votes on money by-laws, including the procedure for questioning the validity of such by-laws, shall *mutatis mutandis* apply to the said by-law.

(2) After the period provided in *The Town Act* or special Act has elapsed, then if the by-law has not been quashed the town or city clerk shall notify the School Board that such by-law is in force and effect, and the secretary or secretary-treasurer of the School Board shall thereupon forward to the Board of Public Utility Commissioners a copy of such by-law as passed.

(3) Notwithstanding any provisions in *The Town Act* or special Act, it shall be sufficient if such proposed by-law receives a majority vote of the ratepayers voting on such by-law.

(4) For the purpose of the submission of such by-law the said council shall have the same authority and jurisdiction for taking the votes of the ratepayers of the school district in that portion of the school district lying outside the limits of the city or town, as the case may be, as it has for taking the vote of the ratepayers within those limits.

**176.** A certified copy of the by-law and of the notice of polling shall be forwarded forthwith to the Board of Public Utility Commissioners by the secretary of the Board.

**177.** The chairman of the Board or some person appointed by it shall be returning officer for the poll to be taken and the secretary of the Board or some person appointed by the returning officer shall be poll clerk.

**178.** At the time and place appointed in the notice the returning officer shall declare the poll open and the poll clerk shall record the votes as they are given, in a poll book, which may be in form F in the schedule to this Act.

**179.** A copy of the notice of polling shall be kept in a conspicuous place where the vote is taken.

**180.** Every elector, except the returning officer, shall be entitled to vote on the by-law.

**181.** The returning officer shall admit any two electors, one of whom has voted for and the other against the by-law, into the polling place to act as scrutineers, and on demand shall allow either or both of them to see any vote recorded in the poll book.

**182.**—(1) The returning officer shall if requested by any ratepayer, or may of his own accord, require any person tendering a vote to subscribe to the declaration in form B (a) or B(b) in the schedule to this Act and any person subscribing to such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed in the presence of the returning officer and poll clerk, who shall subscribe their names as witnesses thereof.

(3) All declarations made under the provisions of the next preceding section shall be retained by the returning officer.

**183.** If a person who desires to vote refuses or fails to sign the declaration when required so to do, the poll clerk shall write in the column headed "Remarks," in the poll book, the words "Refused declaration," and the person so refusing shall at once leave the polling place and shall not be allowed to enter again or to vote.

184. Any person subscribing a declaration in form B(c) or B(d) of the schedule hereto, containing any false statement, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars.

185.—(1) At the time appointed in the notice of voting the returning officer shall close the poll, sum up the votes and declare the results.

(2) In the case of a tie, the returning officer shall give a casting vote.

186. Should any ratepayer of the district make a complaint in writing to the returning officer within three days next after the taking of the poll with regard to the manner in which the poll was conducted, the right of any person to vote, or the result of the voting, the returning officer shall forthwith notify such ratepayer in writing of the time and place, within seven days of the day of voting, when he shall appear before a justice of the peace for a final recount of votes, and when all complaints which may have been made shall be heard.

187. In case no such complaint is duly lodged with the returning officer, he shall at the expiration of three days after the taking of the poll forthwith forward to the Board of Public Utility Commissioners a certified copy of the poll book showing the total number of votes cast for and against the by-law, and he shall make an affidavit, which shall be inscribed thereon, that the poll was conducted throughout in the manner provided by this Act or with such exception as he shall mention, that the returns therein contained are correct, and that no complaints as provided for by the next preceding section were received by him.

188.—(1) In the event of any complaint being made as aforesaid the returning officer shall appear before a justice of the peace at the time and place appointed, and he shall deliver to the justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace, which shall be written in or upon such book, that the election has been conducted throughout in the manner provided by this Act or with such exception as he shall mention, and that the returns therein contained are correct.

(2) The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath.

189. Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum, not being less than twenty-five dollars nor more than one hundred dollars, as may seem

necessary to him to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justice of the peace.

**190.**—(1) If it be found that the proceedings in taking the vote have been irregular in any essential particular and that injustice has thereby been done, the poll shall be declared null and void and of no effect, and the justice shall forthwith forward to the Department a full report to that effect.

(2) If it be found that any vote has been cast by any person not duly qualified to vote, or as a result of bribery or intimidation, it shall be struck off the poll book.

**191.** In case the poll has not been declared null and void, when all complaints have been heard and decided upon and the necessary alterations duly made in the poll book, the justice of the peace shall finally sum up the votes cast and shall forward to the Board of Public Utility Commissioners a return in Form G in the schedule hereto or to the like effect, showing the total number of votes taken and the number remaining on each side after the recount.

**192.**—(1) Upon receipt of the documents required to be forwarded to them, and upon being satisfied that the by-law has been approved by the voters and that the several conditions required by this Act have been complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum, and shall as soon as may be thereafter cause notice of the authorization of such loan to be published in one issue of *The Alberta Gazette*.

(2) Notwithstanding that a majority of the electors voting upon any referred by-law may have voted against the same, the Board of Public Utility Commissioners may, upon the certificate of the chief inspector of schools certifying that further school accommodation or equipment is urgently required for the purpose of maintaining an efficient school or schools in the district, in writing, authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

(3) The Board may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum, upon the terms specified in the by-law, and the debenture or debentures and the coupons thereon shall, when they are signed by the chairman and treasurer of the district and when the said debenture or debentures are countersigned by the Minister, be effective to bind the district and create a charge upon all school property and all property assessable for school purposes in the district.



(4) The signatures on the coupons may be engraved or lithographed, in which case the coupons shall be deemed to be signed within the meaning of this section.

(5) Debentures shall not run for a longer term than twenty years if the school buildings are built of brick, concrete or stone, nor for a longer period than fifteen years if built of frame or brick veneer, or ten years if built of logs:

Provided that in the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture such debenture may run for twenty, fifteen or ten years as the case may be, from the date of the payment of the first instalment of principal and interest:

Provided further that in the case of town or consolidated or rural high school districts the debentures thereof may be made to run for a term not exceeding thirty years if the school buildings are of solid brick, concrete or stone:

Provided further that in the case of a town or consolidated or rural high school district, debentures issued for the purpose of purchasing a school site or sites may be made to run for a period not exceeding forty years:

Provided further that in the case of a school district within which an incorporated city is in whole or in part situated, debentures for school buildings or school sites may be made to run for a term not exceeding fifty years if the school buildings are of solid brick, concrete or stone.

**193.** Debentures shall not carry interest at a greater rate than eight per cent per annum.

**194.** Debentures may be made payable in lawful money of Canada, or, if deemed advisable, in gold or its equivalent in lawful money of Canada or of Great Britain at any bank or banks, place or places, to be named in Canada or Great Britain or the United States of America, and may provide for the payment of interest either yearly or half-yearly, and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture.

**195.**—(1) Save as herein otherwise provided, debentures shall be in one of the forms of this section or to the like effect:

\$..... Debenture No.....

School District No..... of the Province of Alberta.

The Board of Trustees (or Official Trustee, as the case may be) of..... School District No..... of the Province of Alberta promises to pay the bearer at the..... the sum of ..... dollars of lawful money of Canada in

.....equal consecutive annual instalments with interest at the rate of.....per cent per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this.....day of.....A.D. 19...  
 Countersigned, *A.B.,*  
*Chairman,*  
*Minister of Education.* *C.D.,*  
*Treasurer (or, Official Trustee).*

## COUPONS.

Coupon No.....

Debtenture No.....

The Board of Trustees of.....School District No.....of the Province of Alberta (or Official Trustee, *as the case may be*) will pay to the bearer at the.....at.....on the.....day of.....19..., the sum of.....dollars, being the amount of the.....instalment of principal and the total interest at the rate of.....per cent per annum due on that day on School Debtenture No.....

*A.B.,*

*Chairman,*

*C.D.,*

*Treasurer (or, Official Trustee).*

(2) In the case of an issue of debtentures amounting to at least two thousand dollars, the Board may in its discretion issue serial debtentures the coupons of which provide for the payment of interest only, and there shall be sufficient consecutively numbered coupons to cover the instalments of interest payable on each debtenture in each of the years during which the respective serial debtentures run, and the amount of the principal sum payable in any year shall be the same as the amount of such principal sum payable in any other year during the debtenture period; and such debtenture shall be in the following form or to the like effect:

## PROVINCE OF ALBERTA.

\$.....

Debtenture No.....

Canadian Currency.

The.....School District No.....of the Province of Alberta.

The Board of Trustees (or Official Trustee, *as the case may be*) of the.....School District No.....of the Province of Alberta, promises to pay to the bearer at the.....at.....the sum of.....dollars of lawful money of Canada on the.....day of.....19...

with interest at the rate of, . . . . . per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this . . . . . day of . . . . ., 19 . . .

Chairman.

Treasurer.

Countersigned, . . . . ., 19 . . .

Minister of Education.

#### COUPONS.

Coupon No. . . . . Debenture No. . . . .

The Board of Trustees (or official trustee, as the case may be) of the . . . . . School District No. . . . . of the Province of Alberta, will pay to the bearer at the . . . . . at . . . . . on the . . . . . day of . . . . . 19 . . . the sum of \$ . . . . . being the (half-yearly or yearly, as the case may be) interest at the rate of . . . . . per cent. per annum due on that day on School Debenture No. . . . .

Chairman.

Treasurer.

(5) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, on complying with the provisions of this Act, when the amount to be borrowed exceeds the sum of twenty thousand dollars, may in its discretion issue debentures repayable in yearly sums which shall be of such amount that the total amount payable for principal and interest in any year shall be equal as nearly as possible to the amount payable for principal and interest in each of the other years during which the debentures are to run, and the by-law authorizing the issue of said debentures shall state the specific sum to be paid each year for principal and interest, and separate debentures without coupons, each of which shall be numbered consecutively, shall be issued, each for the total amount payable each year for principal and interest. The said debentures may be in the following form or to the like effect:

DOMINION OF CANADA,

PROVINCE OF ALBERTA.

\$ . . . . . Debenture No. . . . .

The . . . . . School District No. . . . . of the Province of Alberta.

The Board of Trustees of the . . . . . School District No. . . . . of the Province of Alberta promises to pay the bearer at the . . . . . at . . . . . on the

.....day of.....the sum of  
 .....dollars (\$.....) of lawful  
 money of Canada.

Dated this.....day of.....A.D. 19...

Countersigned, .....  
 .....  
 Minister of Education, .....  
 .....  
 Treasurer.

(4) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, when the amount to be borrowed is at least one hundred thousand dollars, may in its discretion by by-law provide that the sum borrowed shall be made payable in such manner that the principal shall be made repayable at the end of the period of years for which the debentures are to run, and that the interest thereon shall be paid annually or semi-annually as by the said by-law provided, in which event, however, there shall be raised annually during the said period, in addition to the interest payable thereon, an amount the same each year by way of a sinking fund sufficient with accumulated interest thereon to retire the debentures at maturity; and the debentures shall be in the following form or to the like effect:

DOMINION OF CANADA.  
 PROVINCE OF ALBERTA.

\$..... Debenture No.....  
 The.....School District No.....  
 of the Province of Alberta.

The Board of Trustees of the.....School District No.....of the Province of Alberta, promises to pay the bearer at.....in the.....or at.....in the.....the sum of.....dollars of lawful money of Canada on the.....day of.....19..., and to pay to the bearer the amount of each of the several interest coupons hereto attached as the same shall respectively become due.

Dated this.....day of.....A.D. 19...

.....  
 .....  
 Chairman  
 Countersigned.....19... Treasurer.  
 .....  
 Minister of Education.

## COUPONS.

Coupon No. ....

Debenture No. ....

The Board of Trustees of the ..... School District No. .... of the Province of Alberta will pay to the bearer at ..... or at ..... on the ..... day of ..... 19...., the sum of \$..... being the (half-yearly or yearly, as the case may be) interest at the rate of ..... per cent. per annum due on that day on School Debenture No. ....

.....  
Chairman.

.....  
Treasurer.

And the Board may from time to time invest the moneys in the said sinking fund for such period or periods, not exceeding in the whole the term of the debentures, and in such manner as it may deem expedient, in securities authorized by *The Trustee Act* or approved by the Minister, provided that such investments are in other respects reasonable and proper.

(5) Any form of debenture other than that prescribed by this section may be used if approved by the Minister.

196. A debenture for the whole amount or for a less amount than that mentioned in the by-law, or a series of debentures aggregating such full amount or aggregating a less amount than is so mentioned, may be issued, but whenever a series of debentures is so issued each of the same denomination and all at the same time, each debenture of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

197. Every debenture before being issued shall be sent for registration to the Minister, who shall cause a proper record to be kept of the same.

198. The Minister or Deputy Minister shall thereupon, if the authority to make the loan has not been withdrawn, register and countersign the debenture and such countersigning by the Minister or Deputy Minister shall be conclusive evidence that the district has been legally established and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any Court in the Province of Alberta, but the same shall be a good and indefensible security in the hands of any *bona fide* holder thereof.

## PART XV.

## EDUCATION OF CHILDREN OF NON-RESIDENTS.

**199.** Tuition fees shall be payable in the following cases only:

- (1) By the parent or guardian of the pupil—
  - (a) when such parent or guardian is resident in a district not comprised in a division, which district furnishes instruction in the grade to which the pupil belongs, and the pupil without the written authorization of the inspector attends the school in any other district not comprised in a division; and the fees shall be payable to the Board of the latter district;
  - (b) when such parent or guardian is resident in a district not comprised in a division, which district furnishes instruction in the grade to which the pupil belongs, and the pupil without the written authorization of the inspector attends the school in any district comprised in a division; and the fees shall be payable to the General Board;
  - (c) when such parent or guardian is resident in a district comprised in a division, and the pupil without the written authorization of the Superintendent attends the school in a district not comprised in a division; and the fees shall be payable to the Board of the latter district.
- (2) By the Board of a district not comprised in a division—
  - (a) when a pupil whose parent or guardian is resident in that district attends the school in another district not comprised in a division by reason of the fact that his attendance has been authorized in writing by the Inspector or for the reason that the school in the district in which his parent or guardian resides is not furnishing instruction in the grade to which the pupil belongs; and the fees shall be payable to the Board of the district in which the pupil attends school;
  - (b) when a pupil whose parent or guardian is resident in that district attends the school in a district comprised in a division by reason of the fact that his attendance has been authorized in writing by the Inspector or for the reason that the school in the district in which his parent or guardian resides is not furnishing the instruction in the grade to which the pupil belongs; and the fees shall be payable to the General Board.
- (3) By the General Board—
  - when a pupil whose parent or guardian is resident in a district comprised in a division attends the school in a district not comprised in a division, by

reason of the fact that his attendance has been authorized in writing by the Superintendent; and the fees shall be payable to the Board of the district in which the pupil attends school.

**200.** The amount of the fees shall be—

(1) When payable by a parent or guardian—

- (a) for each pupil in any grade below Grade IX, thirty cents per day, but in respect of his family shall not exceed in any year the sum of thirty dollars, less the amount of school taxes (if any) paid or payable by him for the previous or then current year in respect of property located in the division, or in the district not comprised in a division, as the case may be, in which the pupil attends school;
- (b) for each pupil in any grade above Grade VIII, thirty cents per day, but in respect of his family shall not exceed in any year the sum of sixty dollars, less the amount of school taxes (if any) paid or payable by him for the previous or then current year in respect of property located in the division or in the district not comprised in a division, as the case may be, in which the pupil attends school.

(2) When payable by the General Board or the Board of a district not comprised in a division—

- (a) for each pupil in any grade below Grade IX, thirty cents per day;
- (b) for each pupil in any grade above Grade VIII, an amount per day based on the average daily cost of tuition in the room or rooms attended by the pupil, and determined for each school year by deducting the sums paid or payable under *The School Grants Act* in respect of such room or rooms from the total cost of operation and maintenance of such room or rooms, not including any payments for capital expenditure, and dividing the result by the total number of days' attendance during the year of all pupils attending such room or rooms.

**201.** Fees payable by a parent or guardian shall be due and payable on the first day of each month.

**202.** Fees payable by any board shall be due and payable at the end of each calendar year.

**203.** The parent or lawful guardian of any child may apply to the Board of any district of which he is a non-resident, for the admission of such child to its school, and it shall be the duty of the Board to admit such child, but the Board may demand that the application be accompanied by a statement from the Inspector of the district or the Superintendent of Schools for the division, to the effect that the accommodation of the school is sufficient for the admission of such child.

**204.** Fees payable under this Part may be recovered with costs in any court of competent jurisdiction in the Province, as a debt due to the school trustees from any person or Board by whom the same are made payable under this Act.

**205.** The certificate of an Inspector of Schools or the Superintendent of Schools for a division, as to the grades taught in the school of any district and the educational standing of any child, shall be final and conclusive as to the facts stated therein, for all the purposes of this Part.

**206.** In the event of any dispute as to the amount due for fees by a district or by any parent or guardian under any of the sections of this Part, the same shall be referred to the Chief Inspector of Schools, whose decision shall be final.

**207.** Any district providing for special classes in technical, commercial, art, or other higher training, not being classes for giving the courses of instruction authorized by the regulations of the Department, may charge such fees from these to time for either day or night classes as shall be approved by the Minister.

**208.** The imposition of fees by a Board under the provisions of this Part shall not disentitle the Board to receive a grant under any of the provisions of *The School Grants Act*.

## PART XVI.

### SCHOOL DIVISIONS.

**209.**—(1) For the purposes hereafter mentioned, the Minister may by order constitute a school division consisting of any number of rural public school districts not wholly or partially comprised in a consolidated school district.

(2) Every school division shall be divided by the order into five subdivisions consisting of such rural school districts included in the school division as may be designated by the Minister.

(3) The Minister may by any subsequent order from time to time include in a constituted school division any one or more rural school districts as aforesaid, and may exclude therefrom any school district previously included therein, and may transfer any school district included in a division to any other division, and may transfer any school district in a division from one subdivision to another.



(4) Every order constituting a school division shall nominate some person as the secretary for the time being of the school division, and shall fix a time and place for the holding of the first meeting of delegates of the school division.

(5) Every order made pursuant to this section shall set forth the date upon which it is to become effective.

(6) Notice of every such order shall be given by advertisement in *The Alberta Gazette* in an issue published at least 60 days before the date named in the order for its taking effect.

**210.** It shall be the duty of the secretary for the time being of the school division to send by registered mail to the secretary of every district named therein a copy of the order.

**211.** In the year in which a division is constituted the secretary of every school district named in the order shall, not later than the tenth day prior to the day fixed by the order for the first meeting of the delegates of the school division, call a meeting of its trustees, for the purpose of electing a delegate who shall be an elector of the district; and the secretary shall forthwith after the meeting furnish to the delegate-elect a certificate of his election and advise the secretary of the division of the name and post office address of the delegate elected for the district; and in the month of September in every subsequent year the secretary-treasurer of each school district comprised in a division shall call a meeting of the trustees for the same purpose.

**212.** A meeting of the delegates of a school division shall be held upon its constitution at the time and place mentioned in the order, and in every year thereafter on the first Tuesday in the month of December, and at such hour and place as shall be determined by the directors of the school division.

**213.** At every meeting of delegates, the delegates shall appoint a chairman and proceed to discuss such matters relating to the educational needs and requirements of the division and educational matters generally as they may deem proper, and at the expiration of one hour after the time the meeting commenced the meeting shall be adjourned and the delegates from the districts in each subdivision shall meet separately and shall appoint a chairman, who shall proceed to call for nominations for the office of director, who shall be an elector of a district within the subdivision.

**214.—(1)** Every nomination shall be written and be in Form H of the schedule hereto, and shall be signed by two electors.

(2) No such nomination shall be received unless it be accompanied by a written statement, signed by the person nominated, to the effect that he is qualified for election and that he will accept the office, if elected.

(3) The said statement shall be in Form I of the schedule hereto.

**215.**—(1) If there is only one nomination, the chairman shall declare the person nominated to be elected, and shall deliver the certificate of such election to the secretary of the division.

(2) If more than one nomination is made the chairman shall certify in writing to the secretary of the division the names and addresses of the persons nominated.

**216.** The secretary of the division shall proceed to cause a poll to be taken in every subdivision in which more than one person has been nominated as a director, in the manner following:

- (a) He shall cause a sufficient number of ballots to be printed and delivered to the secretary-treasurer of each district in the subdivision on or before the 24th day of December following the delegates' meeting.
- (b) The secretary-treasurer of the district shall deliver the ballots to the chairman at the annual meeting of the district.
- (c) If a poll is taken for the election of trustees, the chairman shall at the same time take a poll for the election of a director, and if no poll for the election of trustees is taken, the chairman shall take a poll for the election of a director at the time when a poll for the election of trustees would have been taken, if such a poll had been necessary.

**217.** The persons entitled to vote at an election of a director, and the provisions for the taking of the poll, shall in all respects be the same as are provided in the case of the election of trustees.

**218.** Upon the close of the poll the chairman and secretary of the annual meeting shall count the ballots, make out and sign a statement of the ballots in duplicate, shall forward one statement of the ballots to the secretary by mail in a separate envelope, and shall make up into a parcel and seal the ballots cast, together with the other statement of the ballots, and deliver the same to the secretary of the division or forward the same to him by registered mail.

**219.** As soon as the secretary of the division has received the ballots and statements from all the districts in the subdivision he shall count all the ballots and declare

the persons with the greatest number of votes elected. If it is found that two or more persons have each received an equal number of votes, the secretary shall give a casting vote and declare the person receiving that vote elected and shall forthwith certify in writing to the secretary of each school district in the subdivision, and to the Minister, the name of the person elected a director.

**220.** The five directors elected in the manner hereinbefore provided, one for each subdivision, shall constitute the Board of the school division and the Board shall be a body corporate and politic with such name or style as shall be prescribed by the Minister.

**221.** The Board of the division shall hold its first organization meeting at such time and place as the Minister may direct, and thereafter, following each annual election of directors, an organization meeting shall be held on the first Tuesday in February. At the meeting thus held, the Board shall appoint a chairman and secretary-treasurer to hold office during the pleasure of the Board.

**222.** A meeting of the Board may be called by the chairman or three directors.

**223.**—(1) Every regular or special meeting of the Board shall be called by sending by registered mail to each director, in a duly prepaid cover addressed to his last known post office address from a post office within the division, at least six days before the date fixed for the meeting, notice setting forth the time and place of the meeting:

Provided that the Board of any division may at any meeting at which all the members of the Board are present decide by resolution to hold regular meetings of the Board, and such resolution shall state the day, hour and place of every such meeting and no further or other notice of any such meeting shall be necessary.

(2) The Board may by unanimous consent waive notice of meeting and hold a meeting at any time, which consent shall be subscribed to by each member of the Board and shall be recorded in the minutes of the meeting in the following form:

We, the undersigned Directors of.....  
Division, hereby waive notice of this meeting.  
.....  
*Directors.*

**224.** Subject to the provisions next hereinafter contained, a director shall hold office for two years.

**225.** In the case of the first directors elected after the constitution of a division, at the organization meeting of the Board, the chairman shall place the names of all the

directors, each written on a separate piece of paper, each piece similar to the other in shape, kind, and colour, in a receptacle and shall then draw therefrom at random, one by one, three of the names therein, and shall cause the names so drawn to be recorded on the minutes, and the three directors whose names are drawn shall hold office for two years, and the remaining directors shall hold office for one year, and in either case until their successors are appointed.

226. At the first meeting of the Board of every school division and at the organization meeting of the Board in every year thereafter, the Board shall elect one of their number as a representative upon the General Board of Education, which shall, under that name, be a body corporate and politic, and shall be composed of one representative from each school division in the Province, and every such representative shall hold office until the next organization meeting of the Board which elected him, or until his successor is appointed.

227. It shall be the duty of every Divisional Board, and it shall have power—

- (a) to exercise a general supervision and control over the operation and teaching in the schools of all districts comprised in the division.
- (b) to provide offices and office equipment suitable to the needs of the division and to engage a secretary-treasurer and other necessary clerks and servants, with power to discharge them, and to prescribe their duties and fix their remuneration, and to provide for the expenses incidental to the discharge of any of the duties of the Board;
- (c) to pay to each director the sum of five dollars per day for each meeting, together with an allowance of ten cents per mile for every mile necessarily travelled in coming to and returning from meetings of the Divisional Board.
- (d) to provide and appoint, for schools of districts comprised in the division, duly qualified teachers under a contract in writing in the form prescribed by this Act, and to forward to the Department a true copy thereof:

Provided that if the Board of Trustees of a district has passed a resolution in favor of giving religious instruction pursuant to this Act, and has forwarded a copy thereof to the Divisional Board, it shall be the duty of the Divisional Board to provide for the school of such district a teacher satisfactory to the Board of Trustees in that respect:

Provided further, that if the Board of Trustees of a district has passed a resolution in favor of the giving of instruction in a primary course in French in accordance with this Act, the Divisional Board

shall, in so far as possible, select and assign to the school of such district a teacher competent to give such instruction.

- (e) to make regulations not inconsistent with the provisions of this Act, or the regulations of the Department, for the conduct of education in the schools of the districts comprised in the division.
- (f) to suspend or dismiss any teacher for gross misconduct, or neglect to comply with any lawful direction of the Board, or for incompetency and to report every such suspension or dismissal to the Department, in writing, with a full statement of the circumstances.
- (g) to confer and consult with the Superintendent of Schools for the division as to the educational problems and needs of the division and the districts comprised therein, and to consider any recommendations which the Superintendent may think fit to make with regard thereto.
- (h) to provide, with the approval of the Superintendent, when deemed expedient, at what times pupils may be admitted to Grade I or Primary Grade and in the case of a district operating more than one school, to decide what school any of the children of such district shall attend.
- (i) to make provision for the attendance of pupils at schools outside of the district in which their parents or guardians reside and for the payment to a parent or guardian of a reasonable sum on account or in lieu of the cost of a pupil's conveyance.
- (j) to provide for the settlement of disputes arising in relation to the school between the parents or children and the teacher.
- (k) to make such provision for secondary education within the division as may be deemed necessary—
  - (i) by providing such accommodation as may be deemed desirable and may be sanctioned by the Minister;
  - (ii) by providing any equipment and furnishings necessary for the purpose of secondary education;
  - (iii) by providing for the tuition of pupils resident within a division in schools affording secondary education outside the division;
  - (iv) by making, subject to the approval of the Minister, any other arrangements or adjustments necessary to meet the need for secondary education in the division, including the provision of dormitory accommodation for students in connection with any secondary school.
- (l) to send to the General Board, not later than the third day in each month, a statement setting out

the names of all teachers in the schools of the division, and the record of the days taught by each such teacher during the previous calendar month.

- (m) to provide for the enforcement of *The School Attendance Act* in each district comprised in the division and to appoint such attendance officers as the Board may consider necessary or the Minister may require.
- (n) to make provision in the annual estimates for the payment of any expenditure to be incurred in the next year by the exercise of any of the duties before mentioned other than supervisors' salaries and expenses.
- (o) to give effect to the lawful requirements of the General Board.

**228.** A Divisional Board shall at its discretion have power—

- (a) to equip and maintain such rooms or rooms as may be required for giving instruction in manual training, domestic science, physical training, music and art, and to employ suitable teachers for these purposes or any of them.
- (b) to employ such physicians, dentists and nurses as may be deemed requisite to care for the health of pupils and advise parents and the said Board with respect thereto; and the Board may take such steps and make such expenditures as it may deem necessary to safeguard the health of pupils.
- (c) upon the recommendation of the Superintendent of the division, to exclude from attendance at a school any pupil who is in the opinion of the Superintendent so mentally deficient as to be incapable of responding to class instruction by a skilful teacher or who is detrimental to the education and welfare of other pupils.
- (d) to pay the expenses of any members of the Divisional Board, or of any officials or employees thereof, incurred in attending any convention of school trustees or any other educational convention or conference.

#### GENERAL BOARD.

**229.** Immediately upon the Minister constituting a division he shall by order appoint some person as a secretary of the General Board, who shall hold office until the first meeting of the General Board and until his successor is appointed; and the Minister shall by the same or a separate order fix a time and place for the holding of the first meeting of the General Board.

**230.** It shall be the duty of the General Board—

- (a) to prepare and adopt a salary schedule applicable to all classes of teachers employed in the schools of districts included in divisions.
- (b) to provide offices and office equipment suitable to the needs of the Board and to engage a secretary-treasurer and other necessary clerks and servants.

with power to discharge them, and to prescribe their duties and fix their remuneration.

- (c) to pay every month the salaries of all teachers in the school of any district comprised in a division.
- (d) to pay to each member of the General Board an allowance of ten dollars per day for each day, or part thereof, that he is necessarily absent from his home in connection with attendance at meetings of the General Board, together with the amount of his actual outlay for transportation to and from such meetings.
- (e) to pay any school district outside of any division fees calculated at the rate provided by this Act for tuition afforded in its school to any pupil resident in a school district comprised in a division when such tuition is authorized by the Superintendent of the division, and in the amount certified to by him.
- (f) subject to the approval of the Minister, to require a Divisional Board to provide for tuition in any grade otherwise than by the operation of any particular school in which the enrolment of pupils is less than seven for Grades below Grade IX or ten for Grades above Grade VIII.
- (g) to pay sums authorized to be paid by a Divisional Board on account of or in lieu of the conveyance of pupils.

**231.** On or before the first day of July in each year the Divisional Board shall prepare and adopt an estimate of all its proper expenditures for that year incurred in or incidental to the performance of the duties, functions and business of such Board, and shall add or deduct from the total estimate the surplus or deficiency made or incurred in the operations of the preceding year and shall transmit the estimate so made, together with a certified copy of the resolution adopting the same, to the secretary of the General Board.

**232.** On or before the fifteenth day of June in each year, the secretary-treasurer of any municipal district within which any school district included in a division is wholly or partially situate, shall certify in writing, under his hand, to the secretary of the General Board for each district separately, the total value of all lands and other property within the municipal district which are in any school district included in a division and are liable to assessment and taxation for the purposes of such school district, as such lands and other property are assessed pursuant to *The Municipal District Act, 1926*, and as such value appears on the last revised assessment roll of the municipal district.

**233.** The Minister of Municipal Affairs shall on or before the fifteenth day of July in each year certify, under his hand, to the secretary of the General Board for each district separately the total value of all lands and other property in an improvement district, which are in any school district included in a division, and are liable to assessment and taxation for the purposes of such school

district, as such lands and other property are assessed for the purpose of *The Improvement District Act, 1927*, and as such value appears on the last revised assessment roll.

**234.** As soon as the General Board has received the estimates of the expenditures from all the Divisional Boards and the certificates as to assessed values from the secretary-treasurer and the Minister, required by this Part to be furnished by them, the General Board shall proceed—

- (a) to make out and adopt an estimate of all its proper expenditures for that year for the salaries of teachers, of the secretary-treasurer, and its other employees, office rent, office equipment and supplies, bank interest and all other proper expenses, and shall add or deduct any surplus or deficit made or incurred in the operations of the preceding year, and all sums received under *The School Grants Act* in the preceding year;
- (b) to strike a mill rate upon the total value of assessable lands in all districts in all divisions as certified pursuant to this Act, sufficient to produce the amount of the expenditure of the General Board in accordance with the said estimate;
- (c) to strike a mill rate upon the total value of all assessable lands in all districts comprised in each division sufficient to produce the amount of the expenditure of the Board of such division in accordance with the said estimate;
- (d) to certify in writing, under its corporate seal, to the secretary-treasurer of each municipal district in which a school district comprised in a division is wholly or partly situate, and to the Minister of Municipal Affairs—
  - (i) the mill rate struck for the expenditure of the General Board;
  - (ii) the mill rate struck for the expenditure of the Board of any division whose school districts are situate in a municipal district or improvement district, as the case may be.

**235.** The council of each municipal district and the Minister of Municipal Affairs respectively shall at the same time that the levy is made in each year for municipal taxes or improvement district taxes, as the case may be, levy an additional amount upon assessable lands in school districts comprised in a division in the municipal district or improvement district, as the case may be, which will be sufficient to produce, after making an allowance for non-collection, a sum equal to the sum which would be produced by a levy upon the last mentioned lands at the rates struck by the General Board if the sum levied were paid in full, and for that purpose may levy a greater mill rate than that struck by the General Board.



**236.** The said levy shall be made at the same time and in the same manner as the levy is made for taxes levied under *The Municipal District Act, 1926*, in municipal districts, and *The Improvement District Act, 1927*, in improvement districts.

**237.** All the provisions of *The Municipal District Act, 1926*, and *The Improvement District Act, 1927*, relating to the collection of taxes levied thereunder, and the powers and remedies conferred thereby on any person for compelling payment thereof, shall apply and be in force in respect of any levy made pursuant to this Act, as if such levy were made for municipal taxes in a municipal district, or improvement district taxes in an improvement district, as the case may be.

**238.** There shall be attached to or endorsed on every tax notice relating to any taxes levied pursuant to this Part a statement setting out—

- (a) the mill rate struck by the General Board for the purposes of the General Board;
- (b) the mill rate struck by the General Board for the purposes of the Divisional Board; and
- (c) the mill rate struck by the municipal council or by the Minister of Municipal Affairs, as the case may be, on account of the requirements of the General Board and the Divisional Board respectively.

**239.** The municipal district and the Minister respectively shall pay to the General Board the amount equal to the sum which would be produced by a levy at the rates struck by the General Board upon assessable lands in school districts comprised in a division in the municipal district or improvement district, as the case may be, if the same were paid in full, by equal quarterly payments on the first day of each of the months of April, July, October, and January.

**240.** The General Board shall pay to each Divisional Board the due proportion of the sums received on account of the levies made pursuant to this Part as soon as reasonably may be done after their receipt.

**241.** The General Board may from time to time with the consent of the Minister borrow from any bank or banks any sum or sums required for the purpose of meeting the current liabilities of the General Board and of all Divisional Boards, the total amount of all such borrowings not to exceed the total amount of the taxes for the current year which are for the time being due and outstanding, and may charge the taxes so due and outstanding with the repayment of any sum or sums so borrowed.

**242.** A Divisional Board may from time to time borrow upon the security of all the districts for the time being included in a division, any sum or sums required for the pur-

pose of providing secondary school accommodation in a district comprised in a division, by acquiring sites for and building and furnishing high schools, or by adding one or more rooms to an existing school of a district comprised in a division and furnishing the same, and for the provision and furnishing of dormitories in connection with any such school.

**243.** All the provisions of this Act relating to the issuing of debentures by a school district shall apply *mutatis mutandis* to the issue of a debenture by a school division, subject to the provisions following, namely:

- (a) It shall not be necessary to submit the by-law authorizing the debenture to the electors, provided that the total amount of the debenture borrowings of the division in the year does not exceed ten thousand dollars.
- (b) A poll of the electors of the division for and against the by-law shall not be held unless the demand is signed by twenty ratepayers of a district or districts comprised in the division.
- (c) The secretary-treasurer of the division shall be the returning officer for the purpose of taking a poll, and the secretary-treasurer of each school district comprised in the division shall be the deputy returning officer for each such district.
- (d) The poll shall be held on such date as may be specified by the returning officer in the notice of the poll.
- (e) It shall be the duty of each deputy returning officer to conduct the poll in his own district.
- (f) The proceedings from and after the close of the poll shall be the same as are provided in this Act in the case of an election of a director to a Divisional Board.

**244.**—(1) Upon the constitution of a division, the Minister shall appoint a Superintendent of Education for the division.

(2) It shall be the duty of every such Superintendent to confer and consult with the Board of the division as to the educational requirements of the division, and to advise the Board thereon; to attend all meetings of the Board; to have the general supervision of all schools and teachers under the jurisdiction of the Board; and to assist the Board in the discharge of its powers and functions.

**245.** The Minister shall appoint in every division two supervisors who shall assist the Superintendent in the discharge of his duties.

**246.** The grants payable under *The School Grants Act*, in respect of any school comprised in a division, shall be payable in the following manner:

- (a) The grants payable—
  - (i) to each district upon its establishment;
  - (ii) to each district whose school attains a minimum grading in respect of grounds, buildings, equipment, government and progress, or in the alternative, the supply of books for school library purposes to a value equal to the amount of the grant payable—  
shall continue to be paid to the school district.
- (b) The grants payable to the district on all other accounts shall ensure to the benefit of the division in which the district is comprised; the aggregate of all such grants shall be reduced by the amount of the salaries and expenses of the supervisors for all the divisions and the balance shall be paid to the General Board.

**247.**—(1) The Minister may from time to time by order—

- (a) prescribe the qualifications for the appointment of persons as supervisors of a division, the duties and functions of supervisors and the conditions under which a supervisor holds his appointment;
- (b) make regulations as to the procedure to be followed in respect of any proceeding or thing authorised by this Part in any case where the express provisions of this Act are in the opinion of the Minister insufficient or inapplicable.

(2) Every order made pursuant to this section shall be published in *The Alberta Gazette* and upon such publication shall have the same force and effect as if the same had been enacted by this Act.

**248.** In the event of there being a conflict between the provisions of this Part and any other provisions contained in this Act or in any other Act, then the provisions of this Part shall prevail.

## PART XVII.

### PENALTIES AND PROHIBITIONS.

**249.** Everyone who makes or signs any declaration at any first or other school meeting as to his qualifications to take part in such meeting or to vote thereat without being qualified so to do shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than ten dollars and costs.

**250.** Any member of a Board who wilfully neglects or refuses to assist in the exercise of all the corporate powers vested in such Board by this Act for the fulfilment of any

contract or agreement made by it, shall be personally liable for damages for the non-fulfilment of such contract or agreement.

**251.** Should the Board of any district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Act, or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Act, the treasurer of the Board or some other person authorized by the Minister may recover as a debt in a court of competent jurisdiction from such members of the Board as have participated in the unauthorized act individually, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Act, as well as the total amount of any moneys that have been misappropriated by such trustees.

**252.** Any trustee who knowingly signs a false report, or any teacher who keeps a false school register or knowingly makes a false return, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

**253.—(1)** Any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district shall thereby incur a penalty not exceeding twenty dollars for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the Board or from the Minister requiring him to deposit the same in the hands of some person mentioned in such notice.

(2) Any trustee, officer or employee of a district who refuses, neglects or fails to perform any duty imposed on him by this Act shall be liable to a penalty not exceeding fifty dollars.

(3) Any person required by this Act or by the regulations made thereunder to furnish any information or make any return or statement in writing to the Department, or to perform any act or duty, who refuses or neglects to furnish such information, or make such return or statement or perform such act or duty, shall be liable to a penalty not exceeding fifty dollars.

**254.** Any returning officer of any district or proposed district acting under the provisions of this Act who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way, or by any other means, shall be liable to a penalty of not less than ten dollars and not more than one hundred dollars.

**255.** Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized

to be held by this Act, or anyone who wilfully interrupts or disquiets any school established and conducted under its authority, by rude or indecent behaviour or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the exercises of the school, shall be guilty of an offence, for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding twenty dollars.

**256.** Any person who, subscribes to any statement, declaration, return or other document prescribed by this Act or by the Minister under the provisions hereof, and therein wilfully and knowingly makes any false statement, shall be guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty-five dollars.

**257.** No school trustee shall be eligible for appointment as teacher within the district of which he is a trustee, nor shall the teacher of any school hold the office of school trustee.

**258.** All fines, penalties and forfeitures mentioned in this Act may be recovered or enforced with costs on summary conviction before a justice of the peace.

**259.** All moneys accruing from forfeitures, fines or penalties under this Act shall, unless otherwise provided, belong to the general revenue fund of the Province of Alberta.

**260.** A notice setting forth the contents of every order of the Minister—

- (a) establishing any district; or
- (b) altering the boundaries of any district in any manner—

shall, upon publication thereof in *The Alberta Gazette*, be final and conclusive evidence that such district has been duly established, or that the boundaries of such district have been duly altered, as the case may be.

**261.** The publication in *The Alberta Gazette* of the notice of the order forming a consolidated school district or districts with an existing consolidated district or districts, or altering the boundaries of a consolidated district by adding to or taking from the area of any district which forms a part of the consolidated district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

**262.** The publication in *The Alberta Gazette* of the notice of the order forming a rural high school district or uniting any district or districts with an existing rural high school district or altering the boundaries of a rural high school district by adding to or taking from the area of any district

which forms a part of the rural high school district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

#### ALTERATION IN LIMITS OF SCHOOL DISTRICTS.

263. The Minister may by order, notice of which shall be published in *The Alberta Gazette*, alter the boundaries of any district by adding thereto or taking therefrom or dividing one or more existing districts into two or more districts or uniting portions of any existing district with another district, or with any new district, in case it has been satisfactorily shown that the proposed changes are for the general advantage of those concerned, and that the rights of taxpayers under section 14 of *The North-West Territories Act* will not be prejudiced.

264. In the case of any district having debenture indebtedness outstanding no alteration shall be made in the boundaries thereof which will prejudicially affect the rights or security of the holders of such debentures without due provision being made for the protection of such holders.

265.—(1) (a) Upon the alteration of the boundaries of any district, the Minister shall, by his order altering the boundaries or by a subsequent separate order, give such directions for the settlement and adjustment of the liabilities and assets of the said district as he may in his absolute discretion think fit and proper, and may prescribe and declare the basis and terms of such settlement and adjustment, and the manner in which the same shall be carried into effect; and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property within or without such district, may prescribe by whom, at what times and in what manner such rates and taxes shall be raised, levied, and collected, and to whom the same or any part thereof shall be paid, and by what district or districts, in what proportions, and to whom any money payable in respect of any such settlement and adjustment shall be paid.

(b) Any and every provision, declaration, prescription and direction at any time heretofore or hereafter made by the Minister, upon the alteration of the boundaries of any district as to the settlement and adjustment of the assets and liabilities, and the method of settling and adjusting the same, shall be deemed to be good and valid for all purposes, any decision of any court notwithstanding.

(2) When any area is added to or taken from any district the Minister may by order make all provisions necessary to meet the exigencies of the case respecting the assessment of property in such area and the levying, collection and application of taxes on such property, or one or more of the said matters for the then current year, and the matters dealt with in such order shall be done according to the terms thereof and not otherwise.

(3) The Minister may by order vest any land registered in the name of the Board of a district in the name of the Board of another district in which the land becomes situate upon an alteration of boundaries, and a copy of such order duly certified by the Minister shall be sufficient evidence to the Registrar of the Land Registration District in which such land is situate, of such change of ownership, and the said Registrar shall, without the charge of any assurance fund fees, upon request in writing of the Board of such other district and upon production of a certified copy of the order as aforesaid and the duplicate certificate of title covering the same, register it as owner of such land.

**266.** The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that on and after a day therein to be named any district shall be dissolved and thereupon the same and the Board thereof shall cease to have or enjoy any of the rights, powers and privileges vested in it by this Act; and upon any such dissolution of a district the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such district; and such person or persons so appointed shall have full power and authority to sell and dispose of all the assets and property of such district and apply the same so far as it will extend: firstly in payment of the liabilities of the said district; and secondly, in payment of his or their remuneration as hereinafter mentioned and shall divide the surplus, if any, *pro rata* among the ratepayers of the said district entitled to share therein, or the school districts to which the lands of the said dissolved district have been added; and in case the amount so realized is insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment, in the same manner as beacons, assessors, collectors and treasurers are authorized to do by *The School Assessment Act*, of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith, including his or their remuneration, which shall be fixed by the Minister.

**267.**—(1) An elector of a district other than a town or a village district, who complains that the provisions of this Act have not been complied with on the election of a trustee for such district or in the conduct of any meeting of the electors of such district held pursuant to this Act, may within twenty days of the date of such election or meeting deliver to the Minister a statutory declaration setting out the circumstances of the complaint.

(2) Thereupon the Minister may investigate the matter and may in his discretion, by order, either confirm and validate in whole or in part the election or proceeding complained of or may declare the same in whole or in part, to

be null and void, and in the latter case shall give such directions as may be necessary for the holding of a new election or meeting, as the case may be.

#### ORDERS.

**268.** No order purporting to be made under this Act and being within the powers hereby conferred shall be deemed invalid on account of any non-compliance with any of the matters hereby required as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in anywise suspend or impair the operation of this Act with respect to the matter so misdescribed or omitted.

**269.** Any misdescription or other error in any order made by the Minister or in any order made or proclamation issued by the Lieutenant Governor in Council, under the provisions of this Act or any Ordinance respecting schools at any time in force in the Province of Alberta, may be corrected and confirmed as corrected as of the date on which it was made or issued by any subsequent order of the Minister.

**270.** In any order under this Act the Minister may provide that the same shall not take effect until some future date named therein, but not later than one year from the date of the order.

#### MISCELLANEOUS.

**271.** The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that for the purposes of this Act any town district shall be deemed to be a village district and thereafter all the provisions of this Act relating to village districts shall apply thereto.

**272.** Notwithstanding anything herein contained, women shall be upon an absolute equality with and have the same rights and privileges, and be subject to the same penalties and disabilities, as men under this Act.

**273.** Wherever in any city charter there are any provisions governing referendum, recalls or the taking of plebiscites, such provisions shall apply *mutatis mutandis* to the elected representatives and business of any school board elected for any school district which is included either wholly or partially within the limits of any city:

Provided that if any plebiscite is held or any referendum taken or any recall demanded at any time other than the date of the general municipal election, the expenses of such initiative plebiscite, recall or referendum shall be borne by the school board affected thereby.



**274.**—(1) Whenever complaint is made that the election of a trustee for any district within a consolidated district has not, or that the proceedings or any part thereof of any first or other meeting of the ratepayers of any consolidated district or of any district within a consolidated district have not, been in conformity with the provisions of this Act, the Minister may, upon receiving the complaint of any ratepayer of the consolidated district verified by statutory declaration of the complainant, investigate the matter, and render such decision in and about the same as to him appears proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the election or meeting in question.

**275.**—(1) Whenever complaint is made by any ratepayer, verified by his statutory declaration, that the conduct or any part thereof of any first or other school meeting in any rural district or the election of trustees has not been in conformity with this Act, the Minister may investigate the matter and render such decision in and about the same as to him shall appear proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the meeting or election.

#### SCHEDULE.

##### FORM A.

(a)

Proposed.....School District of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named proposed school district at the time of making this declaration, and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months immediately prior to this date, or that he or she is the husband, wife, son, daughter, father, mother, or sister of and resides in the same house with the owner or occupant.

| Names | Property owned or occupied, or residence |
|-------|--|
|       |  |
|       |  |
|       |  |
|       |  |

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19...

(b)

Proposed.....Consolidated School District  
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named proposed consolidated school district at the time of the making of this declaration and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or that he or she is the husband, wife, son, daughter, father, mother, or sister of and resides in the same house with the owner or occupant.

| Names | Property owned or occupied, or<br>residence |
|-------|---|
|       |   |

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19...

## FORM B.

(1)

(This form should be used for an elector or the husband, wife, son, daughter, father, mother, or sister of an elector in any established district not having a revised assessment roll.)

The.....School District No.....  
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at this date and that he or she either has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or is the husband, wife, son, daughter, father, mother or sister of and resides in the same house as such owner or occupant.

| Names | Property owned or occupied, or<br>residence |
|-------|---|
|       |   |

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19...

## (2)

(This form should be used for an elector or the husband, wife, son, daughter, father, mother, or sister of an elector in any district that has a revised assessment roll.)

The.....School District No.....  
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at the date hereof and either that his or her name appears on the last revised assessment roll of the district or that he or she is the husband, wife, son, daughter, father, mother, or sister of and resides in the same house as the elector whose name appears on the last revised assessment roll of the district.

| Names | Property owned or occupied, or residence |
|-------|--|
|       |  |

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19...

## (3)

(This form should be used for an elector or the husband, wife, son, daughter, father, mother, or sister of an elector in any established district within a consolidated district not having a revised assessment roll for the consolidated district.)

The.....School District No.....  
of the.....Consolidated School District  
No.....of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district of the said consolidated school district at this date and either that he or she has so resided therein and has been the owner or occupant of assessable property therein for a period of at least two months prior to this date or that he or she is the husband, wife, son, daughter, father, mother, or sister of and resides in the same house with the owner or occupant.

| Names | Property owned or occupied, or residence |
|-------|--|
|       |  |

Witness to above signatures:  
 .....Chairman.  
 .....Secretary.

Dated the.....day of.....A.D. 19...

4

(This form should be used for an elector or the husband, wife, son, daughter, father, mother, or sister of an elector of any district within a consolidated school district that has a revised assessment roll for the consolidated district.)

The.....School District No.....  
 of the.....Consolidated School District  
 No.....of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, that he or she actually resides within the above named district at the date hereof, and either that his or her name appears on the last revised assessment roll of the said consolidated district or that he or she is the husband, wife, son, daughter, father, mother, or sister of and resides in the same house as the elector whose name appears on the last revised assessment roll of the consolidated district.

| Names | Property owned or occupied, or residence |
|-------|--|
|       |  |

Witness to above signatures:  
 .....Chairman.  
 .....Secretary.

Dated the.....day of.....A.D. 19...

# FORM D.

## POLL BOOK.

Election of Trustees for the.....S.D. No.....  
 of the Province of Alberta.

Date of poll.....; Poll opened.....; Poll closed.....

| Name of Voter | No. | Residence | Remarks |
|---------------|-----|-----------|---------|
|               |     |           |         |

.....  
 Chairman.

## FORM F.

## POLL BOOK.

Vote on debenture by-law submitted to the resident rate-payers of.....S.D. No.....of the Province of Alberta, on the.....day of.....19..

Poll opened at.....a.m. Poll closed at.....p.m.

| Name of Voter | Record of Votes |                | Remarks |
|---------------|-----------------|----------------|---------|
|               | For by-law      | Against by-law |         |
|               |                 |                |         |

.....  
*Returning Officer.*

## FORM G.

I, the undersigned justice of the peace in and for the Province of Alberta, having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the.....day of....., 19..., on the question of the issue of debentures on the security of the said district and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the votes:

| Total number of votes taken |         | Number of votes on each side after the recount |         |
|-----------------------------|---------|--|---------|
| For                         | Against | For  | Against |
|                             |         |  |         |

.....  
*J.P.*

Dated at.....this.....day  
of....., A.D. 19..

## FORM H.

## NOMINATION PAPER.

We, the undersigned delegates of Subdivision No..... hereby nominate (*here insert the name, residence, and occupation of the person nominated*) for the office of Director.

Dated the.....day of....., 19.....

.....  
*(Signatures of two delegates.)*

I, \_\_\_\_\_, of \_\_\_\_\_,  
hereby state—

1. That I can read and write; and
2. That I am a British subject; and
3. That I am of the full age of twenty-one years; and
4. That I am not disqualified under this or any other Act; and
5. That I am an elector at this date of the ..... School District No. ....; and
6. That I will accept the office of Director if elected.

Signed this ..... day of  
..... A.D. 19...  
in the presence of  
(Signature of Witness) (Signature of Candidate)

No. 61.

THIRD SESSION

SIXTH LEGISLATURE

19 GEORGE V

1929

## BILL

An Act to Consolidate and amend  
The School Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BAKER

WINNOSTON:  
W. D. BAKER, Clerk. 1929  
A.D. 1929

Title: 1929 (6th, 3rd) Bill 61, An Act to Consolidate and amend The School Act