

Bill No. 35 of 1943.

A BILL TO AMEND THE SCHOOL ACT.

NOTE.

Section 1 of the Bill provides that the board may designate the school or room in which each of its teachers shall teach, and if expedient, gives the board power to transfer a teacher from one school or room to another.

Section 2 of the Bill enacts a new section which provides details as to the conveyance of children in school divisions from one school district to another. These provisions are similar to those already in the Act relating to consolidated school districts.

Section 3 has the effect of raising the minimum salary to be paid a teacher from \$840.00 per annum to \$900.00 per annum.

The effect of section 4 is to extend the provisions of the subsection to all districts. It was formerly limited to certain specified districts.

Section 5 cures an omission and authorizes the Minister to change the number of a subdivision.

Section 6 of the Bill,—

- (a) changes the hour of the annual meeting of electors and ratepayers of subdivisions from one o'clock to two o'clock;
- (b) changes the time for receiving nominations from the hour between three and four o'clock to "any time during the meeting prior to four o'clock";
- (c) substitutes a new provision for the former provision which required a copy of the minutes signed by the chairman and secretary of the meeting to be forwarded to the Department.

Section 7 of the Bill enacts a new section providing the procedure at elections. Formerly the poll was held at a public meeting in each subdivision. Under the new section the poll is held on the day fixed by the section with respect to first and subsequent elections.

Section 8 of the Bill merely changes the number of the earlier sections applicable to elections in divisions, these changes being necessitated by the changes made by section 7.

Sections 10 and 11 of the Bill are also necessitated by the changes in section 7.

(ii)

Section 12 of the Bill changes the term of office of divisional trustees from two years to three years and provides procedure for determining the term of office of new trustees elected at the first election of trustees in a division.

Section 13 of the Bill makes new provisions for filling vacancies on the board. The former section empowered the board to fill vacancies by appointment except where a member's election had been set aside by the Court. The new section provides for a by-election if the vacancy occurs prior to September 1st, but that if the vacancy occurs on or after that date the vacancy shall not be filled until the next annual election. Provision is made for the Minister filling a vacancy which has not been filled in the manner provided by the Act.

Section 14 of the Bill changes the wording of the authority of the board to make provision for conveyance of pupils, details of which are found in the new section 137*a* set out in section 2 of the Bill. It also provides that the board of a division may designate the school or room in which each of its teachers shall teach, and if expedient, gives the board power to transfer a teacher from one school or one room to another.

Section 15 of the Bill amends section 290 which provides that a divisional board may determine that in any hamlet in the division its estimated expenditures are above the average expenditure by reason of the density of population. In such a case the board may by resolution determine the amount of the excess for the year and make an additional requisition therefor. The effect of the amendment is to authorize the board to fix a minimum tax not exceeding ten dollars to be paid by persons assessed upon the assessment roll with respect to land on which a dwelling house is situated.

Section 17 changes Form L. This is necessary by reason of the changes made in the election procedure.

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. 35 of 1943.

An Act to amend The School Act.

(Assented to , 1943.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The School Act*, being chapter 175 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 126 by striking out paragraph (o) thereof and by substituting therefor the following:

“(o) to appoint and engage in the manner provided by this Act, duly qualified teachers to teach in the school or schools in its charge, and to designate the school or room in which each of its teachers shall teach, and to transfer any teacher from one school or room to another at any time;”.

2. The said Act is further amended by inserting therein immediately after section 137, under the heading “In School Divisions”, the following new section:

“**137a.** Where it is deemed necessary by the divisional board to make provision for the attendance of pupils at schools outside the district where their parents or lawful guardians reside, the board shall provide conveyance for the children to and from school, or to and from the nearest conveyance route, if the nearest boundary of the quarter section on which they reside is more than three miles from the school site and more than one and one-half miles distant by the nearest travelled road from a regular conveyance route; or the board may at its option and subject to the approval of the Minister, enter into an agreement with the parents or guardians to provide their own conveyance, and shall pay therefor a sum not exceeding twenty-five cents a mile per family per day for every mile actually travelled between the nearest boundary of the quarter section on which the family resides and the school or conveyance route, as the case may be, but it shall not pay more than one dollar per day to the parents or guardians of any one family:

“Provided that where the board and parents or guardians cannot agree on a proper amount to be paid for providing a conveyance, the matter shall be referred by the board to the Minister, who shall fix an amount which he deems adequate for the cost of conveyance, and his decision therein shall be final.”

3. The said Act is further amended as to section 172 by striking out subsection (2) thereof and by substituting therefor the following:

“(2) Notwithstanding any agreement to the contrary, every teacher shall be paid a minimum salary of seventy-five dollars per month or nine hundred dollars per year:

“Provided that upon the request of a board the Minister may authorize the payment at a lower rate of salary for a specified time.”

4. The said Act is further amended as to section 182 by striking out subsection (1) thereof, and by substituting therefor the following:

“182.—(1) Any board may by resolution or by-law, on receiving the written consent of the Minister, borrow for any purpose from any person, bank, treasury branch or corporation, such sums as the board may deem necessary and the Minister may approve.”

5. The said Act is further amended as to section 251 by inserting therein immediately after the words “school division”, where the same occur in subsection (9) thereof, the words “or the number of any subdivision of a school division”.

6. The said Act is further amended as to section 253,—

- (a) by striking out the words “one o’clock”, where the same occur in subsection (1) thereof, and by substituting therefor the words “two o’clock”;
- (b) by striking out the words “between the hours of three and four o’clock”, where the same occur in subsection (6) thereof, and by substituting therefor the words “at any time during the meeting prior to the hour of four o’clock”;
- (c) by striking out subsection (7) thereof and by substituting therefor the following:

“(7) A copy of the minutes, certified to be a true copy by the secretary of the meeting or by the secretary of the division, shall, without undue delay, be forwarded to the Department.”

7. The said Act is further amended as to section 257 by striking out the same and by substituting therefor the following:

“257.—(1) In the case of the election of a first board, if in any subdivision more than one person has been nominated, a poll shall be held in each district in that subdivision on the day and at the time and place fixed for that purpose in the order made pursuant to the provisions of paragraph (b) of subsection (3), or of subsection (4) of section 251, as the case may be.

“(2) In the case of any subsequent election for which nominations have been received at the annual meeting in

any subdivision, if more than one person has been nominated, a poll shall be held in each district in that subdivision on the second Saturday in January or on any one of the three days prior to that day, and at such time and place as shall be fixed by the board.

“(3) The secretary, or temporary secretary of the division, as the case may be, shall be the returning officer.

“(4) The notice of the poll shall be in Form L in the Schedule hereto.

“(5) For each polling place in the subdivision the board shall appoint a deputy returning officer who shall be an elector of the district within which the polling place is situated, and who shall have all the powers and perform all the duties that are assigned to the chairman in sections 93 to 103 inclusive, of this Act.

“(6) The secretary of the district or, in his absence or failure to act, such person as the deputy returning officer may appoint, shall be the poll clerk who shall perform the duties that are assigned to the secretary in sections 96 and 100, and in the case of the absence or disability of the deputy returning officer, shall act as the deputy returning officer, and in that event shall appoint some other person to act as poll clerk.

“(7) The returning officer shall, not later than fifteen days prior to the day for the holding of the poll, deliver at least five copies of the notice in Form L to the secretary of each district within the subdivision, who shall, not later than eight days prior to the day for holding the poll, post up a copy of such notice in each of five conspicuous places in the district, one of which shall be the school house, if any, and one of which shall be the post office, and if there is no post office within the district, then in the post office nearest thereto.

“(8) The returning officer shall cause to be printed or otherwise prepared, a supply of ballot papers sufficient for the purposes of the election, and shall, not later than the day prior to the day for the holding of the poll, deliver a sufficient number of ballot papers to the deputy returning officer for each polling place within the subdivision.”

8. The said Act is further amended as to section 258 by striking out the same and by substituting therefor the following:

“**258.** Subject to the other provisions of this Part, all the provisions of section 79 and of sections 92 to 103 (both inclusive) shall *mutatis mutandis* be applicable to the taking of a poll in a subdivision.”

9. The said Act is further amended as to section 259 by striking out the same and by substituting therefor the following:

“**259.—**(1) The deputy returning officer shall be entitled to vote at the said election.

“(2) A candidate for election to the office of divisional trustee shall not be entitled to act as a deputy returning officer.”

10. The said Act is further amended as to section 260,—

- (a) by striking out the words “the chairman and the secretary of the meeting”, where the same occur therein, and by substituting therefor the words “the deputy returning officer and the poll clerk”;
- (b) by striking out the words “the secretary of the division”, where the same occur therein, and by substituting therefor the words “the returning officer”.

11. The said Act is further amended as to section 261,—

- (a) by striking out the words “the secretary of the division”, where the same occur in subsection (1) thereof, and by substituting therefor the words “the returning officer”;
- (b) by striking out the words “within the subdivision”, where the same occur in subsection (1) thereof, and by substituting therefor the words “within the division”;
- (c) by striking out the words “the secretary”, where the same occur in subsection (2) thereof, and by substituting therefor the words “the returning officer”.

12. The said Act is further amended as to section 263,—

- (a) by striking out subsections (1) and (2) thereof and by substituting therefor the following:

“**263.**—(1) Any person elected as a member of a divisional board at any general election hereafter to fill the position of a previous member whose term of office has expired, shall hold office for a term of three years.

“(2) In the case of any member heretofore elected for a term of two years, the Minister may by order extend his term of office for the period of one year, and thereupon the term of office of such member shall be three years instead of two years.

“(3) In the case of the election of a first board hereafter the chairman at the organization meeting of the board shall write the name of each member on a separate slip of paper, place the slips in a receptacle and then draw them from it one at a time, and the terms of office of the persons elected shall be determined as follows:

- “(a) In the case of a five-member board the members whose names appear on the first two slips drawn shall hold office for a term of three years, the members whose names appear on the next two slips drawn shall

hold office for a term of two years, and the member whose name appears on the last slip drawn shall hold office for a term of one year;

“(b) In the case of a three-member board the member whose name appears on the first slip drawn shall hold office for a term of three years, the member whose name appears on the next slip drawn shall hold office for a term of two years, and the member whose name appears on the last slip drawn shall hold office for a term of one year.

“(4) Each person elected as a member of a divisional board shall hold office until his successor has been elected or appointed pursuant to section 307.”

(b) by renumbering subsection (3) as subsection (5).

13. The said Act is further amended as to section 270 by striking out the same and by substituting therefor the following:

“**270.**—(1) In the event of a vacancy occurring in the membership of the board otherwise than under the provisions of section 262 prior to the first day of September, an election shall be held to fill the vacancy and for the purpose of such election the procedure to be followed shall be as set out in section 262, and the person so elected shall hold office in the place of and for the unexpired term of office of the member who held office immediately before the vacancy occurred.

“(2) In the event of a vacancy occurring in the membership of the board on or after the first day of September, the vacancy shall not be filled until the next annual election of members of the board when an election shall be held in the subdivision in respect of which the vacancy occurred for the purpose of electing a member of the board for that subdivision; and unless the term of office of the member who held office immediately before the vacancy occurred has then expired, the member so elected shall hold office in his place and for his unexpired term of office.

“(3) If a vacancy is not filled in the manner and at the time by this Act provided, the Minister may appoint some person to fill the vacancy, and the person so appointed shall hold office in every respect as if he had been elected.”

14. The said Act is further amended as to section 274,—

(a) by striking out paragraph (d) thereof and by substituting therefor the following:

“(d) to appoint and engage in the manner provided by this Act, duly qualified teachers for the schools of the district comprised in the division, and to designate the school or room in which each of its teachers shall

teach, and to transfer any teacher from one school or room to another at any time;";

- (b) by striking out paragraph (g) thereof, and by substituting therefor the following:

"(g) to make, where it is deemed necessary by the divisional board, provision for the attendance of pupils at schools outside of the district where their parents or lawful guardians reside, in accordance with the provisions of section 137a;";

15. The said Act is further amended as to section 290 by striking out the words "be made to produce that amount", where the same occur in the tenth line thereof, and by substituting therefor the words "be made to produce that amount, and may fix a minimum tax not exceeding ten dollars to be paid by the person or persons assessed upon the assessment and tax roll with respect to any parcel of land upon which is situate a building used or intended to be used in whole or in part as a dwelling house, and to be levied in accordance with the provisions of subsection (6) of section 296."

16. The said Act is further amended as to section 301 by striking out the words "Part IV", where the same occur therein, and by substituting therefor the words "Part V".

17. The said Act is further amended as to Part I of the Schedule by striking out Form L and by substituting therefor the following:

"FORM L.

"(Section 257.)

"The School Division of.....

"Notice of Poll to be held in Subdivision No.....

"Take notice that for the purpose of the election of a Divisional Trustee for Subdivision No.....of theSchool Division No....., the poll will be held on....., the.....day of....., 19....., from.....o'clock P.M. to.....o'clock P.M. in.....

(Schoolhouse, hall, or as the case may be.)

“The following persons have been duly nominated:

NAME	OCCUPATION	ADDRESS

.....
Returning Officer.”

18. This Act shall come into force on the day upon which it is assented to, except section 3, which shall come into force on the first day of July, 1943.

No. 35.

THIRD SESSION
NINTH LEGISLATURE
7 GEORGE VI
1943

BILL

A Bill to amend The School Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1943