



CHAPTER 39.

An Act to amend the "Public Schools Act."

R.S.B.C. 1948, c. 297;
1949, c. 37; 1951, c. 71;
1952, c. 14; 1954, c. 36;
1955, c. 69.

[Assented to 2nd March, 1956.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Public Schools Act Amendment Act, 1956."

Amends s. 2.

2. Section 2 of the "Public Schools Act," being chapter 297 of the "Revised Statutes of British Columbia, 1948," as amended by chapter 69 of the Statutes of 1955, is amended as follows:—

(a) By striking out all the words after "going-concern" in the ninth line of clause (a) of the definition of "improvements," and substituting "operation so erected, affixed, or placed by a tenant."

(b) By striking out clause (d) of the definition of "improvements," and substituting the following:—

"(d) Rafts, floats, docks, and other such devices which are anchored or secured, whether the land or property to which they are anchored or secured belongs to the owner or not, and buildings, fixtures, machinery, structures, storage-tanks, and similar things erected, affixed, or placed thereon, and also includes such fixtures, machinery, and similar things of a commercial or industrial undertaking, business, or going-concern operation so erected, affixed, or placed by a tenant."

Further amends s. 2.

3. Section 2 is further amended by striking out the definition of "Indian," and substituting the following:—

"'Indian' means any person of Indian blood who is living the Indian life on an Indian reserve."

Amends s. 13.

4. Section 13 is amended by striking out clause (h), as enacted by chapter 57 of the Statutes of 1949, and substituting the following:—

“(h) To authorize the Minister or a Board of School Trustees to enter into an agreement with the Government of Canada for the education of Indian or other children for whose education the Government of Canada assumes responsibility.”

Amends s. 15.

5. Section 15, as enacted by chapter 69 of the Statutes of 1955, is amended by adding at the end of subsection (3) the words “or if the person discontinues the training for which the assistance was granted.”

Enacts s. 15A.

6. Chapter 297 is further amended by inserting the following as section 15A:—

“15A. (1) The Minister may at his discretion grant, from funds voted by the Legislature for that purpose, scholarships, bursaries, or loans to persons whose financial circumstances prevent them from undertaking further education. The recipient of a grant under this section shall hold the necessary qualifications for admission to the University of British Columbia, its College of Education, or other affiliated college, or to another recognized university or training institution.

“(2) A loan granted under this section shall be interest-free to a person who repays the loan within a three-year period from completion of training, but the loan shall be repayable on demand with interest at the rate of four and one-half per centum on the unpaid balance of the loan if not repaid within the three-year period, or if the person discontinues the training for which the assistance was granted.

“(3) Moneys repayable under this section may be recovered with costs by action at the suit of the Crown.”

Amends s. 20.

7. Section 20, as re-enacted by chapter 69 of the Statutes of 1955, is amended as follows:—

(a) By striking out the words “other than those referred to in subsection (3) of section 23” in the second and third lines of paragraph (iv) of clause (a) of subsection (5).

(b) By adding the following at the end of clause (a) of subsection (5):—

“and by deducting therefrom the sum of:—

“(v) The amount of the annual interest and instalment of principal included in the annual estimates of the Board which relates to a debt or debts created for capital expenditures which, under section 23, have been specified to be not eligible for capital grant payments; and

“(vi) The amount required for capital expenditures which, under section 23, have been specified to be not eligible for capital grant payments and are included in the total amount required for capital expenditures as established in the annual estimates of the Board for capital expenses and in respect of which the district proposes to finance its share from current revenue.”

(c) By striking out the proviso at the end of clause (b) of subsection (5).

(d) By striking out all the words of subsection (6) down to and including "school district" in the sixth line, and substituting the following: "Commencing with the calendar year 1955, the apportionment of the budget as between the constituent parts of a school district shall be determined in the following manner:—

"(a) For approved operating expenses referred to in subsection (1) of this section, the respective shares shall be calculated by applying the appropriate mill rates referred to in subsection (1). The amount thus determined shall be the respective share of such expenses for each constituent part of the school district:

"(b) For approved operating expenses referred to in subsection (2), for operating expenses referred to in subsection (4), and for capital expenses referred to in subsection (5), the respective shares shall be in the same ratio to the total of such expenses as the assessed value of each constituent part of the school district is to the total of the assessed values of the school district."

(e) By striking out subsection (7), and substituting the following:—

"(7) The grants computed under this section shall be paid to the Board in bi-monthly instalments commencing on or about the fifteenth day of January in each year or at such other times as may be necessary."

Re-enacts s. 23.

8. Section 23 is repealed, and the following is substituted:—

"23. (1) The Board of School Trustees of every school district may make capital expenditures for the purpose of providing school accommodation and facilities within its school district.

"(2) The Board shall obtain the approval of the Superintendent of Education before making expenditures for capital purposes under subsection (1). The Superintendent of Education may approve or disapprove in whole or in part the proposed capital expenditures. In respect of approved capital expenditures he shall specify:—

"(a) The amount of the capital expenditures which are eligible for capital grant payments under subsection (5) of section 20; and

"(b) The amount (if any) of the capital expenditures which are not eligible for capital grant payments under subsection (5) of section 20.

"(3) The Board may appeal from a decision of the Superintendent of Education under subsection (2) to the Lieutenant-Governor in Council, who may confirm, rescind, or amend the decision of the Superintendent, and the decision of the Lieutenant-Governor in Council on the appeal shall be final.

"(4) Where the Board enters into a contract for any of the purposes referred to in subsection (1), the Board shall have power to require

that the wages paid by the contractor be in accordance with the current wages in the district as fixed under the 'Public Works Fair Wages and Conditions of Employment Act.' Should any dispute arise as to what are the current wages in the district, the question shall be referred to the Minister of Labour for determination, and his decision shall be final and binding upon the contractor and the Board."

Amends s. 36.

9. Section 36 is amended by inserting after "elected," in the last line of subsection (4), the words "at large."

Further amends s. 36.

10. Section 36 is further amended by striking out subsection (6), and substituting the following:—

"(6) If the Minister determines that the election is to be at large by ballot in the rural area of any school district, the Inspector of Schools shall prepare and print lists of the qualified voters in the rural area, appoint a returning officer and such assistants as may be necessary for the conduct of the election, and generally make all arrangements necessary to conduct the election by ballot. Subject to the provisions of this Act, the provisions of the 'Municipal Elections Act' shall, mutatis mutandis, apply to the election of school trustees at large under this section. The trustees so elected shall, ipso facto, be representatives for the rural area. Arrangements for conducting annual elections in subsequent years shall be made as provided in clause (h) of subsection (1) of section 101."

Amends s. 46.

11. Section 46 is amended by adding the following to subsection (1) as clause (r):—

"(r) To appoint at its discretion a vice-principal, who shall exercise the functions of the principal during his absence, and who shall perform such other duties as are assigned to him by the principal with the approval of the Inspector of Schools."

Amends s. 51.

12. Section 51, as amended by chapter 69 of the Statutes of 1955, is amended by adding to subsection (9) the words "but the Board shall pay only the expenses incurred by the Inspector in the discharge of duties required by the Board."

Amends s. 52.

13. Section 52 is amended by inserting the following as subsection (3a):—

"(3a) Notwithstanding any of the provisions of this Act, where a rural area of a school district embraces a village municipality incorporated under the 'Village Municipalities Act,' the Board of School Trustees shall notify the Board of Commissioners of the amount to be raised for school purposes within the village municipality for the year then current. The Provincial Assessor shall advise the Board of Commissioners of the mill rate for school purposes to be applied throughout the rural area of a school district including villages therein, and the Board of Commissioners shall incorporate the rate as part of their rates by-law

passed under section 264 of the 'Municipal Act.' The amount to be raised within the village municipality shall be duly assessed and levied by the Board of Commissioners on the property situate within the village municipality, and this amount shall be paid over on demand from time to time by the Board of Commissioners to the Board of School Trustees."

Amends s. 55.

14. Section 55, as re-enacted by chapter 36 of the Statutes of 1954, is amended by striking out all the words of clause (a) of subsection (8) down to and including "principal" in the ninth line, and substituting the following: "The amount payable for interest and instalment of principal in any year in respect of debentures issued under any by-law passed under section 54, or under this section, shall be included in the Board's estimates of expenses for such year. The Province shall pay to the Board in each year a capital grant which shall not be less than one-half of the amount payable for interest and instalment of principal, approved as shareable under sections 20 and 23."

Enacts s. 57A.

15. Chapter 297 is further amended by inserting the following as section 57A:—

"57A. Notwithstanding anything contained in this Act, any by-law providing for the borrowing of money by the issue of debentures may authorize the issue of debentures payable on the sinking fund plan on a date not exceeding twenty years from the date of the debentures. In such case there shall be set aside in each year during the currency of the debentures a sum which, together with interest compounded annually thereon at a rate not exceeding three and one-half per centum per annum, would be sufficient to provide a sinking fund for the repayment in full of the debentures at the maturity thereof. The amount of interest payable in each year and the amount to be set aside in each year for sinking fund shall be set out in the by-law. For the purposes of this Act, the amount to be set aside for sinking fund in any year shall be deemed to be an amount or instalment of principal falling due or becoming payable in such year, and the provisions of this Act shall be construed accordingly. The amount to be set aside in each year for sinking fund shall be paid on or before the date specified in the by-law to the Minister of Finance, who shall act as trustee for the Board, shall establish appropriate sinking fund trustee accounts, and shall invest such amount and interest earnings thereon in direct or guaranteed securities of the Government of Canada and the Province of British Columbia."

Amends s. 62.

16. Section 62, as amended by chapter 36 of the Statutes of 1954, is amended by inserting after "behalf," in the third line of subsection (4), the words "or may bear the facsimile signature of the Superintendent of Education."

Amends s. 81.

17. Section 81, as amended by chapter 69 of the Statutes of 1955, is amended by adding at the end of subsection (6) the words "or, if no

qualified voters reside within the said attendance area or zone, may appoint one or more representatives or trustees."

Amends s. 82.

18. Section 82 is amended by striking out "(b)" in the second line of clause (a) of subsection (6), and substituting "(c)"; and by striking out "(c)" in the second line of clause (b) of said subsection, and substituting "(b)."

Amends s. 115.

19. Section 115 is amended by striking out the word "February" in the third line of subsection (3) and in the seventh line of subsection (5), and substituting "April" in each case.

Enacts s. 138A.

20. Chapter 297 is further amended by inserting the following as section 138A:—

"138A. The Board of School Trustees of a school district may pay to the Association for Retarded Children of British Columbia an amount of money towards the cost of education and training of any mentally retarded child normally resident within the school district who is authorized by the Board to attend a special school operated by a chapter of, or an organization in affiliation with, the said Association and operating under regulations prescribed by the Council of Public Instruction. Such a payment shall be made in accordance with regulations prescribed by the Council of Public Instruction, and shall form part of the approved operating expenses of the Board, referred to in section 20, to an amount not in excess of the net operating cost of education per pupil on average daily attendance in the schools of the Province as stated in the latest published Annual Report of Public Schools of the Province of British Columbia."

Amends s. 162.

21. Section 162 is amended by striking out subsections (1) and (2), and substituting the following:—

"(1) It shall be lawful for the Council of Public Instruction to appoint a board to be known as the 'Board of Reference,' which shall investigate the matters referred to it under this Act, and shall perform such other duties as may be required under this Act. The Board shall consist of three members—one to be appointed only from members of the Bar of the Province of British Columbia, nominated by the Chief Justice of British Columbia, which member shall act as Chairman of the Board; one to be appointed only from persons nominated by the executive of the British Columbia Teachers' Federation; and one to be appointed only from persons nominated by the executive of the British Columbia School Trustees' Association. The Board shall be constituted only in respect of the matters defined in its terms of reference and for no other purpose. The Chairman shall have the same right of voting as the other members of the Board, and in case of an equality of votes for and against a question, the Chairman shall also have the deciding vote.

"(2) On request of the Minister of Education, the Chief Justice of British Columbia and each executive shall notify the Minister of Edu-

cation of the names of at least two persons nominated by him or by it for the purposes of this section. In case it is found impracticable for the Chief Justice of British Columbia to make nominations, the Minister of Education may request some other Judge of the Court of Appeal to nominate at least two persons who are members of the Bar. If the Chief Justice of British Columbia or the Judge of the Court of Appeal fails to notify the Minister of Education of his nominees, the Council of Public Instruction shall appoint some suitable person as Chairman of the Board. If either executive fails to notify the Minister of Education of its nominees, or if both executives fail so to notify the Minister of Education, the Council of Public Instruction shall appoint some suitable persons as members of the Board."

Further amends s. 162. **22.** Section 162 is further amended by inserting after "Instruction," in the thirteenth line of subsection (3), the sentence "In the event that such finding is not reported to the Council of Public Instruction within two weeks from the date of referral of the matter to the Board, the Council of Public Instruction may rescind such referral."

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