

Bill No. 46 of 1942.

A BILL TO AMEND THE SCHOOL ACT, 1931.

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NOTE.

This Bill amends *The School Act, 1931*.

The definition of "elector" is altered to give the franchise to persons leasing lands from the Crown in special areas and to the holders of agricultural leases under *The Provincial Lands Act*.

A new definition of "salary schedule" is added.

The new definition of "trustee" makes it clear that where the word "trustee" is used it may mean a trustee of either a district or a divisional board, as "board" is defined as the board of a district or division.

The amendment to paragraph (c) of subsection (1) of section 120 makes the appointment subject to the approval of the Minister as no regulations have been issued by the Department.

The amendment to subsection (1) of section 143 omits the words "standard time". It also clarifies the present power of the Board to alter school hours upon receiving the permission of the Minister. This power is particularly necessary in northern districts during the winter months. Many outlying schools have inadequate or no lighting facilities and it is inadvisable to have the children coming to school while it is still dark. In such cases the Board, on the permission of the Minister, can open the school at 9:30 or 10:00 if necessary.

The new sections 147 and 147a provide for the opening of schools by the reading, without comment, of a passage of scripture followed by the recitation of the Lord's Prayer. Religious instruction is only permitted in the one half-hour immediately preceding the closing of the school in the afternoon.

The amendments to section 202 and to Part II of the Schedule provide several alterations with regard to the charging of fees for non-resident pupils. The section is made applicable to school divisions. The charge for pupils under Grade IX is reduced from twenty cents to fifteen cents per day per pupil. In Grades X, XI and XII the subjects of instruction have been classified and assigned "credits" by regulations of the Department of Education.

ii.

The fees are amended so as to be applicable to this credit system rather than being charged on the basis of "units" as formerly.

The amendment to section 237 permits of the holding of the poll in a division on a day other than the second Saturday in January if this is found advisable.

The amendment to section 250 permits a divisional board to call a special meeting of the electors of any district or districts.

The amendment to section 260 enables the Board to include in its estimate an amount which may be set aside as a reserve fund for future capital expenditures in addition to expenditures for ordinary current requirements.

The new subsection added to section 266a makes it clear that a divisional board ceases to exist when all the districts included in the division are transferred or excluded from it.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 46 of 1942.

An Act to amend The School Act, 1931.

(Assented to \_\_\_\_\_, 1942.)

**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, 1942.*"

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

- (a) by adding immediately before the words "and shall include the husband, wife", where the same occur in clauses (i) and (ii) of paragraph (d) thereof, the following words: "or is a tenant of property under an agricultural lease issued under the provisions of section 15 of *The Provincial Lands Act*, or is a lessee from the Crown in a special area";
- (b) by adding immediately after paragraph (i) thereof the following new paragraph:
  - "(ii) 'Salary schedule' means a statement setting out with respect to each class of teacher,—
    - "(i) the minimum salary; and
    - "(ii) the annual increments which may be limited by a maximum salary; and
    - "(iii) the period of time for which the schedule is operative;
  - and it may also provide for increments for principals and other teachers vested with special supervisory duties, and for increments for teachers with special qualifications and previous experience;"
- (c) by adding immediately after paragraph (m) thereof the following new paragraph:
  - "(mm) 'Trustee' means a member of any board;"

**3.** The said Act is further amended as to section 120 by striking out the words "subject to the regulations of the Department", where the same occur in paragraph (c) of subsection (1) thereof, and by substituting therefor the following: "subject to the approval of the Minister".

4. The said Act is further amended as to section 143 by striking out subsection (1) thereof and by substituting therefor the following:

**"143.—**(1) School shall be held from nine o'clock till twelve o'clock in the forenoon, and from half past one o'clock till four o'clock in the afternoon of every day not including Saturdays, Sundays, holidays or any day during which the school is lawfully closed pursuant to any of the provisions of this Act, but the Board may vary or alter the hours of opening and closing in any school, or shorten the said school hours, upon receiving the permission of the Minister."

5. The said Act is further amended as to section 147 by striking out the same and by substituting therefor the following:

**147.** All schools shall be opened by the reading, without explanation or comment, of a passage of scripture to be selected from those prescribed or approved for that purpose by the Minister, to be followed by the recitation of the Lord's Prayer:

"Provided that any Board may, by resolution, dispense with the scripture reading or the recitation of the Lord's Prayer or both.

**"147a.** No religious instruction shall be permitted in any school from the opening of the school until one half-hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the Board may be given."

6. The said Act is further amended by striking out subsections (1) to (8), inclusive, of section 202 and by substituting therefor the following:

**"202.—**(1) No fees shall be charged by the Board of any district or division on account of the attendance at a school of the district or division of any child whose parent or lawful guardian is a resident of the district or division.

"(2) In the case of pupils under Grade IX as classified by the Regulations of the Department of Education,—

"(a) except as otherwise provided in this subsection, the Board may charge a fee of not more than fifteen cents per day for each pupil in attendance at its school whose parent or lawful guardian is not a resident of the district or division, which fee shall be payable monthly at the end of each month;

"(b) the total amount payable by any parent or guardian for his family on account of such fees, together with the amount of school taxes for the year (*if any*) paid or payable by him to the authority which levies and collects school taxes in respect of property in the district or division at the school of which the pupil or pupils are in attendance, shall not exceed the sum of sixteen dollars for any year;

- “(c) if the school of the district in which the parent or guardian resides is closed, or in the case of a division, if the school which the pupil is directed to attend is closed during any portion of the school year without the consent of the Minister, no fees shall be charged to the parent or guardian of the pupil during the time the school of the district or division is closed, and the Board at whose school the child is in attendance may charge the district or division whose school is so closed a fee of fifteen cents per day for each pupil in attendance, which fee 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 by the parent or guardian.
- “(3) In the case of pupils in Grade IX as classified by the Regulations of the Department of Education,—
- “(a) except as otherwise provided in this subsection, the Board may charge a fee of not more than three dollars for each month or fractional part thereof per pupil in attendance at a school of the district or division if the parent or lawful guardian of the pupil is not a resident of the district or division, which fees shall be payable by the Board of the district or division in which the parent or lawful guardian of the 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;
- “(b) no fee shall be charged on account of the attendance at school of a pupil whose parent or lawful guardian is resident in unorganized territory and on lands subject to taxation under *The Educational Tax Act*;
- “(c) no district or division shall be liable for fees on account of instruction given to any pupil if the instruction is available in a school in the district or division in which the parent or lawful guardian resides, and in that case the parent or lawful guardian shall pay to the district or division operating the school attended by the pupil the fees provided in this subsection, which fees may be abated by the amount of school taxes for the year (*if any*) paid or payable by him to the authority which levies and collects school taxes in respect of property in the district or division at the school of which the pupil or pupils are in attendance;
- “(d) in the case of a district, Grade IX instruction shall be deemed to be available to a pupil if it is offered in a school of the district, and in the case of a division such instruction shall be deemed to be available if it is offered,—

- “(i) in the district of the division of which the parent or lawful guardian of the pupil is a resident; or
  - “(ii) in a school of an adjacent district of the division to which the pupil may reasonably be expected to travel daily; or
  - “(iii) in a district of the division at a centre in which the pupil may secure suitable board and lodging; or
  - “(iv) in a district or division with the Board of which the divisional Board has entered into an agreement for the instruction of Grade IX pupils whose parents or lawful guardians are residents of the division;
- “(e) in the case of a district or division in which instruction is deemed to be available by reason of an agreement as aforesaid, if a pupil whose parent or lawful guardian resides therein attends the school of a district or division other than that with which the agreement has been made, the Board of the district or division in which the parent or lawful guardian of the pupil is a resident shall be liable to the Board of the other district or division for the fees prescribed in this Part or for such fee as is the equivalent of the cost per pupil to the district or division payable under the agreement, whichever is the lesser;
- “(f) in any district or division where a school is maintained in which one teacher devotes his full time to the instruction of pupils in Grade IX, or in the case of departmentalized instruction, in which the equivalent of the full time of one teacher is devoted to Grade IX,—
- “(i) the Board may charge for instruction in that grade at a rate in excess of that provided for in this subsection, but in no case shall the total charge be in excess of the average cost per pupil of providing such instruction as calculated by the method shown in Part II of the Schedule;
  - “(ii) any such excess charge for tuition shall be payable by the parent or lawful guardian of the pupil unless the Board in its discretion pays such excess or any part thereof, and in the latter case the parent or lawful guardian shall pay the remainder.
- “(4) In the case of pupils in Grades X, XI and XII as classified by the Regulations of the Department of Education,—
- “(a) except as otherwise provided in this subsection, the Board may charge a fee of not more than one dollar per year per pupil for each credit assigned in the Regulations of the Department of Education to the

subjects in which he receives instruction, which fee shall be payable by the Board of the district or division in which the parent or lawful guardian of the pupil resides;

- “(b) the total amount of such fees chargeable shall not exceed thirty-five dollars per year per pupil;
- “(c) the Board may in the case of a pupil taking instruction in subjects with a total of less than twenty-five credits, charge a fee of twenty-five dollars per year;
- “(d) the charge for a pupil who is in attendance for only a part of a year shall be in the proportion which the total number of months which he is in attendance or partial attendance bears to ten;
- “(e) no fee shall be charged on account of the attendance at a school of a pupil whose parent or lawful guardian is resident in unorganized territory and on land subject to taxation under *The Educational Tax Act*;
- “(f) no district or division shall be liable for fees on account of instruction given to any pupil if the instruction is available in a school in the district or division in which the parent or lawful guardian resides, and in that case the parent or lawful guardian shall pay to the district or division operating the school attended by the pupil the fees provided in this subsection, which fees may be abated by the amount of school taxes for the year (*if any*) paid or payable by him to the authority which levies and collects school taxes in respect of property in the district or division at the school of which the pupil or pupils are in attendance;
- “(g) in the case of a district, instruction in Grades X, XI or XII shall be deemed to be available to a pupil if it is offered in a school of the district, and in the case of a division, such instruction shall be deemed to be available if it is offered,—
  - “(i) in the district of the division of which the parent or lawful guardian of the pupil is a resident; or
  - “(ii) in the school of an adjacent district of the division to which the pupil may reasonably be expected to travel daily; or
  - “(iii) in a district of the division at a centre in which the pupil may secure suitable board and lodging; or
  - “(iv) in a district or division with the Board of which the divisional Board has entered into an agreement for the instruction of pupils in Grades X, XI or XII, whose parents or lawful guardians are residents of the division;
- “(h) in the case of a district or division in which instruction is deemed to be available by reason of an agreement as aforesaid, if a pupil whose parent or lawful guardian resides therein attends the school of a district or division other than that with which the

agreement has been made, the Board of the district or division in which the parent or lawful guardian of the pupil is a resident shall be liable to the Board of the other district or division for the fees prescribed in this Part or for such fee as is the equivalent of the cost per pupil to the district or division payable under the agreement, whichever is the lesser;

- “(i) in any case when only a portion of the instruction which a pupil is receiving in Grades X, XI or XII is available to the pupil in a school in the district or division in which his parent or lawful guardian resides, the amount of fees payable by the parent or lawful guardian shall be in the proportion which the total number of credits for the subjects in which instruction is available to him in the district or division in which the parent or lawful guardian resides bears to the total number of credits for the subjects in which the pupil receives instruction, and the amount of fees payable by the Board shall be the remainder;
- “(j) in any district or division where a school is maintained in which the full time of three or more teachers is devoted to grades above Grade IX,—
  - “(i) the Board may charge for instruction in Grades X, XI or XII fees at a rate in excess of that provided for in this subsection, but in no case shall the charge be in excess of the cost per credit per year per pupil as calculated by the method shown in Part II of the Schedule;
  - “(ii) any such excess charge for tuition fees in Grades X, XI or XII shall be payable by the parent or lawful guardian of the pupil unless the Board in its discretion pays such excess or any part thereof, and in the latter case the parent or lawful guardian shall pay the remainder.”

7. The said Act is further amended as to section 237 by adding immediately after the words “public meeting in each district in that subdivision on”, where the same occur in subsection (2) thereof, the following words: “or within the three days before”.

8. The said Act is further amended as to section 250 by adding immediately after paragraph (d) thereof the following new paragraph:

- “(d 1) on the request of the Minister or of an inspector, or upon its own initiative, to call a special meeting of the electors of any district or districts within the division at any time for any necessary purpose;”.



**9.** The said Act is further amended as to section 260 by adding immediately after the words "included in the division", where the same occur in paragraph (a) thereof, the following words: "which may include an additional amount to be approved by the Minister, to be set aside as a reserve fund for future capital expenditure".

**10.** The said Act is further amended as to section 266a by adding thereto the following new subsection:

"(3) In any case where all the districts included in a division have been excluded therefrom or have been transferred to another or other divisions, the division shall thereupon be deemed to be dissolved and shall cease to exist."

**11.** The said Act is further amended as to Part II of the Schedule by striking out the same and by substituting therefor the following:

"1. The following items and no others shall be included in estimating the total cost of offering instruction in any grade or grades:

"(a) The teacher's salary or the correct proportion of teachers' salaries in the case of a school providing departmentalized instruction;

"(b) The janitor's salary or the correct proportion of the janitor's salary (*as the case may be*);

"(c) The cost of classroom supplies actually purchased and used up during the year;

"(d) The cost of heating, lighting, power, and water supply.

"2. In the case of pupils in Grade IX, the average cost of providing instruction per pupil per year shall be ascertained from the records of the district or division showing costs incidental to the provision of such instruction, and from other essential data for the academic year preceding that during which the charge is made, by dividing the total cost of offering the instruction by the aggregate attendance of pupils during the preceding year.

"3. In the case of pupils in Grades X, XI and XII the cost per credit per year per pupil of providing the instruction shall be ascertained from the records of the district or division showing costs incidental to the provision of the instruction, and from the records showing the subjects taken by the pupils, and from other essential data for the academic year preceding that during which the charge is made, by dividing the total cost of offering the instruction by the aggregate credits of all pupils in the preceding year."

**12.** Sections 6 and 11 of this Act shall come into force on the first day of July, 1942, and the remaining sections of the Act shall come into force on the day upon which they are assented to.

No. 46.

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SECOND SESSION  
NINTH LEGISLATURE  
6 GEORGE VI  
1942

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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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