

Bill No. 63 of 1944.

A BILL TO AMEND THE SCHOOL ACT.

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NOTE.

This Bill amends *The School Act*, chapter 175, R.S.A., 1942.

The new subsection added to section 93 by section 1 of the Bill is intended to remove a difficulty that has occurred where the chairman of the annual meeting is nominated as a candidate for election.

Section 2 of the Bill amends section 98 by reverting to the method of voting formerly in use, namely, by making a cross instead of the figure "1" as the Act now provides.

Section 3 of the Bill amends section 127, (a) by curing an omission. Paragraph (n) of the section now authorizes the making of provision for the attendance of children in high school grades at the school of another district, and the amendment authorizes the Board to contribute to their maintenance where they are required to live away from home. The new provision made by paragraph (b) authorizes the Board to provide scholarships.

Section 137a, which is amended by section 4 of the Bill, deals with the conveyance of pupils from one school district to another, and provides for an agreement being entered into with the parents to provide their own conveyance, the amount payable to any one family being limited to one dollar per day. The amendment increases this limit to one dollar and fifty cents.

Section 5 of the Bill amends section 138 by striking out subsection (4). The Provisions of this subsection are now incorporated in the new section 138a. The latter section which is enacted by section 6 of the Bill authorizes the Board of a division or the Board of a district to make provision for the attendance at school of the children of a district other than by supplying conveyance for them.

The purpose of the new section 139 enacted by section 7 of the Bill is to extend the operation of that section to school divisions as well as school districts outside of the division.

Section 9 of the Bill amends the provisions of section 155 relating to patriotic exercises, and strikes out subsection (2) and substitutes a new subsection (2) dealing with the flag salute. The effect of the change is to provide that in certain circumstances pupils may not be required to salute

the flag beyond coming to attention and remaining at attention while the salute is being given in the manner prescribed.

The new section 160*a* introduced in the Act by section 10 of the Bill prohibits persons being employed to teach children in kindergarten classes unless they are qualified in a manner approved by the Minister.

Section 166*a* is a new section enacted by section 11 of the Bill and provides for the termination of contracts and engagements of a teacher at the end of the June term after the attainment by the teacher of the age of sixty-five years. Provision is made for retaining the services of teachers after that age as temporary teachers.

The amendment to section 173 made by section 12 of the Bill changes the basis for computing a teacher's salary from a school year of two hundred days to one hundred and ninety days, due to the shorter year provided for by *The Operation of Schools (War) Act*. The provision is made retroactive to October 11th, 1943.

The amendment to section 176 made by section 13 of the Bill adds to the duties of the teacher in the manner provided in the section.

Section 14 of the Bill adds a new paragraph to subsection (4) of section 215, which section deals with fees payable by pupils and authorizes the board of a district to pay the fees for which a parent or guardian may be liable, and also authorizes a board to assist the parent or guardian in defraying the cost of education of a pupil at a private school or institution in certain circumstances, not exceeding the fees which would be payable to schools under the Act.

The amendment to section 251 made by section 15 of the Bill authorizes the Minister to re-subdivide a division which has been divided into less than five subdivisions. The effect of this really is to enable the Minister to increase the number of subdivisions in certain divisions from three to five.

The new section 270*a* contained in section 16 of the Bill provides the machinery for representation on the divisional board in cases where the number of subdivisions has been increased under the provisions of the last mentioned section of the Bill.

The first amendment to section 274 made by section 17 of the Bill is to increase the mileage allowed to members of a divisional board from eight cents per mile to ten cents per mile. The second amendment is to subsection (2) of section 274, which subsection provides that where the board of a school district in a division passes a resolution requesting religious instruction subject to the provisions of the Act, and sends a copy of the resolution to the divisional board, it shall be the duty of the board to appoint a teacher

nominated by the trustees of the district. The proviso merely requires that this nomination be forwarded to the board at least three weeks before the commencement of the December term, and also makes the provision subject to the acceptance by the teacher of the nomination. By the third amendment, the same proviso is added to subsection (3) of section 274 which deals with a similar resolution by a board requiring a primary course in French.

The first amendment to section 275 contained in section 18 of the Bill authorizes a divisional board to contribute toward the cost of operation of a full-time health district. These districts are organized under the provisions of *The Public Health Act*, and that Act contains provisions for extending services to school divisions. The second amendment to section 275 authorizes a divisional board to provide scholarships to pupils in the same manner as school districts outside of the divisions are authorized in a previous amendment in this Bill.

Section 276 which is amended by section 19 of the Bill, provides for the disqualification of members of a divisional board in certain cases, one being if a member absents himself from the meetings of the board for three consecutive months without being authorized by resolution, etc. The amendment disqualifies the member if he is absent from three consecutive meetings of the board.

Subsection (1) of section 287 which is struck out and a new subsection substituted by section 20 of the Bill, refers to agreements made under section 280, which provides for the board of a division entering into an agreement with the board of a town, village, consolidated or separate school district for its inclusion in a division, and it also provides for an additional requisition being provided for in the agreement. Subsection (1) of section 287 which is struck out and substituted by a new subsection, provided for an amendment to the agreement after three years by increase or decrease of the amount of the additional requisition. The change made by the new subsection (1) is merely to remove doubt as to whether this subsection applied in a case where no additional amount had been provided for in the original agreement with the school district in question.

Section 21 of the Bill amends section 288. That section deals with the case of a village being incorporated within a school division after the constitution of the division, and the effect of the present provision is that any school district which is situate wholly or partially within the limits of a village is not affected, and that every such school district shall continue as if the village had not been constituted. The amendment adds an exception with respect to requisitions and to the levy of taxes which shall be governed by the provisions of sections 289 to 297.

Section 22 of the Bill strikes out section 290 and substitutes a new section 290. The principal change in this

section is in subsection (2). The section was amended in 1943 to provide for a minimum tax not exceeding ten dollars to be payable with respect to any parcel of land on which a dwelling house is situated. The purpose of the amendment is to authorize a divisional board to fix a minimum tax not exceeding ten dollars for each dwelling house on a parcel, whether they consist of more than one separate building or more than one dwelling in one building each with a separate entrance, or whether consisting of apartments. Subsection (3) of the new section requires the proper officers of a municipality on request to furnish to a school division information necessary to enable the division to determine the amount of the minimum tax.

The amendment to Form I made by section 23 of the Bill is to make the Form agree with an amendment made to section 253 last year which enabled nominations to be taken at any time during a meeting prior to four o'clock instead of from three to four o'clock p.m. as it formerly was.

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. 63 of 1944.

An Act to amend The School Act.

(Assented to \_\_\_\_\_, 1944.)

**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 93 by adding at the end thereof the following new subsection:

“(2) If the first chairman chosen is nominated for election as a trustee, the meeting shall then choose another of their number as chairman of the meeting, and such other person shall thereafter be the chairman of the meeting and shall preside at the taking of the poll and perform the functions herein provided to be performed by the chairman.”

**2.** The said Act is further amended as to section 98 by striking out the words and figure “the figure one, thus 1”, where the same occur therein, and by substituting therefor the words “a cross, (thus ×)”.

**3.** The said Act is further amended as to section 127,—

(a) by inserting immediately after the words “in another district”, where the same occur in paragraph (n) of subsection (1) thereof, the words “and to contribute towards their maintenance”;

(b) by adding immediately after paragraph (t) in subsection (1) thereof the following new paragraph:

“(u) to provide scholarships for pupils of the district in such amounts and upon such conditions as may be approved by the Minister.”

**4.** The said Act is further amended as to section 137a by striking out the words “one dollar per day”, where the same occur therein, and by substituting therefor the words “one dollar and fifty cents per day”.

**5.** The said Act is further amended as to section 138 by striking out subsection (4) thereof.

**6.** The said Act is further amended by adding immediately after section 138 the following new section:

**"138a.** Subject to the approval of the Minister, the board of a division may, in lieu of providing conveyance as mentioned in section 137a hereof, and the board of a district may, in lieu of providing conveyance as mentioned in section 138 hereof, make provision for the attendance at the school of the children of the district, or any of them, in any other suitable manner, and in making such provision may agree to pay to each parent or guardian a sum not exceeding one dollar per day per pupil."

**7.** The said Act is further amended as to section 139 by striking out the same and by substituting therefor the following:

**"139.** Subject to the approval of the Minister, any board may make provision for the conveyance of any or all of the children to and from the school of the district in which they reside."

**8.** The said Act is further amended by adding immediately after section 139 thereof the following new heading and section:

**"IN SCHOOL DIVISIONS AND SCHOOL DISTRICTS (INCLUDING CONSOLIDATED DISTRICTS).**

**"139a.** No board shall be under any liability for negligence to the parents or guardians of any child or to any child who is being conveyed to or from school pursuant to arrangements or an agreement made with the parents or guardians of such child as hereinbefore provided or pursuant to provision made for the attendance of such child at school in a suitable manner satisfactory to the parents or guardians of such child under which arrangement, agreement or provision the board has agreed to pay money to the parents or guardians as hereinbefore provided."

**9.** The said Act is further amended as to section 155 by striking out subsection (2) thereof and by substituting therefor the following:

**"(2)** In any case where the board directs that the flag shall be saluted, this exercise shall be conducted in such manner as the board may prescribe:

**"Provided,** however, that any pupil whose parent or guardian presents to the principal of the school a written statement setting forth that he or she is a member of a religious organization whose tenets forbid or are opposed to its members individually saluting the flag, shall not be required to participate in the saluting of the flag when prescribed by the board further than to come to attention and to remain standing silently and at attention while the salute is being given in the manner prescribed."

**10.** The said Act is further amended by adding immediately after section 160 the following new section:

**"160a.** Where kindergarten classes are conducted in a school under the direction of a board or in any other place under the direction of any other person or persons, no person shall be engaged, appointed, employed, or retained to teach and train the children in such classes unless he holds qualifications approved by the Minister."

**11.** The said Act is further amended by adding immediately after section 166 the following new section:

**"166a.** Every contract of employment and every engagement of a teacher shall terminate on the next following last day of the June term after the attainment by the teacher of the age of sixty-five years, provided that any board may retain the services of a teacher after such termination, and any teacher whose services are so retained shall be deemed to be a temporary teacher."

**12.** The said Act is further amended as to section 173 by adding at the end thereof the following new subsections:

**"(3)** During the period that *The Operation of Schools (War) Act* is in force the computation of a teacher's salary under the provisions of subsection (2) shall be on the basis of one one-hundred and ninetieth part instead of one two-hundredth part of his annual salary.

**"(4)** Subsection (3) hereof shall be deemed to have been in force at all times since the eleventh day of October, 1943."

**13.** The said Act is further amended as to section 176 by adding immediately after paragraph (q) thereof the following new paragraph:

**"(r)** to require a pupil, if requested to do so at any time, to produce his birth certificate."

**14.** The said Act is further amended as to section 215 by adding immediately after paragraph (j) of subsection (4) thereof the following new paragraph:

**"(k)** notwithstanding any of the provisions contained in this subsection,—

**"(i)** any board may pay all or any portion of the fees for which the parent or guardian of a pupil may be liable for payment thereunder;

**"(ii)** any board may, in order to assist the parent or guardian of a pupil to defray the cost of the education of such pupil at a private school or institution which maintains instructional standards approved by the Minister, pay to such parent or guardian any sum not exceeding that which would have been payable for fees if the private school or institution had power to charge fees thereunder in the same manner as a board."

**15.** The said Act is further amended as to section 251 by adding immediately after paragraph (d) in subsection (5) thereof, the following new paragraph:

“(e) re-subdivide a division which has been divided into less than five subdivisions, but in no case shall the number of subdivisions exceed five.”

**16.** The said Act is further amended by adding immediately after section 270 the following new section:

“**270a.** In any case where a division is re-subdivided under the provisions of subsection (5) of section 251,—

“(a) each member of the board who held office immediately prior to the re-subdivision shall continue as a member of the board to represent the new subdivision within which is included the school district in which he resides until the expiration of his term of office;

“(b) in each new subdivision where there is no continuing member of the board, an election shall be held to elect a member to represent the subdivision and for the purpose of such election the procedure to be followed shall be as set out in section 262, provided that if the re-subdivision takes place at any time during the period from the first day of October to the date of the meeting of the board held for the purpose of fixing the dates for holding the annual subdivisional meetings, nominations shall be received at the next annual meeting in each of the new subdivisions, and any necessary election shall be held at the annual general election thereafter;

“(c) unless the new members were elected at an annual general election, the board shall hold a meeting for reorganization within twenty days after all necessary elections have been held and at such meeting shall appoint a chairman and a vice-chairman;

“(d) at the reorganization meeting of the board the chairman shall write the name of each newly elected member on a separate slip of paper, place the slips in a receptacle, then draw therefrom one slip and the member whose name appears thereon shall hold office from the date of his election to the date of the third annual general election thereafter, and the other member shall hold office from the date of his election to the date of the second annual general election thereafter;

“(e) where the new members are elected at an annual general election, the chairman at the regular organization meeting held thereafter shall proceed in the manner prescribed in paragraph (d) hereof to determine the term of office of each new member.”

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

(a) by striking out the words “eight cents per mile”, where the same occur in paragraph (c) of subsection



- (1) thereof, and by substituting therefor the words "ten cents per mile";
- (b) by adding at the end of subsection (2) thereof, the following proviso:  
 "Provided such nomination is transmitted to the divisional board not later than three weeks prior to the commencement of the December term and the teacher accepts the nomination and enters into engagement.";
- (c) by adding at the end of subsection (3) thereof the following proviso:  
 "Provided such nomination is transmitted to the divisional board not later than three weeks prior to the commencement of the December term and the teacher accepts the nomination and enters into engagement."

**18.** The said Act is further amended as to section 275,—

- (a) by adding at the end of paragraph (b) thereof the following words: "or to contribute towards the cost of operation of any full-time public health district";
- (b) by adding at the end thereof the following new paragraph:  
 "(p) to provide scholarships for pupils of the division in such amounts and upon such conditions as may be approved by the Minister."

**19.** The said Act is further amended as to section 276 by striking out the words "from the meetings of the Board for three consecutive months", where the same occur in subsection (1) thereof, and by substituting therefor the words "from three consecutive meetings of the Board".

**20.** The said Act is further amended as to section 287,—

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

**"287.—**(1) After the expiration of three years from the date of an agreement which has been entered into under the provisions of section 280, either party thereto, if dissatisfied with any additional amount fixed by the terms of the agreement, or where no additional amount has been fixed by the agreement, is dissatisfied with the agreement in that respect, may notify the other party in writing of such dissatisfaction, whereupon the parties may mutually agree upon a new amount to be substituted or an additional amount provided, as the case may be, and the agreement shall be amended by endorsing thereon or attaching thereto a memorandum signed by both parties to the agreement, giving particulars of any new amount or amounts or additional amount agreed upon, and the agreement as amended shall be final and binding on the parties as from the first day of January of the following year."

(b) by striking out the words "new amount or new amounts" where the same occur in subsection (2) thereof, and by substituting therefor the words "new amount or new amounts or additional amount".

**21.** The said Act is further amended as to section 288 by striking out the words "and every such school district shall continue as if the village had not been constituted", where the same occur therein, and by substituting therefor the words "except with respect to requisitions and to the levy of taxes which shall be governed by the provisions of sections 289 to 297."

**22.** The said Act is further amended as to section 290 by striking out the same and by substituting therefor the following:

**"290.—**(1) In case a divisional board determines that the estimated expenditures for any year for educational purposes in any hamlet in the division or in any village within the division which became incorporated after the constitution of the division, are by reason of the density of the population in excess of the average estimated expenditures of the division for said purposes throughout the division, the board may in any year by resolution (which resolution shall not have any force or effect unless and until the same has been approved by the Minister) passed not later than the first day of March, determine the amount of the excess for that year, and may designate the hamlet or village within which the levy is to be made to produce that amount, and may also in such resolution, provide that in such additional levy there shall be 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 as defined in *The Assessment Act*, 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 298.

**"(2)** Where more than one such building used as a dwelling is situate on a parcel defined as aforesaid, the minimum tax to be levied against the parcel shall be on the basis of ten dollars or such lesser amount fixed by the resolution for each such building, and where a building used for more than one dwelling, having separate entrances, or an apartment block is situate upon a parcel defined as aforesaid, the minimum tax to be levied on the parcel shall be on the basis of ten dollars or such lesser amount fixed by the resolution for each dwelling having a separate entrance or for each apartment in an apartment block, as the case may be:

**"Provided, however,** that the minimum tax authorized by this section shall not apply with respect to summer cottages or with respect to any buildings or improvements which are exempt from assessment under the provisions of *The Assessment Act*.

“(3) On or before the fifteenth day of February in each year, the proper officer of any municipality within which any school district included in the division is in whole or in part situate, shall supply to the secretary of the divisional board upon request such information as may be required to enable such divisional board to determine the amount of the minimum tax authorized by this section.”

**23.** The said Act is further amended as to Form I in the Schedule by striking out the words “and that from 3 o'clock p.m. to 4 o'clock p.m.”, where the same occur therein, and by substituting therefor the words “and that at any time during the meeting prior to the hour of four o'clock p.m.”.

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

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**FOURTH SESSION  
NINTH LEGISLATURE  
8 GEORGE VI  
1944**

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**BILL**

An Act to amend The School Act.

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**Received and read the**

**First time** .....

**Second time** .....

**Third time** .....

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**HON. MR. LOW.**

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**EDMONTON:  
A. Shnitka, King's Printer  
1944**