

1982

## c 32 Education Amendment Act, 1982

Ontario

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### CHAPTER 32

## An Act to amend the Education Act

*Assented to July 7th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraphs: s. 1 (1),  
amended

2a. “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970,  
c. I-6

. . . . .

10a. “credit” means recognition granted to a pupil by a principal as *prima facie* evidence that the pupil has successfully completed a quantity of work that,

i. has been specified by the principal in accordance with the requirements of the Minister, and

ii. is acceptable to the Minister as partial fulfilment of the requirements for the Secondary School Graduation Diploma or the Secondary School Honour Graduation Diploma, as the case may be;

. . . . .

19a. “education authority” means a corporation that is incorporated by two or more bands or councils of bands for the purpose of providing for the educational needs of the members of such bands;

. . . . .

R.S.C. 1970,  
c. I-6

23a. "Indian" has the same meaning as in the *Indian Act* (Canada).

s. 1 (1),  
par. 66,  
amended

(2) Paragraph 66 of the said subsection 1 (1) is amended by inserting after "qualification" in the second line "or a letter of standing".

s. 1,  
amended

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

Existing  
school  
arrangements  
continued

(5) Until altered under the authority of this or any other Act, all school jurisdictions and boards, including the names of the boards, as they existed on the 31st day of July, 1981, are continued subject to the provisions of this Act.

s. 2,  
amended

2. Section 2 of the said Act is amended by adding thereto the following subsections:

Delegation  
of powers  
and duties

(4) The Minister may in writing authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act.

Limitations

(5) The Minister may in writing limit an authorization made under subsection (4) in such manner as he considers advisable.

Application of  
R.S.O. 1980,  
c. 147, s. 6

(6) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (4).

s. 8 (1) (i),  
re-enacted

3.—(1) Clause 8 (1) (i) of the said Act is repealed and the following substituted therefor:

Application of  
R.S.O. 1980,  
c. 539

(i) prescribe the conditions under which and the terms upon which pupils of boards shall be deemed to be employees for the purpose of coverage under the *Workmen's Compensation Act*, deem pupils to be employees for such purpose and require a board to reimburse Ontario for payments made by Ontario under that Act in respect of a pupil of the board deemed to be an employee of Ontario by the Minister.

s. 8 (1) (m),  
amended

(2) Clause 8 (1) (m) of the said Act is amended by striking out "interim, temporary, permanent, special or other" in the first and second lines.

s. 8 (1) (p),  
amended

(3) Clause 8 (1) (p) of the said Act is amended by striking out "and supervisory officers" in the second line and inserting in lieu thereof "supervisory officers, attendance counsellors and

native counsellors and grant certificates in respect of the successful completion of such courses”.

(4) Clause 8 (1) (r) of the said Act is amended by adding at the end thereof “and the granting of bursaries to teachers”. s. 8 (1) (r), amended

(5) Subsection 8 (1) of the said Act is amended by adding thereto the following clause: s. 8 (1), amended

(z) in respect of schools under the jurisdiction of a board, issue guidelines respecting the closing of schools and require that boards develop policies therefrom with respect to procedures to be followed prior to the closing of a school by decision of the board. guidelines respecting school closings

4.—(1) Paragraph 11 of subsection 10 (1) of the said Act is amended by striking out “permanent, temporary, interim, special and other” in the second line. s. 10 (1), par. 11, amended

(2) The said subsection 10 (1) is amended by adding thereto the following paragraph: s. 10 (1), amended

11a. providing for the issuing of teacher’s qualifications record cards and governing the professional qualifications that may be recorded on such record cards. teacher’s qualifications record cards

(3) Paragraph 24 of the said subsection 10 (1) is amended by striking out “bursars, matrons” in the fourth line and inserting in lieu thereof “residence counsellors”. s. 10 (1), par. 24, amended

(4) The said subsection 10 (1) is further amended by adding thereto the following paragraph: s. 10 (1), amended

33. notwithstanding paragraph 26 of subsection 150 (1), prohibiting or regulating and controlling any program or activity of a board that is or may be in competition with any business or occupation in the private sector and providing that such regulations have general application or application to a particular board. competition with private sector

(5) Clause 10 (8) (b) of the said Act is amended by striking out “and letters of standing” in the second and third lines and inserting in lieu thereof “letters of standing and Ontario Teacher’s Qualifications Record Cards”. s. 10 (8) (b), amended

5.—(1) Subsection 11 (2) of the said Act is amended by striking out “as defined in that Act” in the fifth line. s. 11 (2), amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

(2a) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with a band, the council Non-Indian pupils at Indian schools

of the band or an education authority where such band, council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians, for the admission of pupils who are not Indians to a school operated by the band, council of the band or education authority.

s. 12 (6) (g),  
amended

- 6.** Clause 12 (6) (g) of the said Act is amended by striking out “bur-sar” in the second line and inserting in lieu thereof “business administrator”.

s. 25 (1),  
amended

- 7.** Subsection 25 (1) of the said Act is amended by striking out “with-out a warrant” in the eighth line.

s. 29 (2),  
amended

- 8.** Subsection 29 (2) of the said Act is amended by inserting after “may” in the first line “in addition to or”.

s. 30 (1),  
amended

- 9.** Subsection 30 (1) of the said Act is amended by adding at the end thereof “or the Unified Family Court”.

s. 31 (2),  
amended

- 10.** Subsection 31 (2) of the said Act is amended by inserting after “Part” in the first line “except subsection 48 (6)”.

s. 40 (1) (c),  
amended

- 11.** Clause 40 (1) (c) of the said Act is amended by inserting after “course” in the seventh line “or college of applied arts and technology”.

s. 48,  
amended

- 12.** Section 48 of the said Act is amended by adding thereto the following subsection:

(6) Notwithstanding any other provision of this Act, where a board admits to a school that it operates, a person who is in Canada as a visitor or as a student under the *Immigration Act, 1976* (Canada), except,

(a) a participant in an educational exchange program under which a pupil of the board attends without fee a school outside Canada;

(b) a pupil who enrolls in an elementary school or a secondary school prior to the 1st day of July, 1982; or

(c) a person who is in Canada while his parent or the person who has lawful custody of him is in Canada on a work visa, a diplomatic visa or a ministerial permit,

the board shall charge the person the maximum fee calculated in accordance with the regulations.

s. 52 (3),  
amended

- 13.** Subsection 52 (3) of the said Act is amended by adding at the end thereof “unless and until it becomes or is included in a municipality”.

**14.**—(1) Subsection 53 (1) of the said Act is amended by inserting after “collecting” in the seventh line “cancelling, reducing or refunding” and by striking out “(11)” in the thirteenth line and inserting in lieu thereof “(12)”. s. 53 (1),  
amended

(2) Section 53 of the said Act is amended by adding thereto the following subsection: s. 53,  
amended

(2a) Section 362 of the *Municipal Act* applies to territory without municipal organization that is deemed a district municipality under this Act, and the divisional board has the powers of a municipal council under the said section 362 in respect of any such territory that is not attached to a municipality for school purposes, and the council of the municipality to which any such territory is attached for public school purposes and for secondary school purposes under subsection (2) has the powers of a municipal council under the said section 362 in respect of the territory so attached. Application of  
R.S.O. 1980,  
c. 302, s. 362

**15.**—(1) Clause 54 (1) (b) of the said Act is repealed. s. 54 (1) (b),  
repealed

(2) Clause 54 (1) (c) of the said Act is amended by striking out “school section” in the first and second lines and inserting in lieu thereof “of a school section that is included in a school division”. s. 54 (1) (c),  
amended

(3) Subsection 54 (6) of the said Act is amended by striking out “(inserting the name assigned by the regulations)” in the seventh and eighth lines and inserting in lieu thereof “(inserting the name selected by the board and approved by the Minister)”. s. 54 (6),  
amended

**16.**—(1) Subsection 59 (23) of the said Act is amended by inserting after “may” in the eighth line “where so requested by the divisional board”. s. 59 (23),  
amended

(2) Subsection 59 (34) of the said Act is repealed. s. 59 (34),  
repealed

**17.** Subsection 61 (2) of the said Act is repealed and the following substituted therefor: s. 61 (2),  
re-enacted

(2) Subsection 59 (32) applies with necessary modifications to the nomination and election of candidates for members of a board of education. Qualifications  
for nominators  
of candidates

**18.** Subsection 62 (2) of the said Act is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d), and by adding thereto the following clause: s. 62 (2),  
amended

(e) detach a portion thereof from a district school area.

s. 64 (5),  
re-enacted

- 19.** Subsection 64 (5) of the said Act is repealed and the following substituted therefor:

Election  
year end  
term of office  
R.S.O. 1980,  
c. 308

(5) The election of members of the board of a district school area that is not an improvement district shall be held in each year in which a regular election is held under the *Municipal Elections Act* and the members shall hold office until the next regular election is held under that Act and their successors are elected under this Act and the new board is organized except that,

- (a) where a new district school area is formed to take effect on the 1st day of January in a year that is not a year of a regular election under the *Municipal Elections Act*, the first members of such board shall be elected in the year preceding such 1st day of January and shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized; or
- (b) where the boundaries of a district school area are altered to take effect on the 1st day of January in a year that is not a year in which a regular election is held under the *Municipal Elections Act*, a new district school area board shall be elected in the year preceding such 1st day of January and the members so elected shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized.

s. 65 (1),  
amended

- 20.**—(1) Subsection 65 (1) of the said Act is amended by inserting after “66” in the first line “and subject to subsection (4),”.

s. 65 (4),  
re-enacted

- (2) Subsection 65 (4) of the said Act is repealed and the following substituted therefor:

First  
meeting

(4) Notwithstanding subsection 64 (5), the first meeting for the election of a board of a district school area formed or altered under subsection 62 (2) shall be held at a time and place named by a person, designated by the Minister, who shall make the necessary arrangements for the meeting and the persons so elected shall hold office until the date the next regular election is held under the *Municipal Elections Act* and their successors are elected under this Act and the new board is organized.

R.S.O. 1980,  
c. 308

s. 65 (8),  
amended

- (3) Subsection 65 (8) of the said Act is amended by inserting after “(10)” in the first line “(10a)”.

s. 66 (1),  
amended

- 21.** Subsection 66 (1) of the said Act is amended by,

- (a) inserting after "the" in the third line "public school";
- (b) inserting after "the" where it occurs the first time in the seventh line "public school"; and
- (c) inserting after "district" in the ninth line "school".

**22.** The said Act is amended by adding thereto the following section. s. 66a,  
enacted

66a.—(1) Notwithstanding subsections 65 (3) and (8) and section 66, where a district school area is formed under clause 62 (2) Elections  
(b), the Lieutenant Governor in Council may make regulations,

- (a) determining the number of members to be elected to the board of the district school area;
- (b) determining the areas each member referred to in clause (a) shall represent;
- (c) providing for the nomination of candidates to be elected; and
- (d) prescribing the manner in which the election of the members shall be conducted,

and the election of the members shall be in accordance with such regulations.

(2) No election under this section is invalid by reason of non-compliance with the provisions of the regulations made under subsection (1) or by reason of any mistake or irregularity if it appears that the election was conducted in accordance with the principles laid down in the regulations and that the non-compliance, mistake or irregularity did not affect the result of the election. Validity  
of election

**23.**—(1) Subsection 68 (1) of the said Act is amended by inserting after "area" in the fourth line "board". s. 68 (1),  
amended

(2) Subsection 68 (2) of the said Act is amended by inserting after "area" in the first line "board". s. 68 (2),  
amended

(3) Subsection 68 (3) of the said Act is amended by inserting after "area" in the fourth line "board". s. 68 (3),  
amended

**24.** Clause 69 (2) (a) of the said Act is amended by adding at the end thereof "and for the dissolution thereof". s. 69 (2)(a),  
amended

**25.** Subsection 74 (8) of the said Act is repealed and the following substituted therefor: s. 74 (8),  
re-enacted



Allowance

(8) The divisional board may pay an allowance to each member of the committee who is not a member of the divisional board and where the divisional board satisfies the requirements for a special education advisory committee under subsection 182 (7), the board may pay an allowance to each member of the special education advisory committee who is a member of the advisory committee on schools for trainable retarded pupils.

s. 87 (1),  
amended

**26.** Subsection 87 (1) of the said Act is amended by striking out "1st day of January of the following year" in the fifteenth line and inserting in lieu thereof "1st day of December of the same year".

s. 90 (1),  
amended

**27.—**(1) Subsection 90 (1) of the said Act is amended by striking out "for a term of two years" in the third line.

s. 90,  
amended

(2) Section 90 of the said Act is amended by adding thereto the following subsection:

Term of  
office of  
first trustees  
R.S.O. 1980,  
c. 308

(2a) The trustees who are elected at the first election of an urban separate school board shall hold office until the next regular election is held under the *Municipal Elections Act* and their successors are elected and the new board is organized and sections 93, 94, 95 and 96 apply with necessary modifications to the elections of trustees of the urban separate school board held after the first elections of trustees.

s. 91 (1),  
amended

**28.—**(1) Subsection 91 (1) of the said Act is amended by striking out "for a term of two years" in the fourth line.

s. 91 (2),  
amended

(2) Subsection 91 (2) of the said Act is amended by striking out "for a term of two years" in the fourth line.

s. 93 (1),  
amended

**29.** Subsection 93 (1) of the said Act is amended by striking out "in the same manner as municipal elections" in the second and third lines and inserting in lieu thereof "by the same officers and in the same manner as elections of members of the council of a municipality".

s. 95 (b),  
re-enacted

**30.** Clause 95 (b) of the said Act is repealed and the following substituted therefor:

(b) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years; and

s. 97 (1),  
re-enacted

**31.—**(1) Subsection 97 (1) of the said Act is repealed and the following substituted therefor:

Trustees  
term of office

(1) The board of a rural separate school shall consist of three trustees who, subject to subsection (3), shall be elected in each year in which a regular election is held under the *Municipal Elec-*

R.S.O. 1980,  
c. 308

tions Act and shall hold office until the date the next regular election is held under that Act and their successors are elected under this Act and the new board is organized.

(2) Subsection 97 (3) of the said Act is repealed and the following substituted therefor: s. 97 (3), re-enacted

(3) Where the first election of a newly established rural separate school board is held in a year in which no regular election is held under the *Municipal Elections Act*, the trustees so elected shall hold office until the date upon which the next regular election is held under that Act and their successors are elected under this Act and the new board is organized. Idem  
R.S.O. 1980, c. 308

32.—(1) Subclause 98 (1) (a) (ii) of the said Act is repealed and the following substituted therefor: s. 98 (1) (a), (ii), re-enacted

(ii) the approval of a site selected by the board for a new school.

(2) Section 98 of the said Act is amended by adding thereto the following subsection: s. 98, amended

(3) No site for a new school shall be acquired by a rural separate school board without approval of the site by the majority of the supporters of the rural separate school who are present at an annual or a special meeting of the board. Approval of new school site

33. Section 100 of the said Act is amended by adding thereto the following subsection: s. 100, amended

(10a) A voter is entitled to as many votes as there are trustees to be elected, but may not give more than one vote to any one candidate. Number of votes

34. Subsection 103 (1) of the said Act is repealed and the following substituted therefor: s. 103 (1), re-enacted

(1) Where a combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone, the trustees in office shall retire on the 1st day of December following the election of trustees of the combined separate school zone and, subject to the number of trustees being determined under subsection (5), five trustees shall be elected by the supporters of the newly-created or altered combined separate school zone, Trustees

(a) as provided in section 100, where the combined separate school zone is formed, or where another separate school zone is added to or detached from a combined separate school zone in the year next following the year

R.S.O. 1980,  
c. 308

in which a regular election was held under the *Municipal Elections Act*, in which case the provisions of section 97 apply; or

- (b) as provided in section 93, where the combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone in the year in which a regular election is to be held under the *Municipal Elections Act*.

s. 111 (3),  
amended

- 35.** Subsection 111 (3) of the said Act is amended by striking out "The . . . . . Roman Catholic Separate School Board" in the third and fourth lines and inserting in lieu thereof "The . . . . . District Roman Catholic Separate School Board".

s. 112 (2),  
amended

- 36.—(1)** Subsection 112 (2) of the said Act is amended by inserting after "collecting" in the sixth line "cancelling, reducing or refunding" and by striking out "(11)" in the twelfth line and inserting in lieu thereof "(12)".

s. 112,  
amended

- (2) Section 112 of the said Act is amended by adding thereto the following subsection:

Application of  
R.S.O. 1980,  
c. 302, s. 362

(2a) Section 362 of the *Municipal Act* applies to territory without municipal organization that is deemed a district municipality under subsection (1), and the district combined separate school board has the powers of a municipal council under the said section 362 in respect of any such territory.

s. 113 (19),  
amended

- 37.** Subsection 113 (19) of the said Act is amended by inserting after "may" in the seventh line "where so requested by the board".

s. 115 (3),  
repealed

- 38.** Subsection 115 (3) of the said Act is repealed.

s. 149,  
amended

- 39.** Section 149 of the said Act is amended by adding thereto the following paragraph:

requirements

18. do anything that a board is required by the Minister to do under subsection 8 (1).

s. 150 (1),  
par. 1,  
re-enacted

- 40.—(1)** Paragraph 1 of subsection 150 (1) of the said Act is repealed and the following substituted therefor:

committees

1. establish committees composed of members of the board to make recommendations to the board in respect of education, finance, personnel and property;

1a. establish committees that may include persons who are idem  
not members of the board in respect of matters other  
than those referred to in paragraph 1.

(2) Paragraph 6 of the said subsection 150 (1) is amended by s. 150 (1),  
par. 6,  
amended  
adding at the end thereof "and close schools in accordance  
with policies established by the board from guidelines issued  
by the Minister".

41. Subsection 153 (2) of the said Act is repealed and the following s. 153 (2),  
re-enacted  
substituted therefor:

(2) A secondary school board may pay to each person Allowance  
appointed under subsection (1) who is not a member of the  
board such allowance as the board may determine for each  
month for which he is appointed.

42. Section 158 of the said Act is amended by adding thereto the s. 158,  
amended  
following subsection:

(1a) Where a sick leave, gratuity is paid upon termination of Idem  
employment, the number of days used to calculate the amount of  
the gratuity ceases to stand to the credit of the employee and is  
not available for transfer or reinstatement of credits under sub-  
section (2).

43. Section 164 of the said Act is amended by inserting after "or" in the s. 164,  
amended  
seventh line "held".

44.—(1) Subsection 165 (1) of the said Act is repealed and the follow- s. 165 (1),  
re-enacted  
ing substituted therefor:

(1) A board may enter into an agreement with,

(a) the Crown in right of Canada; or

(b) a band or the council of the band or an education  
authority where such band, the council of the band or  
education authority is authorized by the Crown in right  
of Canada to provide education for Indians,

Agreements  
re education  
of Indian  
pupils

to provide for Indian pupils, for the period specified in the  
agreement, accommodation, instruction and special services in  
the schools of the board, and such agreement shall provide for  
the payment by the Crown in right of Canada, the band, the  
council of the band or the education authority, as the case may  
be, of fees calculated in accordance with the regulation govern-  
ing the fees payable by Canada.

(1a) A board may enter into an agreement with,

Agreements  
re instruction  
in Indian  
schools

- (a) the Crown in right of Canada; or
- (b) a band, the council of the band or an education authority referred to in clause (1) (b),

to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of the full cost of the provision of the instruction and special services.

s. 165 (4),  
amended

(2) Subsection 165 (4) of the said Act is amended by,

- (a) striking out "Indian" in the second line and where it occurs the first time in the third line; and
- (b) inserting after "board" in the fifth line "or in the schools in which the board provides all the instruction".

s. 165 (5),  
amended

(3) Subsection 165 (5) of the said Act is amended by striking out "divisional board or a county or district combined separate school" in the second and third lines.

s. 165,  
amended

(4) Section 165 of the said Act is amended by adding thereto the following subsection:

When  
Indian  
school  
enrolment  
included

(6a) For the purpose of determining the number of Indian pupils enrolled in the schools under the jurisdiction of a board referred to in subsection (5) or (6), the number of Indian pupils in Indian schools in which the board provides all the instruction shall be included.

s. 165a,  
enacted

**45.** The said Act is further amended by adding thereto the following section:

Interpre-  
tation

165a.—(1) In this section, "adult basic education" means programs and courses that are designed to develop and improve the basic literacy and numeracy skills of adults.

Agreements  
for adult  
basic  
education

(2) Subject to the approval of the Minister, a board may, in respect of persons who reside in the area of jurisdiction of the board, enter into an agreement in writing with a college of applied arts and technology for the area in which the board has jurisdiction under which the college of applied arts and technology provides for the board such adult basic education as is specified in the agreement.

**46.**—(1) Subsection 166 (1) of the said Act is amended by striking out “and to and from an activity that is part of the program of such school” in the twelfth and thirteenth lines. s. 166 (1), amended

(2) Section 166 of the said Act is amended by adding thereto the following subsection: s. 166, amended

(1a) A board may provide for a pupil who is enrolled in a school that the board operates transportation to and from an activity that is part of the program of such school. Idem

(3) Clause 166 (9) (b) of the said Act is amended by inserting after “county” in the first line “or a regional municipality that is not in a territorial district”. s. 166 (9) (b), amended

**47.** Subsections 167 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 167 (1, 2), re-enacted

(1) Subject to subsections (1a), (1c) and (2), a board may pay to each member of the board an allowance in such amount that is determined by the board to be payable to the members thereof and may pay to the chairman an amount determined by the board that is in addition to the allowance payable to the chairman as a member of the board. Allowance for members

(1a) Commencing with the board that is organized following the regular election in the year 1982, the allowances payable under subsection (1) shall be those determined by the board prior to the date of the regular election to take effect for the term of office of the members of the board elected at the regular election. Idem

(1b) Where a new board is established or formed under the Act, the members who are elected at the first election of the board may determine the amount of the allowance to be paid to members of the board and the amount of any additional allowance payable to the chairman as a member of the board. Idem

(1c) A board may at any time decrease any allowance payable to the members or to the chairman of the board. Decrease in allowance

(2) Where allowances have not been determined for the term of office of a new board, the existing allowance payable to members of a board or to the chairman of the board during the school year 1981-82 or thereafter on the day of a regular election shall continue to be paid, subject to subsection (1c), until the expiry of the term of office of the members of the board or of the new board, as the case may be, and until allowances as determined by the board under subsection (1a) in respect of the term of office of a new board become payable. Continuance of allowance

s. 171 (1),  
amended

**48.**—(1) Subsection 171 (1) of the said Act is amended by striking out “Part IV as to the selection of a site by a rural separate school board, every board” in the first, second and third lines and inserting in lieu thereof “section 98 as to the approval of the site of a new school by a rural separate school board, every board may select and”.

s. 171 (6),  
amended

(2) Subsection 171 (6) of the said Act is amended by inserting after “172” in the first line “or subsection 173 (1)”.

s. 173 (1, 2),  
re-enacted

**49.**—(1) Subsections 173 (1) and (2) of the said Act are repealed and the following substituted therefor:

Acquisition  
of land  
for natural  
science  
program

(1) Where a board acquires a school site under subsection 171 (1), (2), (3) or (4) for the purpose of conducting thereon a natural science program and other out-of-classroom programs, the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Application

(1a) Subsection (1) does not apply with respect to a school site acquired by a separate school board under subsection 171 (1) or by a county or district combined separate school board under subsection 171 (3) where the cost of the erection of, the addition to or the alteration of the buildings on the school site or of making other improvements to the school site is provided entirely by the separate school board.

Idem

(1b) A board may, with the approval of the Minister, acquire by purchase or lease for the purpose of conducting a natural science program and other out-of-classroom programs a school site in Ontario that it does not have the authority to acquire under section 171, and the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Approval  
not  
required

(1c) An approval of the Minister is not required under subsection (1a) or (2) for normal maintenance to a building or site.

Agreement  
between  
boards

(2) Two or more boards may enter into an agreement for a period specified therein for the shared use of a school site in Ontario for conducting natural science programs and other out-of-classroom programs but, where under such agreement one of the boards may acquire or is to acquire by purchase or lease a school site for such purpose or is to erect, add to or alter a building on or make other improvements to such site, the agreement is not effective until it is approved by the Minister, and a school site situate outside the jurisdiction of the boards that are parties to the agreement shall not be acquired without the prior approval of the Minister.

(2) Subsection 173 (3) of the said Act is amended by striking out “under subsection (1) or (2)” in the first line and inserting in lieu thereof “for the purpose of conducting a natural science program and other out-of-classroom programs”.

s. 173 (3), amended

**50.** Subsection 182 (9) of the said Act is repealed and the following substituted therefor:

s. 182 (9), re-enacted

(9) Subsection 74 (7) and sections 75 and 76 apply with necessary modifications to a committee established under subsection (2).

Application of ss. 74 (7), 75 and 76

**51.** Subsection 183 (1) of the said Act is repealed and the following substituted therefor:

s. 183 (1), re-enacted

(1) The meetings of a board and, subject to subsection (1a), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

Open meetings of boards

(1a) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

Closing of certain committee meetings

(a) the security of the property of the board;

(b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his parent or guardian;

(c) the acquisition or disposal of a school site;

(d) decisions in respect of negotiations with employees of the board; or

(e) litigation affecting the board.

**52.** Paragraph 2 of the Declaration to subsection 185 (1) of the said Act is amended by adding at the end thereof “and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*”.

s. 185 (1), amended

R.S.O. 1980, c. 305

**53.** Section 196 of the said Act is amended by adding thereto the following subsection:

s. 196, amended

(1a) A person who is an elector, as defined in the *Municipal Elections Act* in respect of an area for which one or more members of a board are to be elected, is qualified to be elected as a member of the board for any area within the jurisdiction of the board,

Idem R.S.O. 1980, c. 308



(a) by public school electors if he is a public school elector in the area in which he is an elector; or

(b) by separate school electors if he is a separate school elector in the area in which he is an elector,

if such person is otherwise qualified under subsection (1) and is not disqualified under subsection (2).

s. 198 (2) (b),  
amended

- 54.** Clause 198 (2) (b) of the said Act is amended by striking out “the third year of the Intermediate Division” in the eighth line and inserting in lieu thereof “Grade 9”.

s. 204,  
amended

- 55.** Section 204 of the said Act is amended by adding thereto the following subsection:

Interim  
administration  
pending new  
elections  
R.S.O. 1980,  
c. 308

(2) Where under this Act vacancies on a board are required to be filled by an election to be conducted under the *Municipal Elections Act* and no election can be held under that Act, the Minister may by order provide for the fulfilling of the duties and obligations of the board until such time as a new election is held in accordance with the *Municipal Elections Act* and the members so elected have taken office.

s. 207 (1),  
re-enacted

- 56.** Subsection 207 (1) of the said Act is repealed and the following substituted therefor:

Appointment  
and dismissal  
of auditor

(1) Every board shall appoint an auditor who shall hold office during good behaviour and be removable by the board for cause and who, except in the case of a board established under section 70, shall be a person licensed as a municipal auditor under the *Municipal Affairs Act*.

R.S.O. 1980,  
c. 303

s. 216 (2),  
amended

- 57.** Subsection 216 (2) of the said Act is amended by striking out “where otherwise provided in the Act under which the sum is collected” in the fifth and sixth lines and inserting in lieu thereof “as provided in subsection 34 (3) of the *Assessment Act*”.

R.S.O. 1980,  
c. 31

s. 235 (1),  
amended

- 58.** Subsection 235 (1) of the said Act is amended by inserting after “teacher” in the first line “and a temporary teacher”.

s. 253,  
amended

- 59.** Section 253 of the said Act is amended by adding thereto the following subsection:

General  
report of  
chief  
executive  
officer

(3) At the first meeting in December of each year, the chief executive officer of a board shall submit to the board a report in a format approved by the Minister on the action he has taken during the preceding twelve months under subsection (2) and a copy of such report shall be submitted to the Minister on or before the 31st day of January next following.

- 60.** Section 256 of the said Act is amended by adding thereto the following subsection: s. 256, amended
- (5) A provincial supervisory officer or a person designated by the Minister shall have access, as required by the Minister, to any school and to the books and records of a board or a school. Access to books and records, etc.
- 61.** Subsection 258 (2) of the said Act is amended by inserting after "Where" in the first line "on or". s. 258 (2), amended
- 62.** Subsection 261 (2) of the said Act is amended by inserting after "Where" in the first line "on or". s. 261 (2), amended
- 63.—**(1) Section 262 of the said Act is amended by adding thereto the following subsection: s. 262, amended
- (3a) Section 206 applies with necessary modifications to a member of a committee under clause (2) (b). Application of s. 206
- (2) Subsection 262 (4) of the said Act is amended by adding at the end thereof "and his successor is appointed or elected, as the case may be". s. 262 (4), amended
- 64.** Section 263 of the said Act is amended by adding thereto the following subsection: s. 263, amended
- (2) The members of the committee to be appointed by the board shall be appointed not later than the date of the election meeting referred to in subsection (1). Idem
- 65.** Section 266 of the said Act is amended by adding thereto the following subsection: s. 266, amended
- (2) Subsection 197 (3) applies with necessary modifications to the resignation of a member of a committee. Application of s. 197 (3)
- 66.** Subsection 270 (1) of the said Act is repealed and the following substituted therefor: s. 270 (1), re-enacted
- (1) Where a board has determined to pay an allowance to members of the board under subsection 167 (1), the board shall pay to each member of the committee who is not a member of the board an allowance in such amount as is determined by the board. Allowance
- 67.** Subsection 275 (2) of the said Act is repealed and the following substituted therefor: s. 275 (2), re-enacted
- (2) Members of the Commission shall hold office for a term of one, two or three years as may be determined from time to time Term, reappointment and remuneration

by the Lieutenant Governor in Council, may be reappointed and shall be paid such remuneration as is determined by the Lieutenant Governor in Council.

Commence-  
ment

**68.**—(1) This Act, except subsection 40 (2), comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 40 (2) comes into force on the 1st day of January, 1983.

Short title

**69.** The short title of this Act is the *Education Amendment Act, 1982*.