

Bill No. 74 of 1934.

A BILL TO AMEND THE SCHOOL ACT, 1931.

NOTE.

By section 2 of this Bill the expression "elector" is defined so as to include, in all districts except town and school districts, property owners liable to taxation for school purposes and their immediate relatives who are resident in the district and persons who have paid a tax for school purposes to the district other than the tax payable for school purposes in respect of property. In town districts the expression "elector" means a person whose name is on the town voters' list and persons who have paid the minimum tax.

By section 3 of the Bill provision is made for the holding of meetings of electors and ratepayers in town districts.

Sections 4 and 5 of the Bill make amendments as to the hours for holding annual meetings and the time for holding a poll.

Section 6 of the Bill empowers a Board of Trustees to effect indemnity insurance and to enter into an agreement with a local board of health authorized by section 21*a* of *The Public Health Act*.

Section 7 of the Bill amends the procedure where land is taken compulsorily for school purposes.

Section 8 of the Bill makes new provision for referring disputes between a Board and a teacher as to the termination of a contract to a Board of Reference.

R. ANDREW SMITH,
Legislative Counsel.

(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. 74 of 1934.

An Act to amend The School Act, 1931.

(Assented to _____, 1934.)

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, 1931, Amendment Act, 1934.*”

2. *The School Act, 1931*, being chapter 32 of the Statutes of Alberta, 1931, is hereby amended as to section 2 thereof by striking out paragraph (d) thereof and by substituting therefor the following:

“(d) ‘Elector’ shall mean—

- “(i) in any proposed rural or village district, any person of the full age of twenty-one years who is a resident thereof and who, if the district were established, is the owner of property which would be liable to assessment for school purposes therein or is the tenant of property which would then be liable to assessment for school purposes; and shall include the husband, wife, son, daughter, father or mother of any of such persons provided that such husband, wife, son, daughter, father or mother is of the full age of twenty-one years and is a resident of the proposed district;
- “(ii) in any established district other than a town district, any person of the full age of twenty-one years who is a resident thereof and who is the owner of property and liable to assessment for school purposes therein or is the tenant of property which is liable to assessment for school purposes; and shall include the husband, wife, son, daughter, father or mother of any of such persons provided that such husband, wife, son, daughter, father or mother is of the full age of twenty-one years and is a resident of the established district and any person who has in the current year or the previous year paid to the district a tax for school purposes other than a tax payable for school purposes in respect of property;
- “(iii) in a town district any person whose name is on the town voters’ list and any person whose name has been added to the assessment roll by

reason of the payment of the minimum tax levied pursuant to section 349 of *The Town and Village Act*."

3. The said Act is further amended as to section 45 thereof by striking out the same and by substituting therefor the following:

"45.—(1) In the case of a town district which is situated, either wholly or partially, within the corporate boundaries of any city, the annual meeting of the electors and ratepayers of the district shall be held in the month of January, on a date and at a place which shall be appointed for that purpose by a resolution of the Board.

"(2) In the case of all other town districts, an annual meeting of the electors and ratepayers of the district shall be held at the time and place appointed for the holding of the annual meeting of the electors of the town, or at such other time and place as may be fixed by resolution of the Board.

"(3) Notice of the time and place at which the annual meeting is to be held shall be given by the publication of notice at least once a week in each of the two weeks preceding the week in which the meeting is to be held in a newspaper published in the district, or if there be no such newspaper, then in the manner herein provided with respect to meetings in rural and village districts."

4. The said Act is further amended as to section 46 thereof by striking out the words "commencing at any fixed hour between the hours of two and seven inclusive, in the afternoon," where the same occur in subsection (1) thereof, and by substituting therefor the words "commencing at any fixed hour between the hours of two and eight inclusive in the afternoon."

5. The said Act is further amended as to section 55a thereof by striking out the words "at two o'clock in the afternoon," where the same occur therein, and by substituting therefor the words "at the hour specified for that purpose in the order."

6. The said Act is further amended as to section 120 thereof—

(a) by inserting therein, immediately at the end of subsection (1) thereof, the following new paragraph:

"(o) to effect and keep on foot a policy or policies indemnifying the Board against liability in respect of any claim for damages or personal injury";

(b) by adding at the end of paragraph (b) of subsection (2) thereof the words "and for that purpose may enter into any agreement with a local board of health which that board is authorized to enter into by section 21a of *The Public Health Act*."

7. The said Act is further amended as to section 136 thereof by striking out subsections (1) and (2) thereof and by substituting therefor the following:

“**136.**—(1) Upon it being made to appear to the Minister by means of a statutory declaration furnished by a Board and made by an officer of the Board with respect to any site which has been selected and approved pursuant to the last preceding section that the owner of the site, or any other person having an interest therein, and the Board are unable to agree upon the price to be paid for it, or that the whereabouts of the owner cannot, after reasonable enquiry, be ascertained, or that any person having an interest therein has refused or failed to execute any transfer, discharge, release or other assurance necessary to vest the title to the site in the Board, the Minister may execute a transfer of the site to the Board.

“(2) The Registrar of Land Titles for the proper Land Registration District shall register any transfer by the Minister made pursuant to this section and shall issue a certificate of title in the name of the Board in respect of the land expressed to be the transferred, and thereupon the land shall vest in the Board for an estate in fee simple in possession free from all encumbrances except only for rates and taxes.”

8. The said Act is further amended as to section 160 thereof—

(a) by repealing the same as enacted by section 15 of *The School Act, 1931, Amendment Act, 1932*;

(b) by repealing the same as enacted by *The School Act, 1931*; and

(c) by substituting therefor the following new section:

“**160.**—(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, consisting of not more than three members appointed by the Lieutenant Governor in Council.

“(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) (a) Every such application shall be in writing and shall set forth a full and complete statement of the nature of the complaint or dispute which shall be verified by statutory declaration on the part of the party or parties making such application.

“(b) Upon every such application there shall be payable a fee of twenty-five dollars which may be returned on recommendation of the Board of Reference.

“(c) The application shall be sent by registered mail to the Minister within ten days after the date upon which the dispute or disagreement shall have arisen.

“(d) The party making such application shall, at the time of making application to the Minister, send to the other party to the dispute or disagreement a notice

in writing to the effect that an application has been made to the Minister in pursuance of this section;

“(4) As soon as any such application shall have been duly made, the Minister shall refer the dispute or disagreement in question to the Board of Reference which shall, after such investigation as it deems necessary, proceed to determine the same, and shall deliver a report setting out the determination made of the matter to the Minister who shall transmit a copy thereof to the several parties to the dispute or disagreement.

“(5) Upon any application being made to the Minister as to any dispute or disagreement with respect to the termination or cancellation of an agreement between a school board and a teacher, such termination or cancellation shall not take effect until the Minister shall have transmitted a copy of the report of the Board of Reference as to the determination made thereof to the several parties to the dispute or disagreement.

“(6) Where the dispute or disagreement between a Board of Trustees and a teacher is with reference to the termination of any agreement, if the Board of Reference is satisfied that the Board of Trustees in terminating the agreement did not act as reasonable persons should act in the discharge of their duties as trustees, and that the agreement was not terminated because of the misconduct or inefficiency of the teacher, or by reason of anything in the mode of life, character or disposition of the teacher of a nature calculated to make the retention of the teacher detrimental to the proper and efficient conduct of the school for which the trustees are responsible, or by reason of the financial necessities or circumstances of the district, or for the reason that the termination of the agreement is conducive to the general welfare of the district and the betterment of the educational facilities therein, the Board of Reference shall disallow the action of the Board of Trustees, otherwise it shall confirm the said action, and upon the delivery by the Board of Reference of its findings to the Minister, those findings shall be binding and conclusive upon the Board of Trustees and the teacher.

“(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 before the Board, 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.”

9. The said Act is further amended as to section 161 thereof by striking out the figures “1934,” where the same occur in subsection (4) thereof, and by substituting therefor the figures “1936.”

10. The said Act is further amended as to section 201 thereof by striking out the words "sufficient for the admission of such child," where the same occur therein, and by substituting therefor the words "sufficient for the admission of such child and that the application is approved by him."

11. The said Act is further amended by inserting therein, immediately after section 202 thereof, the following new section:

"202a. For the purposes of this Part, 'lawful guardian' shall mean any person with whom a child resides who is a guardian appointed by deed or will of a deceased parent or a guardian appointed by an order of a court under the provisions of *The Domestic Relations Act*, and any person in whose care a child is placed under the provisions of *The Child Welfare Act*."

12. The said Act is further amended by inserting therein, immediately after section 224 thereof, the following new section:

"224a.—(1) In relation to the establishment, whether heretofore or hereafter, of any school district within that part of the Province which is included in the Tilley East Area or the Berry Creek Area constituted for the time being by *The Tilley East and Berry Creek Areas Act* or the Acts thereby repealed, the Minister shall have and be deemed to have had the full power to establish any such school district and to provide for the administration thereof by an official trustee in lieu of a Board of Trustees until such time as he may order that an election be held for the election of trustees; and every official trustee so appointed shall have and be deemed to have had all the powers conferred by this Act on a Board of Trustees.

"(2) In any district to which this section applies, the Minister may with the approval of the Lieutenant Governor in Council make provision for the election of an advisory committee to confer and advise with the official trustee or the election of a Board of Trustees consisting of such number of persons elected in such manner as may be from time to time prescribed, may provide for the election of any such persons by electoral divisions of the district, and may modify any of the provisions of this Act relating to the election of trustees in such manner as may be deemed necessary in the circumstance and may by regulation provide as to the manner in which any such election shall be conducted."

13. This Act shall come into force on the day upon which it is assented to.

No. 74.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The School Act,
1931.

Received and read the

First time

Second time.....

Third time.....

HON. MR. BAKER

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934