

# BILL

No. 24 of 1940.

An Act to Amend The School Act, 1931.

(Assented to 1940.)

**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, 1940.*"

2. *The School Act, 1931*, being chapter 32 of the Statutes of Alberta, 1931, is hereby amended as to section 120,—

(a) by adding at the end of subsection (1) the following new paragraph:

"(r) to provide dormitory accommodation for the use of the pupils of the district."

(b) by striking out paragraph (d) of subsection (2) and by substituting therefor the following:

"(d) to make provision by by-law for the Board becoming a party to schemes in the nature of insurance of teachers and other employees of the Board and to make contributions under any such scheme;"

3. The said Act is further amended as to section 123 by striking out the same and by substituting therefor the following:

"**123.** Any two or more Boards may, subject to the approval of the Minister, enter into an agreement to make provision for instruction in shop courses, household economics, music, art 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 or requisition, as the case may be for the purpose of carrying out the terms of any such agreement."

4. The said Act is further amended as to section 155 by striking out the words "not later than the fifth day", where the same occur in the proviso thereto, and by substituting therefor the words "not later than the eighth day".

5. The said Act is further amended as to section 156,—

(a) by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The contract including any presently existing contract shall, except in the case of a substitute or temporary teacher and subject to the following provisions, continue in force from year to year unless and until the certificate of the teacher shall have been suspended or cancelled.”;

(b) by adding at the end of the said section the following new subsection:

“(5) For the purpose of this section a substitute teacher shall be a teacher employed by a Board under a contract in which he is so designated in the place of a teacher under a contract with such Board who is temporarily absent from his duties either unavoidably or by consent; and a temporary teacher shall be a teacher employed by a Board under a contract in which he is so designated to fill an unexpected vacancy which occurs at any time within the period between the first day of September and the first day of July.”

6. The said Act is further amended by inserting therein immediately after section 161 the following new section:

“**161a.**—(1) If at any time before the first day of June, 1936, any authorization for engagement of a teacher at a smaller salary than the minimum provided by section 161 has been given and such authorization is in writing purporting to be signed by an officer of the Department of Education who acted on behalf of or under the instructions of the Minister in giving such authorization, such writing shall be accepted in any court as conclusive evidence that such authorization was given by the Minister and as if the same had been signed by him.

“(2) This section shall not apply in any case in which legal proceedings have been taken at any time before the first day of April, 1938, for the recovery of any amount claimed to be due to a teacher as the difference between the amount of the salary paid and the minimum amount of salary prescribed by section 161.”

7. The said Act is further amended as to section 162, by striking out the words “medical practitioner”, where the same occur in paragraph (c) of subsection (2), and by substituting therefor the words “medical practitioner or a public health nurse employed by the Department of Public Health”.

8. The said Act is further amended as to section 170, by striking out the words “make an assessment and” where the same occur in paragraph (b) of subsection (1).

9. The said Act is further amended as to section 231,—

(a) by striking out paragraph (b) of subsection (3) and by substituting therefor the following:

- “(b) fix a day, time and place for the holding of the first meeting of the delegates for such subdivision and in case it is necessary to hold an election of any members of the divisional board a day and time for the holding of any such election, or in the alternative, at the discretion of the Minister, appoint some person as official trustee of the division who shall have all the powers conferred upon an official trustee by virtue of section 8 (b) of *The Department of Education Act*, and who shall assume office on the day fixed in the said order for vesting in the board of the division the assets of the school districts included in the division.”;
- (b) by adding immediately after subsection (3) the following new subsection:
- “(3a) In the event of an official trustee being appointed in the order constituting the division, he shall hold office until a divisional board is elected pursuant to an order of the Minister, which he is hereby authorized to make, fixing the day, time and place for the holding of the first meeting of the delegates for each subdivision and for the holding of any necessary election.”;
- (c) by adding at the end of the said section the following new subsections:
- “(8) The Minister may from time to time alter the name or number or both of any school division upon the petition of the Board thereof or without such petition if the Minister deems it advisable, and notice of such alteration shall be published in *The Alberta Gazette*, but in such cases the seal heretofore used by such district shall continue to be the seal thereof until changed by the Board.
- “(9) No change of the name or number or both of any school division made in accordance with the provisions of this Act shall affect any obligations incurred, acts done, or property acquired prior to such change.”

**10.** The said Act is further amended as to section 249,—

- (a) by striking out paragraph (b) of subsection (1) and by substituting therefor the following:
- “(b) to provide offices at such place either within or without the division as may be from time to time designated by the Minister and at no other place, and to provide 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;”;

- (b) by striking out the proviso to paragraph (c) of subsection (1) and by substituting therefor the following:

“Provided that the number of meetings in respect of which a member of the Board may be paid shall not exceed twelve.”;

- (c) by striking out clause (i) of subsection (1) and by substituting therefor the following:

“(i) upon the report of the superintendent of the division and the member of a divisional board representing the subdivision in which is located the school at which any pupil attends, to suspend or expel from the school such pupil in case the Board is satisfied that such pupil has been 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;”.

**11.** The said Act is further amended as to section 250, by adding at the end thereof the following new paragraph:

“(j) to provide dormitory accommodation for the use of pupils of the division at any place or places either within or without the division.”

**12.** The said Act is further amended as to section 260, by striking out the words “or any resolution of the Board of Trustees of a school district requiring the provision of the Divisional Board of the expenses incidental to membership in The Alberta Trustees Association”, where the same occur in paragraph (b) thereof.

**13.** The said Act is further amended as to section 262,—

- (a) by adding at the end thereof the following new subsection:

“(4) In this section ‘Municipality’ means any city, town, village, municipal district or improvement district.”;

- (b) by striking out subsection (3) of the said section as enacted by *The School Act, 1931, Amendment Act, 1938*, being chapter 37 of the Statutes of Alberta, 1938.

**14.** Section 27 of *The School Act, 1931, Amendment Act, 1938*, being chapter 37 of the Statutes of Alberta, 1938, is hereby repealed.

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

NINTH SESSION  
**EIGHTH LEGISLATURE**

4 GEORGE VI

1940

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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  
1940