

Bill No. 77 of 1936.

A BILL TO AMEND THE SCHOOL ACT, 1931.

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NOTE.

Sections 1 to 13 of this Bill make a number of minor amendments of a routine character.

Section 14 provides a re-draft of the section relating to the fees which may be chargeable by a school board for the tuition of the children of non-residents, reduces the amounts of such fees, and make special provision for the fees chargeable in respect of higher grade tuition.

Section 15 of the Bill enacts a new Part providing for the establishment of school divisions consisting of a number of school districts and sets out in detail the method of establishment and the powers, duties and functions of the board of a division and the board of an included school district respectively, the constitution of the board of a division, and provisions governing the operation and administration of a school division.

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. 77 of 1936.

An Act to amend The School Act, 1931.

(Assented to \_\_\_\_\_, 1936.)

**H**IS 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, 1936.*"

**2.** *The School Act, 1931*, being chapter 32 of the Statutes of Alberta, 1931, is hereby amended as to section 50 thereof by striking out the words "the statements", where the same occur in paragraph .(a) thereof, and by substituting therefor the words "the minutes of the last annual meeting and the statements".

**3.** The said Act is further amended as to section 51 thereof by striking out the words "to read the statements", where the same occur therein, and by substituting therefor the words "to read the minutes of the last annual meeting and thereafter the statements".

**4.** The said Act is further amended as to section 52 thereof by striking out the words "one hour", where the same occur in subsection (1) thereof, and by substituting therefor the words "ninety minutes".

**5.** The said Act is further amended as to section 53 thereof by striking out the same and by substituting therefor the following:

"**53.**—(1) Any two electors of the district may nominate for election as a trustee any person who is qualified as provided in section 64.

"(2) Any nomination shall be withdrawn if the person nominated intimates to the chairman before the close of nominations that he does not desire to be nominated."

**6.** The said Act is further amended as to section 63 thereof by adding at the end thereof the words "unless he has become disqualified by reason of any of the provisions of sections 66, 67 and 68, in which event he shall cease to hold office upon becoming so disqualified."

**7.** The said Act is further amended as to section 111 thereof by striking out the words "The chairman", where the same occur therein, and by substituting therefor the words "The chairman or an inspector".

8. The said Act is further amended as to section 119 thereof by striking out the word "truancy," where the same occurs in paragraph (v) thereof.

9. The said Act is further amended as to section 125 thereof by striking out the word "chairman", where the same occurs in paragraph (e) thereof, and by substituting therefor the words "chairman or an inspector".

10. The said Act is further amended as to section 154 thereof by striking out the words "except on the order of the Minister", where the same occur in subsection (4) thereof, and by substituting therefor the words "except with the consent of the Minister".

11. The said Act is further amended as to section 161 thereof by striking out the words and figures "until the first day of July, 1936", where the same occur in subsection (4) thereof, and by substituting therefor the words and figures "until the first day of July, 1938".

12. The said Act is further amended as to section 162 thereof by adding at the end of subsection (2) thereof the following new paragraph:

"(g) Days proclaimed as holidays by order of the Governor General in Council or the Lieutenant Governor in Council or by the mayor of a city or town."

13. The said Act is further amended as to section 166 thereof by striking out the word "truancy," where the same occurs therein.

14. The said Act is further amended as to section 202 thereof by striking out the same and by substituting therefor the following:

"202.—(1) Except as hereinafter provided no fees shall be charged by the Board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a resident of the district.

"(2) The Board of any district may charge for pupils under Grade IX, as classified by the regulations of the Department, a fee of twenty cents per day for each pupil in attendance at its school whose parent or lawful guardian is not a resident of the district, which fee shall be payable monthly at the end of every month:

"Provided that the total amount payable by any parent or guardian for his family on account of such fees shall not, together with the amount of taxes (if any) paid or payable by him to the district for the year, exceed the sum of sixteen dollars for any year:

"Provided further that if the school of the district in which such parent or guardian resides is closed during any portion of the school year without the consent of the Minister, no fees shall be charged the parent or guardian of such child during the time the school of such district is so closed, but the Board of the district at whose school such child is in attendance may charge the district whose school

is so closed a fee of twenty cents per day for each pupil for each day of attendance, which fees shall be payable at the end of the calendar year upon account being rendered by the Board without any deduction for the amount of taxes paid or payable as aforesaid by any parent or guardian.

"(3) The Board of any district may charge for pupils in Grades IX, X and XI, first and second year commercial courses, special commercial courses and first and second year technical courses as classified by the regulations of the Department of Education, a fee of three dollars per month (or fractional part thereof) per pupil in attendance at its school, if the parent or lawful guardian of such pupil is not a resident of the district, which fees shall be payable monthly at the end of every month by the Board of the district in which the parent or lawful guardian of such pupil resides:

"Provided, however, that the total amount of such fees for the term ending the thirty-first day of December shall not exceed twelve dollars per pupil, and for the term ending the thirtieth day of June shall not exceed eighteen dollars per pupil:

"Provided further that no fee may be charged on account of the attendance at the school of any child whose parent or lawful guardian is resident in unorganized territory and on lands subject to taxation under *The Educational Tax Act*:

"Provided further that no school district shall be liable for fees on account of instruction given to any such pupil if such instruction is available at the school in the district in which the parent or lawful guardian resides, but in that case the said parent or lawful guardian shall pay to the district carrying on the school attended by the pupil fees at the rate provided in this subsection, but may abate the amount of the fees payable by the amount of school taxes (if any) paid or payable by him for the year to such school district:

"Provided further that when only a portion of the instruction which a pupil is receiving is available in the school of the district in which his parent or lawful guardian resides, the amount of fees payable by the parent or lawful guardian shall be the proportion of the total which the number of subjects offered in the district of which the parent or guardian is a resident bears to the total number of subjects in which instruction is received by the pupil, and the amount of fees payable by the Board shall be the remainder:

"Provided further that instruction in all or any of these grades shall not be deemed to be available to a pupil in a district which maintains only one room in operation unless the Board obtains from an inspector his authorization in writing to give such instruction in its school.

"(4) The Board of any district may charge for pupils in Grade XII, third year commercial course and third year technical course as classified by the regulations of the Department of Education, a fee of four dollars per month (or fractional part thereof) per pupil in attendance at its school if the parent or lawful guardian of such pupil is not a resident of the district, which fee shall be payable monthly at the end of every month by the parent or lawful guardian of such pupil:

"Provided, however, that the amount of fees payable by a parent or lawful guardian under this subsection may be abated by the amount of the school taxes (if any) paid or payable by him for the year to the school district in which the pupil is in attendance.

"(5) The Board of any district maintaining a technical school or special classes in technical, commercial, art, or other higher training, may charge for a pupil in attendance at its school, if the parent or lawful guardian of such pupil is not a resident of the district, such fees from time to time as shall be approved by the Minister:

"Provided, however, that when the fees so approved are higher than those provided for in subsections (3) or (4) any excess shall always be payable by the parent or lawful guardian:

"Provided further that the amount of fees payable by a parent or lawful guardian under this subsection may be abated by the amount of the school taxes (if any) paid or payable by him for the year to the school district in which the pupil is in attendance.

"(6) The liability of a Board to the payment to another Board of fees in respect of any pupil furnished with instruction in one or more of the following courses, namely, Grade IX, Grade X, Grade XI, first year commercial course, second year commercial course, first year technical course, second year technical course, shall cease upon the expiration of the fifth year during which the pupil has been furnished with such instruction; and thereafter any fees payable in respect of that pupil shall be at the rate prescribed by subsection (3) hereof and shall be payable by the parent or lawful guardian of the pupil.

"(7) In case a pupil has been receiving instruction at a school of the district in which the pupil's parent or lawful guardian resides in one or more of the following courses, namely, Grade IX, Grade X, Grade XI, first year commercial course, second year commercial course, third year commercial course, for five years, or in case he has been so receiving instruction in Grades IX, X, XI and XII (or equivalent years in commercial and technical courses) for six years the Board of that district may charge the parent or lawful guardian fees for instruction furnished to the pupil in any of the said grades after the completion of the fifth or sixth year of such tuition, as the case may be, at the rates prescribed by subsections (3) and (4) hereof.

"(8) In any case in which the Board of a district furnishes partial tuition in Grades IX, X, XI and XII, first, second and third year commercial courses, first, second and third year technical courses, or tuition partially in Grades IX, X and XI (or equivalent commercial and technical courses) and partially in Grade XII (or equivalent commercial and technical courses), to a pupil whose parent or lawful guardian is a resident of another district, the amount of the fees so chargeable by the first mentioned Board to the Board of the last mentioned district and to the parent or lawful guardian respectively shall be according to the schedule of fees in the second part of the schedule of this Act.

“(9) 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 Board of Trustees, from any person or Board by whom the same are made payable under this Act.

“(10) The certificate of an inspector of schools 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.

“(11) All disputes under this section as to the amount of fees payable by a Board and by a parent or lawful guardian shall be referred to the Chief Inspector of Schools, whose decision shall be final.

“(12) The imposition of fees by a Board under the provisions of this section shall not disentitle the Board from receiving a grant under any of the provisions of *The School Grants Act*.

“(13) Where school districts are included in a division established pursuant to Part XVII of this Act the provisions of this section shall not apply to any such school districts and for the purposes of this section a division shall be deemed to be a school district and any reference to the Board of a district included in a division shall be deemed to be a reference to the Board of the Division.”

**15.** The said Act is further amended by inserting therein, immediately after section 231 thereof, the following:

“PART XVII.

“**231.**—(1) Where the conditions prevailing are such that it appears advisable in the interests of education so to do, or if it is so requested by the boards of trustees of the majority of school districts in a proposed division, the Minister may by order constitute a school division consisting of any number of rural public school districts not being districts wholly or partially included in a consolidated district.

“(2) Every school division shall be divided by the Minister by the order constituting the division into not less than five subdivisions consisting of school districts included therein, and every such school district shall be included in a subdivision.

“(3) Every order constituting a school division shall,—

“(a) nominate some person as the secretary for the time being of the division; and

“(b) fix the day, time and place for the holding of the first meeting of the delegates for the division, and in case it is necessary to hold an election of any members of the Divisional Board, the day and time for the holding of any such election;

“(c) assign a name and number for the school division and a distinctive number to each subdivision.

“(4) Where the conditions prevailing are such that it appears advisable in the interests of education so to do, or if it is so requested by the boards of trustees of the majority of school districts in a proposed division, the Minister may by order from time to time,—

“(a) include in an established division any one or more public school districts and include the same in a subdivision;

“(b) transfer any school district included in a division to another division;

“(c) transfer any school district included in a division from one subdivision to another; and

“(d) exclude from a school division any school district included therein.

“(5) Every order made pursuant to this section shall be published in *The Alberta Gazette* and a copy of every such order shall be sent by registered mail to the secretary of every school district mentioned therein.

“**232.**—(1) Upon the making of an order constituting a school division, the secretary of every school district named therein 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 trustees for the purpose of electing a delegate.

“(2) In every year after the year in which a school division is constituted, the secretary of each school district in the division shall in the month of September call a meeting of the trustees for the purpose of electing a delegate.

“(3) At any such meeting the trustees attending thereat shall proceed to elect a delegate who shall be a British subject, an elector of the district and able to read and write, and thereupon the secretary of the school district shall furnish the person so elected with a certificate of his election and shall advise the secretary of the division of the name and post office address of the delegate.

“(4) In case default is made by a board of trustees in appointing a delegate, the Minister may by writing appoint a delegate for the district.

“**233.**—(1) A meeting of the delegates of a school division shall be held on the day and at the time and place fixed by the order constituting the division for that purpose and on the first Tuesday in December of every subsequent year at such time and place as may be fixed for that purpose by the Divisional Board.

“(2) The secretary of the division shall send to each delegate by mail a notice in writing of the day, time and place of such meeting.

“**234.**—(1) A quorum for a meeting of delegates shall be a number which is not less than one-half of the number of school districts in the division.

“(2) If at the expiration of one hour after the time fixed for a meeting of delegates a quorum is not present, the delegates shall by resolution adjourn the meeting to a day and time which shall be not more than five days after the day originally appointed for the meeting.

“**235.**—(1) At the hour fixed for the meeting or as soon thereafter as a quorum shall be present, or, in case of an adjournment for lack of a quorum, at the hour to which the meeting was adjourned, the delegates then present shall commence the meeting by appointing one of their number as chairman and shall then proceed to the reading of the reports of the superintendent, the secretary of the division, the auditor, and any other statements or communications relating to the affairs of the division and the discussion thereof as may seem desirable.

“(2) Immediately after the expiration of one hour after the commencement of the meeting, the chairman shall adjourn the same until the conclusion of the separate meetings of the delegates for each subdivision, and immediately upon such adjournment the delegates of each subdivision shall meet separately and appoint a chairman who shall proceed to call for the nomination of candidates for the office of divisional trustee for the subdivision who shall be an elector of a district within the subdivision, and such meeting shall remain open for the period of thirty minutes from the time when the chairman first called for nominations.

“(3) Every nomination shall be in writing in Form I in the schedule hereto and shall be signed by a delegate and by one other person who shall be a British subject, an elector of a district included in the subdivision, able to read and write and is not in arrears for taxes due to the district, and shall be accompanied by a statement in writing in Form K in the schedule hereto signed by the candidate as to his qualifications for election and his willingness to accept the office.

“(4) If, after the expiration of the said period of thirty minutes, the chairman shall have received only one such nomination, he shall declare the candidate nominated to be duly elected as a member of the Divisional Board of Trustees and shall immediately thereafter deliver to the secretary of the division a certificate of that candidate's election, and if he shall have received more than one such nomination he shall immediately thereafter deliver to the secretary of the division a certificate signed by him setting out the names and addresses of the persons so nominated.

“**236.**—(1) In case more persons than one are nominated in any subdivision a poll shall be held in that subdivision.

“(2) The secretary of the division shall cause a sufficient number of ballot papers to be printed and delivered to the secretary of each school district in the subdivision and advise him in writing of the necessity for taking a poll,—

- (a) at least ten days before the day fixed in the order constituting the district for the taking of a poll; or
- (b) in any subsequent year before the twenty-fifth day of December.

“(3) In the year in which the division is constituted, the secretary of each such school district shall proceed to call a meeting of the electors of the school district upon the date, and at the time and place fixed for that purpose in the order constituting the division in the manner prescribed in section 46 of this Act.

“**237.** The poll shall be held at the public meeting of electors of the school district held on the day fixed for that purpose in the order constituting the division and in any subsequent year on the second Tuesday in January.

“**238.** Subject to the other provisions of this Part, all the provisions of sections 86 to 99, both inclusive, relating to the taking of a poll for the election of trustees of a rural school district shall, *mutatis mutandis*, be applicable to the taking of a poll in a subdivision.

“**239.** Upon the close of the poll the chairman and secretary of the meeting shall count the ballots in the presence of at least two electors, shall make out and sign a statement



of the ballots in duplicate, shall forward one statement of the ballots to the secretary of the division 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.

"240. As soon as the secretary of the division has received the ballots and statements from all the districts in the subdivision he shall, in the presence of at least two electors of the division count all the ballots and declare the person 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 person whose nomination is first shall be deemed to have more votes than the person whose nomination is subsequent; and he 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 as a member of the Divisional Board in the subdivision.

"241. The validity of the election of any member of a Divisional Board may be contested before a judge upon the relation of any elector of a district in the division, and the proceedings thereon shall be the same as in the case of contested elections of councillors under *The Controverted Municipal Elections Act*.

"242.—(1) Subject to the other provisions of this section a member of a Divisional Board shall hold office for a term of two years and if at the expiration of that term his successor has not been elected he shall continue to hold office until the election of his successor.

"(2) In the case of the first members of a Divisional Board elected after the constitution of a division at the organization meeting of the Board, the chairman shall place the names of all the members, 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 members whose names are drawn shall hold office for two years, and the remaining members shall hold office for one year, and in either case until their successors are elected and take office.

"243. The persons so elected as members of the Board of a division shall constitute the Board of the division which shall be a body corporate and politic with such name or style as may be prescribed by the Minister, shall have a common seal and shall, subject to the other provisions of this Part, have the administration of the educational affairs of the school districts in the division.

"244. The Board of a division shall hold an organization meeting on the day fixed for that purpose in the order constituting the division, and in every subsequent year thereafter within ten days after the date of election, and at such meeting shall appoint a chairman and a vice-chairman.

"245. The Board shall meet at least six times in each year at intervals of not less than one month nor more than two months at such days, times and places as may be from

time to time fixed by resolution of the Board, and at any other time or place at the call of the chairman or of any three members of the Board.

"246.—(1) In case a Board at a meeting attended by all the members thereof by resolution appoints certain days, times and places for the holding of periodic meetings of the Board, it shall not be necessary to send any notice of any meeting held in accordance therewith to any member of the Board.

"(2) In the case of all other meetings of the Board notice in writing thereof shall be given to each member of the Board either by sending the same to him in a duly addressed and prepaid cover by registered mail from a post office in the division, or by delivering such notice to him personally, or by leaving the same at his residence, in each case at least six clear days before the date fixed for the meeting.

"(3) A Board may hold a meeting at any time notwithstanding that the requirements of this section as to notice have not been complied with, provided that,—

"(a) there is inscribed in the minutes of that meeting a waiver in the following form:

"We, the undersigned members of the Divisional Board of ....., hereby waive notice of this meeting.

..... ;  
and

"(b) all the members of the Board sign the waiver.

"247.—(1) No act or proceeding of a Board shall be valid or binding which is not adopted at a meeting at which a quorum of the Board is present.

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

"(3) If the number of members of the Board be reduced to less than a quorum of the Board, the remaining members shall immediately take the necessary steps to fill the vacancies on the Board but shall not transact any other business of the division.

"(4) All questions shall be submitted to the Board on the motion of the chairman or any other member, and no seconder shall be required.

"(5) At all meetings of the Board all questions shall be decided by a 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.

"(6) In the case of the absence of the chairman and the vice-chairman from any meeting of the Board, the members present shall elect one of their own number to act as chairman of the meeting.

"(7) Every meeting of the Board shall be open and no one shall be excluded therefrom except on account of improper conduct or lack of accommodation to the public.

"(8) The chairman of every meeting of the Board 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.

"248. Upon the day fixed by the order constituting a division,—

"(a) all the assets of every school district included in the division shall become vested in the Board of the

division subject to any subsisting charges, liens and encumbrances for the purposes of all the districts included therein:

“Provided always that in case the assets of a district exclusive of its school site, school buildings, teacherage and school equipment exceed its liabilities, the excess shall be retained by the Divisional Board to be expended only for the provision of educational facilities and equipment not ordinarily furnished by the Divisional Board and which are provided in compliance with a resolution of the board of trustees of the district;

“(b) all the liabilities of each district included in the division shall be payable by the Divisional Board out of the funds of the Board:

“Provided always that in case the liabilities of a district exceed its assets exclusive of its school site, school buildings, teacherage and school equipment, the equalization grants payable in respect of the district and all arrears of taxes owing to the district shall be used for the purpose of paying the amount of the deficiency or for the purpose of reimbursing the Divisional Board for payments made by the Board on account of the said liabilities;

“(c) the Board of Trustees of each school district included in the division shall cease to have any of the powers, duties and functions conferred upon a Board of Trustees by sections 119 and 120 hereof and shall, as and from and after the said day, have the following powers and duties, namely,—

“(i) to appoint a chairman and an honorary secretary-treasurer;

“(ii) subject to any regulations of the Divisional Board, to have the care and management of the property of the school district;

“(iii) to make representations to the Superintendent of the division as to the maintenance, repair and extension of the school and other buildings of the district and any furniture and equipment therein;

“(iv) to raise money by voluntary subscription or by other voluntary means for the purpose of providing equipment approved by the Superintendent which is not ordinarily provided by the Divisional Board;

“(v) to require the Divisional Board to furnish at the expense of the district apparatus or equipment for the school of the district which is not ordinarily provided by the Divisional Board for the schools in the division;

“(vi) at the cost of the division to make arrangements for the supply and maintenance of drinking water and of fuel for the school of the district as may be prescribed by the Divisional Board and to cause the same to be duly carried out;

- “(vii) at the cost of the division 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 screened from each other;
- “(viii) to co-operate with the teacher in the care, management and supervision of school property and subject to any regulations of the Divisional Board and the cost of the division to effect any emergency repairs thereto which may be necessary;
- “(ix) to make such representations to the Superintendent and to the Divisional Board as to the betterment or extension of the educational facilities for residents of the district;
- “(x) in case it desires so to do, to nominate by resolution one or more persons for employment by the Board as teacher in the school of the district;
- “(xi) to meet at the call of any two trustees for the purpose of the consideration of any matter of educational concern to the district and to call annual and other meetings of the electors of the district whenever required so to do by law;
- “(xii) to make provision for the holding of elections of trustees and the election of members of the Divisional Board in accordance with the provisions of this Act;
- “(xiii) to perform such other duties as may be required by this or any other Act or the regulations of the Department.

“**249.**—(1) It shall be the duty of every Divisional Board, and it shall have power,—

- “(a) to exercise a general supervision and control over the schools of 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 member of the Board the sum of not more than five dollars per day for each meeting, but not exceeding ten meetings in any one year, together with an allowance of not more than eight 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;
- “(e) to confer with and consult the Superintendent concerning the educational problems and needs of the division and to consider any recommendations which the Superintendent may make with regard thereto;
- “(f) to provide, with the approval of the Superintendent, when deemed expedient, at what times pupils may be admitted to Grade I;
- “(g) to make, where necessary, provision for the attendance of pupils at schools outside of the district in which their parents or lawful guardians reside, and for the payment to a parent or lawful guardian of a reasonable sum on account or in lieu of the cost of a pupil’s conveyance;
- “(h) to provide for the enforcement of *The School Attendance Act* and to appoint such attendance officers as the Board may consider necessary or the Minister may require;
- “(i) to suspend or expel from the school any pupil who upon investigation by the Board is found to be guilty of 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;
- “(j) to prepare and adopt a salary schedule applicable to all classes of teachers employed in the schools of the division;
- “(k) to pay every month the salaries of all teachers in its employ;
- “(l) to insure and keep insured all school buildings and equipment;
- “(m) 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 approved by the inspector as being required for the proper instruction of pupils;
- “(n) 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;
- “(o) 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;
- “(p) 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;

- “(q) to see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- “(r) to see that the law with reference to compulsory education is observed;
- “(s) to settle all disputes arising in relation to the school between the parents or children and the teacher;
- “(t) subject to the provisions of this Part, to have and exercise all of the powers and duties conferred or imposed by this Act on the board of trustees of a school district.

“(2) In case the Board of a school district in the division passes a resolution requesting that religious instruction be provided subject to the provisions of sections 147, 148 and 149 of this Act in any school in that district and transmits a copy of such resolution to the Divisional Board, it shall be the duty of the Divisional Board to appoint to that school a teacher nominated by the trustees of the district.

“(3) If the board of a school district in a division passes a resolution requiring that a primary course in French be given in a school in the district and transmits a copy of the resolution to the Divisional Board, it shall be the duty of the Divisional Board to appoint to that school a teacher nominated by the Board of the district.

“(4) In case the Board of Trustees of any school district included in a division passes a resolution requiring the Divisional Board to provide at the cost of the district apparatus or equipment which is not ordinarily provided by the Divisional Board for the schools in the division the Divisional Board shall upon receipt of a copy of such resolution proceed to comply therewith.

“**250.** A Divisional Board shall at its discretion have power,—

- “(a) to determine what school any of the children of the division shall attend;
- “(b) to employ such physicians, dentists and nurse and clinics as may be deemed requisite to care for the health of pupils and advise parents and the said Board with respect thereto; and to take such steps and make such expenditures as it may deem necessary to safeguard the health of pupils;
- “(c) to exclude from attendance at a school any pupil who, in the judgment of the Superintendent, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of other pupils in attendance at the school, subject, however, to the right of an appeal by the parent or lawful guardian of such pupil to the chief inspector, whose decision shall be final;
- “(d) to pay the expenses of any members of the Divisional Board, or of any officials thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- “(e) subject to section 159 of this Act, to suspend or dismiss summarily any teacher for gross misconduct, neglect of duty or for refusal or neglect to

obey any lawful order of the Board, and to report every suspension or dismissal to the Department in writing with a full statement of the circumstances;

- “(f) to employ specially qualified teachers to encourage and direct instruction in manual arts, household economics, physical training, music, art, or other branches of the public or high school course of study throughout the schools of the division;
- “(g) to furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the Board;
- “(h) 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.

“**251.** Subject to the other provisions of this Act the Board of a division may enter into an agreement with the Board of any town, village, consolidated or separate school district for the inclusion of any such school district in the division upon such terms as may be agreed upon, including provisions as to the rate of taxation to be imposed on the ratepayers of the district or any part thereof.

“**252.** The Board of each district which has entered into any such agreement shall forward a copy thereof to the Minister.

“**253.** In the event of the Minister approving the agreement, the Board shall then prepare, in the form prescribed, notices to the effect that in the event of not receiving a demand in writing from twenty-five per cent of the electors of the district, within eight days from the date of the notice, the Minister may, without any further notice or action, include the district in the school division.

“**254.** In the event of a written demand, bearing the proper number of signatures, being delivered to the secretary within eight days from the date of the notice, the Board shall, as soon as conveniently may be, cause a meeting of the electors in the district to be held to vote for or against inclusion in the school division.

“**255.**—(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.

“**256.** Upon being satisfied that the poll has been held substantially in accordance with the provisions of this Act and that a majority of the votes cast have been cast in favour of inclusion in the school division, the Minister may by order include the district in the school division.

“**257.** A notice of such order shall be published in *The Alberta Gazette* and upon such publication all the conditions precedent to the taking of the poll shall be deemed to have

been fully complied with and the legality of such inclusion shall not be questioned in any way, and the terms of the said agreement shall be given full effect.

**“258.** On or before the fifteenth day of May in each year the secretary-treasurer of any municipal district within which any school district included in a division is situate shall certify in writing, under his hand, to the secretary of the Divisional Board,—

“(a) the total assessed value of all lands, minerals and timber;

“(b) the total assessed value of all buildings and improvements (on lands in hamlets);

“(c) the total of all assessments for business tax,—

“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.

**“259.** The Minister of Municipal Affairs shall on or before the fifteenth day of May in each year certify, under his hand, to the secretary of the Divisional Board,—

“(a) the total assessed value of all lands, minerals and timber;

“(b) the total assessed value of all buildings and improvements (on lands in hamlets);

“(c) the total of all assessments for business tax,—

“within any 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.

**“260.** On or before the fifteenth day of May in each year the Divisional Board shall prepare and adopt,—

“(a) an estimate of expenditures for the current year for the provision for the ordinary and general educational requirements of all the school districts included in the division; and

“(b) a statement of any special expenditures incurred in complying with any resolution of the Board of Trustees of a school district included in the division requiring the provision at the expense of the district of any apparatus or equipment for the school of the district which is not ordinarily provided by the Board for the schools in the division.

**“261.** As soon as the Divisional Board has received the certificates as to assessed values from the secretary-treasurer and the Minister of Municipal Affairs, which are required by this Part to be furnished by them, it shall proceed to ascertain by comparison of the assessed values the part of its estimated general expenditure which should be borne by each municipal district and improvement district in respect of each school district wholly or partially included therein and the part of any expenditure incurred in providing apparatus or equipment for a school district in compliance with a resolution of the Board of Trustees thereof requiring that the same be provided at the cost of the district, which should be borne and paid by each municipal district and improvement district in which the said school district is included either wholly or in part, and shall thereupon requisition each such municipal district and improvement district for the payment of its rateable share of the estimated and other expenditures aforesaid.



"**262.** Each municipal district and the Minister of Municipal Affairs shall pay to the Divisional Board the amount of the sum so requisitioned by equal quarterly payments on the first day of each of the months of October, January, April and July.

"**263.** In the case of a school district which is included in a division and is situated wholly or partially within an improvement district the Minister of Municipal Affairs is empowered, and it shall be his duty, to levy the amounts for the payment of which requisitions are made by the Divisional Board in pursuance of this Part against the property and businesses in the school district which are liable to assessment and taxation under *The Improvement Districts Act, 1927*, and which are liable to assessment and taxation in a school district for the purposes thereof: and for the purpose of making and enforcing such levy the Minister of Municipal Affairs shall have the same powers of levying and collecting as are conferred upon him by *The Improvement Districts Act, 1927*, for the levy and collection of taxes payable under that Act.

"**264.** The Divisional 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 its current requirements, and may charge any sums of money which are for the time being due to it and outstanding with the repayment of any sum or sums so borrowed. Such borrowings shall not exceed the total amounts of the moneys owing to the division on account of requisitions so due and outstanding.

"**265.** A Divisional Board may from time to time borrow upon the security of the division any sum or sums required for the purpose of providing school accommodation in the division by acquiring sites for and building or purchasing and furnishing schools, or by adding one or more rooms to an existing school, and for the provision and furnishing of dormitories in connection with any such school.

"**266.** 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 twenty 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 electors of the division;
- "(c) The secretary of the division shall be the returning officer for the purpose of taking a poll, and the secretary 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 member of a Divisional Board.

“**267.**—(1) Upon the constitution of a division the Minister shall appoint a Superintendent for the division.

“(2) It shall be the duty of every such Superintendent to confer 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 exercise general supervision over all schools and teachers under the jurisdiction of the Board; and to assist the Board in the discharge of its duties.

“**268.** The grants which but for this Part would be payable to the Board of a district under *The School Grants Act* in respect of any school comprised in a division shall be paid to the Divisional Board.

“**269.**—(1) The Minister may from time to time by order make regulations governing procedure to be followed in respect of any proceeding or thing authorized 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.

“(3) In case default is made in electing any member of the Board of a division or a trustee of a school district contained in a division or in making the appointment of any officer which any such Board is required to make by this Part, the Minister may by writing appoint a person as a member of the Board, trustee of the school district or officer, as the case may be, and the person so appointed shall hold office for the same term and subject to the same conditions as if he had been duly elected or appointed pursuant to the other provisions of this Part.

“**270.**—(1) In this section,—

“(a) ‘Protestant School District’ means a school district included in a division in which district a majority of the electors are Protestants; and

“(b) ‘Roman Catholic School District’ means a school district included in a division in which district a majority of the electors are Roman Catholic.

“(2) In case the board of trustees of any Roman Catholic School District or Protestant School District in a division forwards to the Minister a certified copy of a resolution passed by that board requesting the exclusion of their school district from the division on account of dissatisfaction of the board with facilities for religious education, together with certified copies of resolutions passed by the boards of at least two other school districts in the same division approving the first mentioned resolution, the Minister shall by order direct the taking of a vote of the electors in that school district as to whether or not the district is to be excluded from the division and shall fix a date within the

sixty days of the receipt by him of such certified copies for the taking of the vote, and shall send by mail to the secretary of such school district a copy of the order.

“(3) Upon the making of such order it shall be the duty of the board of such district to hold a poll of the electors in the district wishing to be excluded upon the day fixed for that purpose in the order in the same manner as is provided by sections 179 to 193 of this Act subject to such modifications as may be prescribed by the Minister for the purpose of adapting the same.

“(4) If, as a result of the vote so taken, there is a majority in favour of the exclusion of such district from the division, the Minister shall proceed, as soon as it may conveniently be done, to make an order for the exclusion of such district from the division to take effect not later than the thirty-first day of December following the taking of the vote.

“(5) Such order shall prescribe and determine,—

“(a) the properties which shall be transferred by the Divisional Board to the board of trustees of such excluded district; and

“(b) the liabilities of the Divisional Board attributable to such excluded district which are in future to be borne and paid by that district.

“(6) Every such order shall be published in *The Alberta Gazette*.

“(7) Upon any order of exclusion taking effect,—

“(a) the liabilities of the Divisional Board attributable to such excluded district shall in future be borne and paid by the school district; and

“(b) the school district shall not be again included in a division unless a vote has been taken therein and the inclusion is approved by a majority of the electors voting thereon, and the procedure for such inclusion under this subsection shall be regulated, in so far as possible, in the same manner as that provided for the exclusion of such district.

“271. In the event of there being a conflict between the provisions of this Part or any regulation made pursuant to section 260 and any other provisions contained in this Act or in any other Act, then the provisions of this Part shall prevail.

“272. Nothing in this Part shall affect any right conferred by Part I of this Act upon any minority of electors in any district, whether Protestant or Roman Catholic, to establish a separate school therein.”

16. The said Act is further amended as to the Schedule thereof by adding thereto the following new Forms :

“FORM H.

“NOTICE OF TERMINATION OF CONTRACT BETWEEN BOARD AND TEACHER.

“ .....  
.....  
..... (Post Office Address).  
“ .....  
..... (Date).

“Dear Sir (or Madam) :

“I am directed by the Board of Trustees of the .....  
..... School District of the Province

of Alberta, Number . . . . ., to notify you that your services as teacher of the school in this district will not be required after . . . . . (insert date on which termination is to take effect).

"Yours truly,

(Secretary-Treasurer).

"N.B.—Section 157 of *The School Act, 1931*, provides that to be legal, thirty clear days must elapse between the date of the service of the notice and the date inserted on which termination is to take effect.

"FORM I.

"The School Division of . . . . .  
"Nomination of Candidate for Election as a Member of the Board of the said Division.

"We, the undersigned, do hereby nominate . . . . .  
of . . . . .

(Name of Candidate). (Post Office Address).  
an elector of the School District of . . . . .  
No. . . . ., of the Province of Alberta, a school district included in subdivision No. . . . . of the said division, as a candidate for election as a member of the Board of the said division for the said subdivision.

"Dated this . . . . . day of . . . . ., 193 . . . . .

"A delegate for the said subdivision.

"An elector of the School District of . . . . . included in the said subdivision.

"FORM K.

"The School Division of . . . . .

"I, the undersigned, . . . . .  
(Name).

of . . . . . (Post Office Address). . . . . (Occupation).  
an elector of the School District of . . . . .

No. . . . ., of the Province of Alberta, a school district included in subdivision No. . . . . of the said division, do hereby consent to my being nominated as a candidate for election as a member of the Board of the said division.

"Dated this . . . . . day of . . . . ., 193 . . . . .

"Signature of Candidate".

17. The said Act is further amended by adding at the end of Schedule the following:

“PART II OF THE SCHEDULE.

“TABLE OF FEES.

“*Non-Resident Pupils.*

“Table of fees for complete courses (7 to 8 units), partially in Grades IX, X and XI and partially in Grade XII, showing the amounts chargeable to the school district and to the parent respectively.

8 Unit Course—Total Fees \$40.00.

No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI, First Year Commercial Course, Second Year Commercial Course, First Year Technical Course, Second Year Technical Course.	Grade XII, Third Year Commercial Course, Third Year Technical Course.		
7	1	\$30.00	\$10.00
6	2	27.00	13.00
5	3	22.50	17.50
4	4	18.00	22.00
3	5	13.50	26.50
2	6	9.00	31.00
1	7	4.50	35.50

7 Unit Course—Total Fees \$40.00.

6	1	\$30.00	\$10.00
5	2	25.00	15.00
4	3	20.00	20.00
3	4	15.00	25.00
2	5	10.00	30.00
1	6	5.00	35.00

*"Non-Resident Pupils—Partial Courses.*

"Table of fees for partial courses (2 to 6 units), partially in Grades IX, X and XI and partially in Grade XII, showing the amounts chargeable to the school district and to the parent respectively.

6 Unit Course—Total Fees \$35.00.			
No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI	Grade XII		
5	1	\$25.00	\$10.00
4	2	20.00	15.00
3	3	15.00	20.00
2	4	10.00	25.00
1	5	5.00	30.00

  

5 Unit Course—Total Fees \$30.00.			
No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI	Grade XII		
4	1	\$20.00	\$10.00
3	2	15.00	15.00
2	3	10.00	20.00
1	4	5.00	25.00

  

4 Unit Course—Total Fees \$25.00.			
No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI	Grade XII		
3	1	\$15.00	\$10.00
2	2	10.00	15.00
1	3	5.00	20.00

  

3 Unit Course—Total Fees \$20.00.			
No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI	Grade XII		
2	1	\$10.00	\$10.00
1	2	5.00	15.00

  

2 Unit Course—Total Fees \$15.00.			
No. of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian
Grades IX, X, XI	Grade XII		
1	1	\$ 5.00	\$10.00

*"FEES FOR PARTIAL COURSES.*

"Grades IX, X, XI, First Year Commercial Course, Second Year Commercial Course, First Year Technical Course, Second Year Technical Course .... (1 to 5 Courses) \$5.00 per unit.

"Grade XII, Third Year Commercial Course, Third Year Technical Course . . . . . (1 to 6 Courses) \$10.00 for first unit and \$5.00 for each unit thereafter."

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

No. 77.

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FIRST SESSION  
EIGHTH LEGISLATURE  
1 EDWARD VIII  
1936

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**BILL**

An Act to amend The School Act,  
1931.

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Received and read the

First time .....

Second time .....

Third time.....

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HON. MR. ABERHART.

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EDMONTON:  
A. Shnitka, King's Printer  
1936