

Bill No. 43 of 1939.

A BILL TO AMEND THE SCHOOL ACT, 1931.

NOTE.

This Bill amends the definition of elector in an established district by requiring that a person who is an elector by reason of relationship to an elector who is a property owner, must have resided in the school district for at least thirty days. (Section 2.)

Section 3 makes new provision to the effect that when a school district is described on its establishment by townships, sections or parts of sections, the boundary lines of the district are the posted side of the road allowance between adjoining sections or townships and in the case of correction lines, the south side of the road; and all road allowances within such boundaries are declared to be within the district.

Section 55a is amended to permit the taking of a poll subsequently to a special meeting.

Section 67 relating to contracts with trustees, is amended so as to make subsection (6) applicable to members of boards of a school division.

Section 6 provides for the initialling of ballot papers on the backs thereof.

Sections 7 and 14 provide for the setting aside and rejection of uninitialled or identifiable ballots, and their disposition.

Section 8 amends section 120 as to the duties of a board in relation to the provision of tuition in grades over the eighth for children of residents at schools in another district.

Section 129 is amended by requiring the books of account of any district to be audited before the thirty-first day of January and by making new provision for an audit at any time at the direction of the Minister.

Section 157 is amended so as to provide that notice to terminate a teacher's contract to take effect in August must be given on or before the preceding twentieth day of July.

Section 11 amends section 162 and expressly excludes from the holidays for which a teacher is paid the holidays referred to in subsection (2) of section 145.

ii.

Section 12 amends section 233 by fixing the time within which meetings of delegates of subdivisions of school divisions are to be held as not earlier than the first day of October and not later than the first Tuesday in December.

Section 13 amends section 235 and makes provision for the date of the first as well as subsequent elections in school divisions.

Section 15 amends section 244 by requiring the organization meeting of a divisional board to be held within twenty days after its election.

Section 16 amends section 248 and makes provision for securing to an included district which has a surplus in cash or securities the benefit of such surplus.

Section 17 amends section 250 by providing that the nurses to be employed by a divisional board shall be Public Health nurses; by providing for the payment of the expenses of two trustees appointed by a Divisional Trustees' Association attending a convention of the Alberta School Trustees' Association; and by making new provision for the honorarium and office expenses of the secretary-treasurers of school districts in a division.

Section 18 amends section 259*b* by requiring a municipality to levy the amount of requisitions on the assessable property in that part of the school district included in the municipality.

Section 19 amends section 262 by making all funds of a municipality to the credit of an included school district, and all arrears of taxes levied in respect of an included school district, available for the payment of the requisitions of the divisional board; but funds accumulated for the purpose of a school building in a district are to be used for the purpose for which the same were accumulated; requisitions made by an included school district and unpaid on the establishment of the division are to be payable to the divisional board; and arrears of taxes owing to an included district become the property of the divisional board.

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. 43 of 1939.

An Act to Amend The School Act, 1931.

(Assented to _____, 1939.)

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, 1939.*"

2. *The School Act, 1931*, being chapter 32 of the Statutes of Alberta, 1931, is hereby amended as to section 2 by striking out the words "who is a resident thereof" where the same occur in clause (ii) of paragraph (d) and by substituting therefor the words "who is and has been a resident thereof for a period of not less than thirty days".

3. The said Act is further amended by inserting therein immediately after section 3 the following new section:

"3a.—(1) Whenever any school district is wholly or in part described in the order establishing the same as comprising certain townships, parts of townships, sections or parts of sections in accordance with the system of Dominion Lands Survey, the boundary lines of such school district shall, unless it is otherwise expressly set out in the said Order, be the posted side of the road allowance between adjoining sections or townships except in the case of correction lines where the south side of the road shall be the boundary.

"(2) Any road allowance between either an Indian Reserve or a forest reserve and a school district shall be deemed to be in the school district, notwithstanding anything herein to the contrary.

"(3) All road allowances within the boundaries of the school district shall be deemed to be in the school district."

4. The said Act is further amended as to section 55a by striking out the words "the annual meeting is held", where the same occur therein, and by substituting therefor the words "the annual or special meeting is held".

5. The said Act is further amended as to section 67 by striking out the words "town, village or consolidated district", where the same occur in subsection (6), and by substituting therefor the words "town, village or consolidated district or school division".

6. The said Act is further amended as to section 89 by striking out the words "shall initial each ballot paper", where the same occur therein, and by substituting therefor the words "shall place his initials on the back of each ballot paper".

7. The said Act is further amended by inserting therein immediately after section 95 the following new section:

"95a. In counting the ballots the chairman shall examine the ballot papers individually and any ballot paper which is not initialed as herein provided or on which more than the authorized number of votes are given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, shall not be counted but shall be rejected and set aside as rejected ballots."

8. The said Act is further amended as to section 120 by striking out paragraph (n) of subsection (1) and by substituting therefor the following:

"(n) To make provision for the attendance of the children of the parents or guardians resident in the district at classes conducted for grades above the eighth at a school or schools in another district upon such terms as may be approved by the Minister."

9. The said Act is further amended as to section 129,—

(a) by striking out the words "in each year prior to the annual meeting", where the same occur in subsection (4), and by substituting therefor the words "prior to the thirty-first day of January in each year".

(b) by inserting therein immediately after subsection (4) the following new subsection:

"(4a) (a) The board of any such district or school division when so directed by the Minister, shall cause a special audit to be made of its books and accounts and in the case of a school division of the books and accounts of any district included in the school division, and the costs of any such special audit shall be paid by the district or division as the case may be, and in the case of an audit of the books and accounts of a school district included in a school division the costs shall be paid by the division and charged to and refunded out of any trust account of such school district in the hands of the division.

"(b) This subsection shall be deemed to have been in force from and after the first day of January, 1937."

10. The said Act is further amended as to section 157 by adding at the end of paragraph (b) of subsection (1) the following:

“Provided that any notice to terminate a contract which takes effect in the month of August shall be given to the Board on or before the preceding twentieth day of July.”

11. The said Act is further amended as to section 162 by adding at the end of paragraph (g) of subsection (2) the following words “other than those mentioned in subsection (2) of section 145”.

12. The said Act is further amended as to section 233 by striking out the words “second Tuesday in December”, where the same occur therein, and by substituting therefor the words “the first Tuesday in December”.

13. The said Act is further amended as to section 235 by striking out the words “not later than the 12th day before the date fixed for the election”, where the same occur in subsection (3a), and by substituting therefor the following words “not later than the twelfth day before the date fixed for the election in the order constituting the school division and in any subsequent year not later than the fifteenth day of December”.

14. The said Act is further amended as to section 239 by striking out the words “the poll book, the unused ballots”, where the same occur therein, and by substituting therefor the words “the poll book, the rejected ballots, the unused ballots”.

15. The said Act is further amended as to section 244 by striking out the words “ten days”, where the same occur therein, and by substituting therefor the words “twenty days”.

16. The said Act is further amended as to section 248 by striking out the proviso to paragraph (a) and substituting therefor the following:

“Provided always that where the amount of the cash on hand of any district together with the amount of any savings certificates, bonds and other securities held by the district exceed the overdue liabilities of the district the amount of the excess shall, subject to the provision of subsection (2) of section 262, be credited in the books of the Divisional Board to the district and the amount of such credit shall from and after the expiration of the third year after the year in which the division was constituted be available for the provision of a school building or school buildings for the district or for the provision of educational facilities and equipment not ordinarily furnished by the Divisional Board and which are required to be furnished by the resolution of the board of trustees of the district.”

17. The said Act is further amended as to section 250,—

- (a) By striking out the words “dentists and nurse”, where the same occur in paragraph (b), and by substituting therefor the words “dentists and Public Health Nurses”.
- (b) By inserting immediately after paragraph (dd) the following new paragraph:
 “(ddd) To pay the expenses of not more than two trustees appointed by a Divisional Trustees’ Association incurred in attending the annual convention of the Alberta School Trustees’ Association.”
- (c) By striking out paragraph (i) and substituting therefor the following:
 “(i) To pay to the secretary-treasurer of each school district included in the division an honorarium of not more than ten dollars per annum or to furnish the secretary-treasurer of each school district included in the division with stationery and postage stamps, and for that purpose to make an accountable advance to any such secretary-treasurer of an amount not in excess of ten dollars.”

18. The said Act is further amended as to section 259b by inserting immediately after subsection (2) the following new subsection:

“(2a) Each such municipality shall levy the amount of any additional requisition on the assessable property in that part of the school district which is within the municipality.”

19. The said Act is further amended as to section 262 by striking out subsection (2) thereof and substituting therefor the following:

“(2) All funds held by a municipality to the credit of any school district included in a division and all collections by the municipality or the Minister of Municipal Affairs of arrears of taxes levied in respect of any school district included in a division shall, subject to any subsisting charges, liens and encumbrances affecting the same, be used in paying the requisitions to the Divisional Board;

“Provided, however, that all funds held by a school district or held by a municipality on behalf of a school district, that were accumulated for the purpose of providing a school building for the district, shall be available to the Divisional Board for the purposes for which the funds were accumulated;

“Provided further, that in the case of any school district included in a division, any unpaid requisition or any part of any unpaid requisition made in the year of the establishment of a school division shall become payable to the Board of the division on the day on which the assets of the district become vested in the said Board;

“Provided further, that in the case of any school district included in a division, any arrears of taxes which have been collected under the provisions of any Act relating to the recovery of taxes before the day on which the assets of the district become vested in the Board of the division and which have not been paid to the Board of such school district shall become payable to the Board of the division on the date on which the assets of the district become vested in the said Board.”

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

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend The School Act,
1931.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1939