



1980

## c 129 Education Act

Ontario

© Queen's Printer for Ontario, 1980

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

---

### Bibliographic Citation

*Education Act*, RSO 1980, c 129

### Repository Citation

Ontario (1980) "c 129 Education Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 2, Article 38.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss2/38>

## CHAPTER 129

## Education Act

## INTERPRETATION

1.—(1) In this Act and the regulations, except where <sup>Interpre-</sup>tation otherwise provided in the Act or regulations,

1. “adjoining” means touching at any point; 1974, c. 109, s. 1 (1), par. 1.
2. “average daily enrolment” for a calendar year means the average daily enrolment calculated in accordance with the regulations; 1976, c. 50, s. 1 (1).
3. “board” means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board;
4. “board of education” includes a divisional board;
5. “city” includes a separated town and the portion of a city that is in one school division;
6. “combined separate school zone” means a union of two or more separate school zones;
7. “county” includes a provisional county and united counties;
8. “county combined separate school board” means a separate school board established for a county combined separate school zone;
9. “county combined separate school zone” means a union of the separate school zones whose centres are within an area designated by the regulations that includes a county or all or part of a regional municipality that is not in a territorial district; 1974, c. 109, s. 1 (1), pars. 3-9.
10. “county municipality” means a municipality, other than a city, that forms part of a county or regional

municipality that is not in the territorial districts;  
1978, c. 44, s. 1.

11. "current expenditure" means an expenditure for operating purposes or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
12. "current revenue" means all amounts earned by a board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
13. "debt charge" means the amount of money necessary annually,
  - i. to pay the principal due on long-term debt not payable from a sinking fund,
  - ii. to provide a fund for the redemption of debentures payable from a sinking fund, and
  - iii. to pay the interest due on all debt referred to in subparagraphs i and ii;
14. "defined city" means,
  - i. the City of Hamilton,
  - ii. the City of London, and
  - iii. the City of Windsor;
15. "district combined separate school board" means a separate school board established for a district combined separate school zone;
16. "district combined separate school zone" means a union of the separate school zones whose centres are within an area in the territorial districts that is designated by the regulations;
17. "district municipality" means a municipality, except a city, in a territorial district;
18. "district school area" means a school section in the territorial districts that is not a school division or a school section designated under section 70;

19. "divisional board" means a divisional board of education;
20. "elementary school" means a public school, Roman Catholic separate school or Protestant separate school; 1974, c. 109, s. 1 (1), pars. 11-20.
21. "exceptional pupil" means a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he is considered to need placement in a special education program by a committee, established under subparagraph iii of paragraph 5 of subsection 10 (1), of the board,
  - i. of which he is a resident pupil,
  - ii. that admits or enrolls the pupil other than pursuant to an agreement with another board for the provision of education, or
  - iii. to which the cost of education in respect of the pupil is payable by the Minister; 1980, c. 61, s. 1 (1), *part*.
22. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;
23. "head office" of a board means the place at which the minute book, financial statements and records, and seal of the board are ordinarily kept;
24. "intermediate division" means the division of the organization of a school comprising the first four years of the program of studies immediately following the junior division;
25. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate;
26. "junior division" means the division of the organization of an elementary school comprising the first three years of the program of studies immediately following the primary division;
27. "locality" means a part of territory without municipal organization that is deemed to be a district municipality for the purposes of a divisional board or of a district combined separate school board;

28. "Minister" means the Minister of Education;
29. "Ministry" means the Ministry of Education;
30. "municipality" means a city, town, village, township or improvement district;
31. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher who has died during the school year or who is absent from his regular duties for a temporary period that is less than a school year and that does not extend beyond the end of a school year;
32. "parcel of land" means a parcel of land that by the *Assessment Act* is required to be separately assessed;
33. "part-time teacher" means a teacher employed by a board on a regular basis for other than full-time duty;
34. "permanent improvement" includes,
  - i. a school site and an addition or an improvement to a school site,
  - ii. a building used for instructional purposes and any addition, alteration or improvement thereto,
  - iii. an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,
  - iv. furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
  - v. a bus or other vehicle, including watercraft, for the transportation of pupils,
  - vi. the obtaining of a water supply or an electrical power supply on the school property or the conveying of a water supply or an electrical power supply to the school from outside the school property,
  - vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;

35. "permanent teacher" means a teacher employed by a board under a permanent teacher's contract made in accordance with the regulations and includes a teacher whose contract is deemed to include the terms and conditions contained in the form of contract prescribed in the regulations for a permanent teacher; 1974, c. 109, s. 1 (1), pars. 21-34.
36. "polling list" means a polling list as defined in the *Municipal Elections Act*; 1974, c. 109, s. 1 (1), par. 35; 1978, c. 44, s. 25. R.S.O. 1980, c. 308
37. "population" means the population as determined by the latest census taken under section 14 or 15 of the *Assessment Act*; 1974, c. 109, s. 1 (1), par. 36. R.S.O. 1980, c. 31
38. "primary division" means the division of the organization of an elementary school comprising junior kindergarten, kindergarten and the first three years of the program of studies immediately following kindergarten;
39. "principal" means a teacher appointed by a board to perform in respect of a school the duties of a principal under this Act and the regulations;
40. "private school" means an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section;
41. "probationary teacher" means a teacher employed by a board under a probationary teacher's contract made in accordance with the regulations;
42. "provincial supervisory officer" means a supervisory officer employed by the Minister; 1974, c. 109, s. 1 (1), pars. 38-42.
43. "public school elector", in respect of an area for which one or more members of a board are to be elected by public school electors, means a public school elector under the *Municipal Elections Act*, who is qualified to vote at the election for such members in such area; 1974, c. 109, s. 1 (1), par. 43; 1978, c. 44, s. 25.
44. "regulations" means the regulations made under this Act;

R.S.O. 1980,  
c. 302

45. "reserve fund" means a reserve fund established under section 165 of the *Municipal Act*;
46. "Roman Catholic" includes a Catholic of the Greek or Ukrainian Rite in union with the See of Rome;
47. "rural separate school" means a separate school for Roman Catholics in a township or territory without municipal organization that is not part of a county or district combined separate school zone;
48. "rural separate school zone" means a separate school zone in respect of a rural separate school;
49. "school" means,
  - i. the body of public school pupils or separate school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or
  - ii. the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,and includes the teachers and other staff members associated with such unit or institution and the lands and premises used in connection therewith;
50. "school day" means a day that is within a school year and is not a school holiday;
51. "school division" means the area in which a divisional board has jurisdiction;
52. "school section" means the area in which a public school board or board of education has jurisdiction for public school purposes;
53. "school site" means land or interest therein or premises required by a board for a school, school playground, school garden, teacher's residence, caretaker's residence, gymnasium, offices, parking areas or for any other school purpose;
54. "school year" means the period prescribed as such by, or approved as such under, the regulations;

55. "secondary school" means a school that is under the jurisdiction of a secondary school board;
56. "secondary school district" means the area in which a secondary school board or a board of education has jurisdiction for secondary school purposes;
57. "secretary" and "treasurer" includes a secretary-treasurer;
58. "senior division" means the division of the organization of a secondary school comprising the three years of the program of studies following the intermediate division;
59. "separated town" means a town separated for municipal purposes from the county in which it is situated; 1974, c. 109, s. 1 (1), pars. 44-59.
60. "separate school elector", in respect of an area for which one or more members of a board are to be elected by separate school electors, means a separate school elector under the *Municipal Elections Act*, who is qualified to vote at the election of such members in such area; 1974, c. 109, s. 1 (1), par. 60; 1978, c. 44, s. 25. R.S.O. 1980, c. 308
61. "separate school supporter" means a Roman Catholic ratepayer,
- i. in respect of whom notice of school support has been given in accordance with section 119 and notice of withdrawal of support has not been given under section 120, or
  - ii. who has directed education taxes to the support of separate schools by confirming or revising an enumeration notice in accordance with section 14 of the *Assessment Act* and the regulations made thereunder, R.S.O. 1980, c. 31
- and includes the Roman Catholic spouse of such ratepayer;
62. "separate school zone" means the area in which property may be assessed to support a separate school or schools for Roman Catholics under the jurisdiction of one separate school board; 1974, c. 109, s. 1 (1), pars. 61, 62.
63. "special education program" means, in respect of an exceptional pupil, an educational program that is based on and modified by the results of continuous assessment



and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil;

64. "special education services" means facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program; 1980, c. 61, s. 1 (1), *part*.
65. "supervisory officer" means a person who is qualified in accordance with the regulations governing supervisory officers and who is employed,
  - i. by a board, or
  - ii. in the Ministry and designated by the Minister,to perform such supervisory and administrative duties as are required of supervisory officers by this Act and the regulations;
66. "teacher" means a person who holds a valid certificate of qualification as a teacher in an elementary or a secondary school in Ontario;
67. "temporary teacher" means a person employed to teach under the authority of a letter of permission; 1974, c. 109, s. 1 (1), pars. 63-65.
68. "trainable retarded child" or "trainable retarded pupil" means an exceptional pupil whose intellectual functioning is below the level at which he could profit from a special education program for educable retarded pupils; 1980, c. 61, s. 1 (2).
69. "urban municipality" means a city, town or village;
70. "urban school section" means a school section, except a school division or a district school area, that includes a municipality;
71. "urban separate school" means a separate school for Roman Catholics in an urban municipality;
72. "urban separate school zone" means a separate school zone established in an urban municipality that does not form part of a county or district combined separate school zone;

73. "vocational school" includes a special vocational school. 1974, c. 109, s. 1 (1), pars. 67-71.

(2) Where by or under this Act any authority or right is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority, right, obligation or reimbursement shall, where the pupil is an adult, be vested in or imposed upon or made to the pupil, as the case may be. 1974, c. 109, s. 1 (2).

Authority or obligation of parent vested in pupil of 18 years of age

(3) Where any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge, and no proceeding or by-law with respect to the formation, alteration or dissolution of a school section is invalid or shall be set aside because of failure to comply with the provisions of any Act applicable to the proceeding or by-law, unless, in the opinion of the judge before whom the proceeding or by-law is called in question, the proceeding or by-law, if allowed to stand, would cause substantial injustice to be done to any person affected thereby. 1974, c. 109, s. 1 (4).

Questions re proceedings as to formation of school section

(4) This Act does not adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the predecessors of this Act as they existed immediately prior to the 1st day of January, 1975. 1974, c. 109, s. 1 (6).

Effect on separate schools

## PART I

### MINISTRY OF EDUCATION

2.—(1) The ministry of the public service known as the Ministry of Education is continued.

Ministry continued

(2) The Minister shall preside over and have charge of the Ministry.

Minister to have charge

(3) The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. 1974, c. 109, s. 2.

Administration

3. The Minister shall, after the close of each fiscal year, submit to the Lieutenant Governor in Council a report upon the affairs of the Ministry for the immediately preceding fiscal year and shall then lay the report before

Annual report

the Assembly if it is in session or, if not, at the next ensuing session. 1974, c. 109, s. 3.

Additions to enrolment in special cases

4. The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils who were absent from school because of any condition considered by the Minister to constitute a special circumstance or an emergency. 1974, c. 109, s. 4.

Closing of school or class

5.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may order the closing of a school or any class thereof for a specified period.

Pupils deemed in attendance

(2) Where a school or class is closed for a specified period under subsection (1), the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. 1974, c. 109, s. 5.

Guarantee of debentures

6.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by a board in Ontario for any school purpose for which the board is authorized to issue debentures.

Form of guarantee

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

Validity of guaranteed debentures

(3) Any debenture issued by a board, payment of which is guaranteed by the Province under this section, is valid and binding upon the board by which it is issued and the rate-payers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. 1974, c. 109, s. 6.

Fixing rate of interest on debentures, etc., held by Treasurer

7. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a board, the rate at which interest shall be allowed to, paid by or credited to a board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. 1974, c. 109, s. 7.

8.—(1) The Minister may,

Powers of  
Minister:

- (a) name the diplomas and certificates that are to be granted to pupils and prescribe their form and the conditions under which they are to be granted; diplomas and certificates
- (b) prescribe the courses of study that shall be taught and the courses of study that may be taught in the primary, junior, intermediate and senior divisions; courses of study
- (c) in respect of schools under the jurisdiction of a board, courses and areas of study
- (i) issue curriculum guidelines and require that courses of study be developed therefrom and establish procedures for the approval of courses of study that are not developed from such curriculum guidelines,
- (ii) prescribe areas of study and require that courses of study be grouped thereunder and establish procedures for the approval of alternative areas of study under which courses of study shall be grouped, and
- (iii) approve or permit boards to approve,
- a. courses of study that are not developed from such curriculum guidelines, and
- b. alternative areas of study under which courses of study shall be grouped,
- and authorize such courses of study and areas of study to be used in lieu of or in addition to any prescribed course of study or area of study;
- (d) establish procedures by which and the conditions under which books and other learning materials are selected and approved by the Minister; 1974, c. 109, s. 8 (1) (a-d). procedures
- (e) purchase and distribute textbooks and other learning materials for use in schools; 1976, c. 50, s. 2 (1). textbooks and other learning materials
- (f) select and approve for use in schools textbooks, library books, reference books and other learning materials; 1974, c. 109, s. 8 (1) (e). textbooks, reference books, etc.

- publication of book lists (g) cause to be published from time to time lists of textbooks, learning materials, reference books and library books, selected and approved by the Minister for use in elementary and secondary schools; 1974, c. 109, s. 8 (1) (f); 1976, c. 50, s. 2 (2).
- daily register (h) prescribe the form of the register of attendance and the manner of its use in recording the daily attendance of pupils of schools, or approve the use of an alternate method of recording such daily attendance, and prescribe the form in which enrolment and attendance data shall be submitted to the Minister;
- letter of standing (i) grant a letter of standing to a person who is a qualified teacher in a jurisdiction outside Ontario and who holds academic and professional qualifications equivalent to those required in Ontario at the time of the issuing of the letter of standing;
- letter of permission (j) grant a letter of permission to a board authorizing the board to employ as a teacher a person not qualified as such if the Minister is satisfied that no teacher is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify therein;
- letter of approval (k) grant a temporary letter of approval to a board authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the certificate required for teaching the subject;
- withdraw letter (l) withdraw any letter of permission or temporary letter of approval granted under this Act;
- suspend or cancel (m) suspend or cancel and reinstate any interim, temporary, permanent, special or other certificate of qualification or letter of standing;
- accept equivalent qualification (n) accept in lieu of any requirement prescribed for a teacher, head of a department, principal, director, supervisor or supervisory officer, or for a candidate for a certificate or for admission to a school, such experience, academic scholarship or professional training as he considers equivalent thereto, and may require such evidence thereof as he considers necessary;

- (o) require employees of school boards to submit to medical examinations;
- (p) provide or approve and review courses for teachers, principals and supervisory officers;
- (q) provide for the development, distribution and supervision by the Ministry of correspondence courses; 1974, c. 109, s. 8 (1) (g-p).
- (r) provide for, and prescribe the conditions of, the granting of scholarships, bursaries and awards to pupils; 1974, c. 109, s. 8 (1) (q); 1975, c. 77, s. 1.
- (s) in respect of teachers' colleges,
- (i) define courses of study and subjects to be taught,
  - (ii) recommend reference books and library books,
  - (iii) approve textbooks,
  - (iv) determine the number of terms and the dates upon which each term begins and ends, and
  - (v) grant Bachelor of Education degrees;
- (t) in respect of schools for the deaf and the blind, determine the number of terms and the dates upon which each term begins and ends;
- (u) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he considers proper;
- (v) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,
- (i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial

travel, school twinning and related assistance, leadership training, or summer employment, and

- (ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project. 1974, c. 109, s. 8 (1) (r-u).

agreements concerning learning materials

- (w) enter into an agreement with any board, person or organization in respect of the development and production of learning materials, and pay all or part of the costs in connection therewith;

educational research and grants for promotion of advancement of education

- (x) initiate educational research and make grants to a board, an individual, a voluntary association or a corporation for educational research programs, activities or projects to promote the advancement of education;

discretion to establish French-language programs for English-speaking pupils

- (y) permit a board to establish for English-speaking pupils programs involving varying degrees of the use of the French language in instruction, provided that programs in which English is the language of instruction are made available to pupils whose parents desire such programs for their children. 1976, c. 50, s. 2 (3).

Identification programs and special education programs and services

- (2) The Minister shall ensure that all exceptional children in Ontario have available to them, in accordance with this Act and the regulations, appropriate special education programs and special education services without payment of fees by parents or guardians resident in Ontario, and shall provide for the parents or guardians to appeal the appropriateness of the special education placement, and for these purposes the Minister shall,

- (a) require school boards to implement procedures for early and ongoing identification of the learning abilities and needs of pupils, and shall prescribe standards in accordance with which such procedures be implemented; and
  - (b) in respect of special education programs and services, define exceptionalities of pupils, and prescribe classes, groups or categories of exceptional pupils, and require boards to employ such definitions or use such prescriptions as established under this clause. 1980, c. 61, s. 2.
- (3) An act of the Minister under this section is not a regulation within the meaning of the *Regulations Act*. 1974, c. 109, s. 8 (2). Application  
R.S.O. 1980,  
c. 446

9. The Minister may,

Powers of  
Minister:

- (a) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time; advisory  
body
- (b) appoint as a commission one or more persons, as he considers expedient, to inquire into and report upon any school matter, and such commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act; commission  
of inquiry  
  
R.S.O. 1980,  
c. 411
- (c) submit a case on any question arising under this Act to the Divisional Court for opinion and decision. 1974, c. 109, s. 9, *revised*. secure legal  
opinion

10.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money, Regulations

1. for the establishment, organization, administration and government thereof; general
2. governing the admission of pupils; admit pupils
3. prescribing the manner in which records in respect of pupils of elementary and secondary schools shall be established and maintained, including the forms to be used therefor and the type of information that shall be kept and recorded, and providing for the retention, transfer and disposal of such records; pupil  
records



disposition of  
present pupil  
records

4. providing for the disposition of records established prior to the 1st day of September, 1972, in respect of pupils;

special  
education  
programs

5. governing the provision, establishment, organization and administration of,

i. special education programs,

ii. special education services, and

iii. committees to identify exceptional pupils and to make and review placements of exceptional pupils,

and, subject to paragraph 7 of section 149, prescribing generally or with application to a particular board, the date by which and the extent to which such programs and services shall be established;

identification  
and  
placement  
appeals

6. governing procedures with respect to parents or guardians for appeals in respect of identification and placement of exceptional pupils in special education programs;

evening  
classes

7. defining and governing evening classes;

purchase  
books

8. requiring boards to purchase books for the use of pupils;

accommo-  
dation and  
equipment

9. prescribing the accommodation and equipment of buildings and the arrangement of premises;

recreation  
programs

10. defining and governing programs of recreation, camping, physical education and adult education;

certificates  
and letters of  
standing

11. governing the granting, suspending and cancelling of permanent, temporary, interim, special and other certificates of qualification, and letters of standing;

letter of  
permission

12. governing the granting to a board of a letter of permission and a temporary letter of approval and providing for the withdrawal of such letters;

teacher's  
contract

13. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;

14. governing the establishment and operation of public and secondary schools on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools; schools on Crown lands
  
15. governing the payment of the cost of education at elementary and secondary schools of pupils who. pupils on Crown lands, wards of children's aid society and in approved homes, etc.
  - i. reside in the territorial districts, or on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes,
  
  - ii. are wards of or in the care of a children's aid society, or
  
  - iii. are admitted to a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act;
  
16. providing for assistance in the payment of board, lodging and transportation costs of elementary and secondary school pupils; board, lodging and transportation of pupils
  
17. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid; fees of examiners
  
18. governing the provision of religious exercises and religious education in public and secondary schools and providing for the exemption of pupils from participating in such exercises and education and of a teacher from teaching, and a public school board or a secondary school board from providing, religious education in any school or class; religious exercises and education
  
19. prescribing the language or languages in which any subject or subjects shall be taught in any year of the primary, junior, intermediate or senior division: language of instruction
  
20. providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions; exchange teachers

- school libraries 21. governing school libraries;
- textbooks 22. listing the textbooks that are selected and approved by the Minister for use in schools;
- practice teaching 23. respecting observation and practice teaching by student teachers;
- powers and duties of teachers, etc. 24. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, directors, supervisory officers, heads of departments, principals, superintendents, bursars, matrons, school attendance counsellors and other officials;
- pupils 25. prescribing the duties of pupils;
- schools for trainable retarded children 26. governing the operation of schools for trainable retarded children;
- qualification to teach 27. prescribing the qualifications and experience required for the purpose of qualifying a person to teach;
- forms 28. prescribing forms and providing for their use;
- transportation 29. governing the transportation of pupils;
- practice and procedure 30. regulating the practice and procedure to be followed at any hearing provided for by or under this Act;
- duties of supervisory officers 31. governing the assignment by a board of duties to directors of education and other supervisory officers and prescribing the procedures in respect thereof, and defining any word or expression used in such regulation;
- suspension or dismissal of supervisory officers 32. prescribing the practices and procedures to be followed by a board in the case of suspension or dismissal of a director of education or other supervisory officer. 1974, c. 109, s. 10 (1); 1980, c. 61, s. 3.
- Student-Aid loan contracts (2) Every contract executed by a person under twenty-years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract. 1974, c. 109, s. 10 (2).
- Regulations. grants (3) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) providing for the apportionment and distribution of moneys appropriated or raised by the Legislature for educational purposes;
- (b) prescribing the conditions governing the payment of legislative grants;
- (c) for the purposes of legislative grants,
  - (i) defining any word or expression,
  - (ii) requiring the approval of the Minister to any amount of money, enrolment or rate used in determining the amount of such grants,
  - (iii) prescribing the portions of any expenditure to which such grants apply, and
  - (iv) respecting the application of any part of such grants;
- (d) providing an assessment equalization factor,
  - (i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes;
  - (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III,
  - (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV,
  - (iv) for each public school section that comprises only territory without municipal organization, and
  - (v) for each separate school zone that comprises only territory without municipal organization, and may determine the assessment roll to which each such factor applies;

(e) prescribing the method of calculating the amount of the fee receivable by a board in respect of elementary or secondary school pupils or any class or group thereof, where the board provides education for one or more pupils in respect of whom a fee is payable under this Act, and defining any word or expression used in such regulation.

(f) prescribing the method of calculating average daily enrolment. 1974, c. 109, s. 10 (3); 1976, c. 50, s. 3 (1, 2).

Application  
to previous  
year

(4) A regulation made in any year under subsection (3) may be made to apply in its operation to that year, to a previous year, or to both.

Estimates  
and  
expenditures

(5) Subject to the approval of the Lieutenant Governor in Council and to section 134, the Minister may make regulations governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose.

School year,  
terms and  
holidays

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) prescribing and governing the school year, school terms and school holidays;

(b) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and

(c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations.

Exceptions:  
compulsory  
attendance

(7) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations prescribing the conditions under which, and establishing the procedures by which, a child who is otherwise required to attend school under Part II and who has attained the age of fourteen years may be excused from attendance at school or required to attend school only part-time. 1974, c. 109, s. 10 (4-7).

Regulations

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

fee for  
transcripts

(a) prescribing the fee to be paid to the Ministry for a transcript of standing obtained in Ontario by a pupil;

- (b) prescribing the fee to be paid to the Ministry for duplicates of certificates of qualification and letters of standing; fee for certificates and letters of standing
- (c) prescribing the fee to be paid to the Ministry by a teacher for the preparation at his request of a statement of standing obtained, or a description of courses completed, at a teacher education institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution; fee for statement of standing
- (d) prescribing the conditions under which fees are to be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees; fees for evaluations
- (e) prescribing the fees to be paid for duplicates of diplomas and certificates granted to pupils; fees for duplicates of certificates
- (f) prescribing the fees to be paid for courses provided by the Ministry for teachers, principals and supervisory officers or any class thereof; fees for courses
- (g) prescribing the terms and conditions upon which students may be admitted to a teachers' college, remain therein and be dismissed therefrom; admission to teachers' college
- (h) requiring the payment of a tuition fee by students attending a teachers' college, fixing the amount and manner of payment thereof and prescribing the conditions under which a student is entitled to a refund of the fee or part thereof. 1974, c. 109, s. 10 (8); 1976, c. 50, s. 3 (3, 4). tuition fee teachers' college
- (9) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board. 1974, c. 109, s. 10 (9). Metropolitan Toronto School Board

**11.**—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada, represented by the Minister of National Health and Welfare of Canada respecting physical fitness, and the Minister may authorize a board to provide training in physical fitness. Agreements with Canada re: physical fitness

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the adminis- pupils at Indian schools

R.S.C. 1970,  
c. I-6      tration of the *Indian Act* (Canada), for the admission of pupils,  
other than Indians as defined in that Act, to schools for Indians  
operated under that Act.

bursaries and  
scholarships      (3) The Crown in right of Ontario, represented by the  
Minister, may make agreements with the Crown in right of  
Canada, represented by the Minister of Manpower and Immigra-  
tion, respecting the establishment, awarding and payment of  
bursaries and scholarships to students eligible therefor under  
the regulations. 1974, c. 109, s. 11.

Agreements  
with Canada  
re learning  
materials      (4) The Crown in right of Ontario, represented by the  
Minister, may enter into an agreement with the Crown in  
right of Canada in respect of the development and production  
of learning materials and the sharing of the costs thereof.  
1976, c. 50, s. 4.

Continuation  
of school  
for deaf      **12.—**(1) The Ontario School for the Deaf for the education  
and instruction of the deaf and partially deaf is continued under  
the administration of the Minister.

School for  
blind      (2) The Ontario School for the Blind for the education and  
instruction of the blind and partially blind is continued under  
the administration of the Minister.

Additional  
schools      (3) Subject to the approval of the Lieutenant Governor in  
Council, the Minister may establish, maintain and operate  
one or more additional schools for the deaf or schools for the  
blind. 1974, c. 109, s. 12 (1-3).

Demonstra-  
tion  
schools      (4) Subject to the approval of the Lieutenant Governor in  
Council, the Minister may,

(a) establish, maintain and operate one or more demonstra-  
tion schools; or

(b) enter into an agreement with a university to provide for  
the establishment, maintenance and operation by the  
university, under such terms and conditions as the  
Minister and the university may agree upon, of a  
demonstration school,

for exceptional pupils whose learning disabilities are such that a  
residential setting is required.

Idem      (5) Commencing with the school year 1980-81, a demonstration  
school referred to in subsection (4) that is established by the  
Minister before this section comes into force is deemed not to be a  
school operated by the Ministry of Education for the purposes of  
the *Provincial Schools Negotiations Act*, and the provincial

schools authority is not responsible for any matter relating to the employment of teachers at a demonstration school. 1980, c. 61, s. 4 (1).

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may, in addition to his powers under section 10, make regulations with respect to schools continued or established under this section, Regulations

- (a) prescribing the terms and conditions upon which pupils may,
  - (i) be admitted to, and remain in, a school,
  - (ii) reside in homes approved by a superintendent, and
  - (iii) be discharged from a school;
- (b) authorizing the Minister to appoint a committee to determine any question concerning the eligibility for admission of an applicant;
- (c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;
- (d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;
- (e) authorizing a superintendent to establish rules in respect of pupils admitted to the school;
- (f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;
- (g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;
- (h) authorizing a superintendent to dismiss a pupil and prescribing procedures in respect thereof;
- (i) authorizing the Minister to provide training for, and certification of, teachers of the deaf and of the blind;



(j) designating the name of each school continued or established under this section. 1974, c. 109, s. 12 (4); 1980, c. 61, s. 4 (2).

Cost

(7) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of moneys appropriated therefor by the Legislature. 1974, c. 109, s. 12 (5).

Teacher  
education

**13.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college for the professional education of teachers;

(b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, under such terms and conditions as the Minister and the university or college may agree upon.

Practice  
teaching

(2) Where the Minister conducts a teacher education program, a board that operates a public, separate or secondary school shall permit its schools to be used for observation and practice teaching purposes and shall provide for the services of any of its teachers in accordance with a schedule of payments to boards that provide accommodation for practice teaching purposes and to their principals and teachers who participate therein, and such schedule shall be approved by the Lieutenant Governor in Council.

Idem

(3) Where a teacher education program is conducted pursuant to an agreement under clause (1) (b), a board that operates a public, separate or secondary school shall permit its schools to be used for observation and practice teaching purposes and shall provide for the services of any of its teachers under such terms and conditions as may be agreed upon between the board and the institution conducting the program and failing agreement in accordance with the schedule of payments to boards, principals and teachers referred to in subsection (2).

Cost of  
teacher  
education

(4) The cost of the establishment, maintenance and conduct of a college referred to in clause (1) (a) shall be payable out of moneys appropriated therefor by the Legislature.

Idem

(5) The cost of providing the professional education of teachers by a university, a college of a university or a college under an

agreement referred to in clause (1) (b) shall be payable out of moneys appropriated therefor by the Legislature. 1974, c. 109, s. 13.

**14.**—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of moneys appropriated therefor by the Legislature. 1974, c. 109, s. 14. Expenses

**15.**—(1) No private school shall be operated in Ontario unless notice of intention to operate the private school has been submitted in accordance with this section. Intention to operate private school

(2) Every private school shall submit annually to the Minister on or before the 1st day of September a notice of intention to operate a private school. Idem

(3) A notice of intention to operate a private school shall be in such form and shall include such particulars as the Minister may require. Idem

(4) Every person concerned in the management of a private school that is operated in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25 for every day such school is so operated. Offence to operate private school without filing notice of intent to operate

(5) The principal, headmaster or person in charge of a private school shall make a return to the Ministry furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on conviction is liable to a fine of not more than \$100. Return

(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervisory officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on conviction is liable to a fine of not more than \$200. Inspection of school

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in Inspection on request

respect of the standard of instruction in the subjects leading to the secondary school graduation diploma and to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection.

Inspection of  
teachers

(8) The Minister may, on the request of a person operating a private school or of a person in charge of a conservation authority school or field centre, provide for the inspection of a teacher in such school or centre who requires the recommendation of a supervisory officer for certification purposes.

Offence for  
false  
statement

(9) Every person who knowingly makes a false statement in a notice of intention to operate a private school or an information return under this section is guilty of an offence and on conviction is liable to a fine of not more than \$200. 1974, c. 109, s. 15.

Variation of  
scholarships  
and awards.  
R.S.O. 1980,  
c. 161

**16.**—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 6 of the *Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;
- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and condition is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest,

and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

(2) In the case of an award in the form of a repayable loan <sup>Where award is repayable loan</sup> for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection (1) shall apply with necessary modifications. 1974, c. 109, s. 16.

## PART II

### SCHOOL ATTENDANCE

**17.** In sections 20, 22, 25, 27 and 29, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. <sup>Interpretation</sup> 1974, c. 109, s. 17.

**18.** A board may close or authorize the closing of a school or class for a temporary period where such closing appears <sup>Closing of school or class by board</sup> unavoidable because of,

- (a) failure of transportation arrangements; or
- (b) inclement weather, fire, flood, the breakdown of the school heating plant, the failure of an essential utility or a similar emergency. 1974, c. 109, s. 18.

**19.** Where the head of the council of a municipality in which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day. <sup>Closing of schools on civic holiday</sup> 1974, c. 109, s. 19.

**20.—**(1) Unless excused under this section, <sup>Compulsory attendance</sup>

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on

every school day from the first school day in September in that year until he attains the age of sixteen years; and

- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years. 1974, c. 109, s. 20 (1).

When  
attendance  
excused

- (2) A child is excused from attendance at school if,
- (a) he is receiving satisfactory instruction at home or elsewhere;
  - (b) he is unable to attend school by reason of sickness or other unavoidable cause;
  - (c) transportation is not provided by a board for the child and there is no school that he has a right to attend situated,
    - (i) within 1.6 kilometres from his residence measured by the nearest road if he has not attained the age of seven years on or before the first school day in September in the year in question, or
    - (ii) within 3.2 kilometres from his residence measured by the nearest road if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
    - (iii) within 4.8 kilometres from his residence measured by the nearest road if he has attained the age of ten years on or before the first school day in September in the year in question;
  - (d) he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;
  - (e) he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
  - (f) he is suspended, expelled or excluded from attendance at school under any Act or under the regulations;

(g) he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs; or

(h) he is absent or excused as authorized under this Act and the regulations. 1974, c. 109, s. 20 (2); 1978, c. 87, s. 15 (1).

(3) The fact that a child is blind, deaf or mentally handicapped is not of itself an unavoidable cause under clause (2) (b). 1974, c. 109, s. 20 (3); 1980, c. 61, s. 5. Blind, deaf or mentally handicapped children

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the period for which the child is enrolled as if he were of compulsory school age. Child under compulsory age

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section. Duty of parent, etc.

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or a Protestant separate school, or requires the child of a public school supporter to attend a Roman Catholic separate school. 1974, c. 109, s. 20 (4-6). Separate school supporters

**21.** Where a school year approved by the Minister does not commence on the day following Labour Day, references to the first school day in September and the last school day in June in section 20 shall be read as the first school day in the school year and the last school day in the school year respectively for the purpose of compulsory attendance of pupils of the school or schools or parts thereof to which the school year applies. 1974, c. 109, s. 21. Where school year varied

**22.—(1)** A principal may suspend a pupil for a fixed period, not in excess of a period determined by the board, because of persistent truancy, persistent opposition to authority, habitual neglect of duty, the wilful destruction of school property, the use of profane or improper language, or conduct injurious to the moral tone of the school or to the physical or mental wellbeing of others in the school and, where a pupil has been suspended, the principal shall notify forthwith in writing the pupil, his teachers, the parent or guardian of the pupil, the board, the appropriate school attendance counsellor and the appropriate supervisory officer of the suspension, the reasons therefor and the right of appeal under subsection (2). Suspension of pupil

**Appeal  
against  
suspension**

(2) The parent or guardian of a pupil who has been suspended or the pupil, where he is an adult, may, within seven days of the commencement of the suspension, appeal to the board against the suspension and the board, after hearing the appeal or where no appeal is made, may remove, confirm or modify the suspension and, where the board considers it appropriate, may order that any record of the suspension be expunged.

**Expulsion  
of pupil**

(3) A board may expel a pupil from its schools on the ground that his conduct is so refractory that his presence is injurious to other pupils where,

- (a) the principal and the appropriate supervisory officer so recommend;
- (b) the pupil and his parent or guardian have been notified in writing of,
  - (i) the recommendation of the principal and the supervisory officer, and
  - (ii) the right of the pupil where he is an adult and otherwise of his parent or guardian to make representations at a hearing to be conducted by the board;
- (c) the teacher or teachers of the pupil have been notified; and
- (d) such hearing has been conducted.

**Parties to  
hearing**

(4) The parties to a hearing under this section shall be the parent or guardian of the pupil or the pupil, where he is an adult, the principal of the school that the pupil attends and, in the case of an expulsion, the appropriate supervisory officer.

**Readmission  
of pupil**

(5) A board may at its discretion readmit to school a pupil who has been expelled. 1974, c. 109, s. 22.

**Provincial  
School  
Attendance  
Counsellor**

**23.—**(1) The Lieutenant Governor in Council may appoint an officer, to be known as the Provincial School Attendance Counsellor, who shall, under the direction of the Minister, superintend and direct the enforcement of compulsory school attendance.

**Inquiry by  
Provincial  
Counsellor**

(2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 20 (2), and the appropriate school attendance counsellor or the Provincial School Attendance Counsellor is of the opinion that the child should not be excused from attendance, the Provincial

School Attendance Counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child,

- (a) be excused from attendance at school; or
- (b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child.

(3) The Provincial School Attendance Counsellor has all the <sup>Powers of Provincial Counsellor</sup> powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. 1974, c. 109, s. 23.

**24.**—(1) Every board shall appoint one or more school <sup>Appointment of school attendance counsellors</sup> attendance counsellors.

(2) Two or more boards may appoint the same school <sup>Idem</sup> attendance counsellor or counsellors.

(3) Where the office of a school attendance counsellor be- <sup>Vacancies</sup> comes vacant, it shall be filled forthwith by the board.

(4) Notice of the appointment of a school attendance coun- <sup>Notice of appointment</sup> sellor shall be given in writing by the board to the Provincial School Attendance Counsellor and to the supervisory officers concerned.

(5) A school attendance counsellor appointed by a board <sup>Jurisdiction and responsibility of school attendance counsellor</sup> has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of every child who is required to attend school and who,

- (a) is qualified to be a resident pupil of the board; or
- (b) is or has been enrolled during the current school year in a school operated by the board, except a child who is under the jurisdiction of a person appointed under section 119 of the *Indian Act* (Canada). 1974, c. 109, <sup>R.S.C. 1970, c. 1-6</sup> s. 24.

**25.**—(1) Where a school attendance counsellor has reason- <sup>Powers of counsellors</sup> able and probable grounds for believing that a child is illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the



school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant.

**Reports**

(2) A school attendance counsellor shall report to the board that appointed him as required by the board.

**To act under appropriate supervisory officer and provincial counsellor**

(3) A school attendance counsellor is responsible to the appropriate supervisory officer, and shall carry out the instructions and directions of the Provincial School Attendance Counsellor.

**Inquiry by counsellor and notice**

(4) A school attendance counsellor shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the appropriate supervisory officer or the principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith, and shall advise the parent or guardian in writing of the provisions of subsection 23 (2). 1974, c. 109, s. 25.

**Census**

**26.** A board may make or obtain a complete census of all persons in the area in which the board has jurisdiction who have not attained the age of twenty-one years. 1974, c. 109, s. 26.

**Reports and information**

**27.—(1)** The principal of every elementary and secondary school shall,

- (a) report to the appropriate school attendance counsellor and supervisory officer the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance; and
- (c) report in writing to the school attendance counsellor every case of expulsion and readmission of a pupil.

**Where no school attendance counsellor**

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the appropriate

supervisory officer shall notify the parent or guardian of the child of the requirements of section 20. 1974, c. 109, s. 27.

**28.** Where it appears to the Minister that the board of a Provincial  
counsellor  
as trustee district school area is not providing accommodation or instruction for its resident pupils either in schools operated by the board or under an agreement with another board in schools operated by such other board, has neglected or failed to raise the necessary funds for the provision of such accommodation and instruction or has in other respects failed to comply with this Act and the regulations, or that the election of members of the board has been neglected and no regular board is in existence, the Minister may authorize and direct the Provincial School Attendance Counsellor to do all things and exercise all powers that may be necessary for the provision and maintenance of accommodation and instruction for the resident pupils of the board including the erection of school buildings and the conduct of schools and for the levying of all sums of money required for the purposes of the board, and generally whatever may be required for the purpose of establishing, maintaining and conducting schools in accordance with this Act and the regulations, and thereupon the Provincial School Attendance Counsellor has, for such period as authorized by the Minister, all the authority and powers vested in, and may, during such period, perform the duties of, the board. 1974, c. 109, s. 28.

**29.—(1)** A parent or guardian of a child of compulsory school age who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, guilty of an offence and on conviction is liable to a fine of not more than \$100. Liability of  
parent or  
guardian

(2) The court may, instead of imposing a fine, require a person convicted of an offence under subsection (1) to submit to the Treasurer of Ontario a personal bond, in a form prescribed by the court, in the penal sum of \$200 with one or more sureties as required, conditioned that the person shall cause the child to attend school as required by this Part, and upon breach of the condition the bond is forfeit to the Crown. Bond for  
attendance

(3) A person who employs during school hours a child who is required to attend school under section 20 is guilty of an offence and on conviction is liable to a fine of not more than \$100. Employment  
during school  
hours

(4) Subsections (1) and (3) apply, with necessary modifications, to a corporation and, in addition, every director and officer of the corporation who authorizes, permits or acquiesces in the Offences by  
corporations

contravention is guilty of an offence and on conviction is liable to the same penalty as the corporation.

Habitually absent from school

(5) A child who is required by law to attend school and who refuses to attend or who is habitually absent from school is guilty of an offence and on conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before the Provincial Court (Family Division), and the court has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as it has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada), and subsection 237 (2) applies in any proceeding under this section.

R S C 1970, c. J-3

Proceedings under subs. (5)

(6) Proceedings in respect of offences under subsection (5) shall be proceeded with only in accordance with such subsection.

Reference to provincial counsellor for inquiry

(7) Where, in proceedings under this section, it appears to the court that the child may have been excused from attendance at school under subsection 20 (2), the court may refer the matter to the Provincial School Attendance Counsellor who shall direct that an inquiry shall be made as provided in subsection 23 (2) which subsection shall apply with necessary modifications except that the Provincial School Attendance Counsellor shall, in lieu of making an order, submit a report to the court. 1974, c. 109, s. 29.

Proceedings to be taken by attendance counsellors

**30.**—(1) Prosecutions under section 29 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 29 (1) shall be instituted in the Provincial Court (Family Division).

Certificate of principal as evidence

(2) In prosecutions under section 29, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal.

Proof of age

(3) Where a person is charged under section 29 in respect of a child who is alleged to be of compulsory school age and the child appears to the court to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved.

Order re school attendance

(4) An order made under subsection 23 (2) shall be admitted in evidence in a prosecution only where the prosecution is in respect

of the school year for which the order was made. 1974, c. 109, s. 30.

**31.**—(1) A person has the right, without payment of a fee, <sup>Resident pupil right to attend school</sup> to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which he is qualified to be a resident pupil.

(2) Notwithstanding the other provisions of this Part, where <sup>Admission without fee</sup> it appears to a board that a person who resides in the area of jurisdiction of the board is denied the right to attend school without the payment of a fee, the board, at its discretion, may admit the person from year to year without the payment of a fee. 1974, c. 109, s. 31.

**32.**—(1) Subject to sections 34, 37 and 44, a person who <sup>Resident pupil public school qualification</sup> attains the age of six years in any year is, after the 1st day of September in such year, qualified to be a resident pupil in respect of a school section until the last school day in June in the year in which he attains the age of twenty-one years, if,

- (a) he resides in the school section in which his parent or guardian who is not a separate school supporter resides; or
- (b) he or his parent or guardian is assessed for public school purposes in the school section,
  - (i) as an owner, or
  - (ii) for business assessment, or
  - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year.

(2) Subject to sections 34, 37 and 44, a person who attains the <sup>Resident pupil separate school qualification</sup> age of six years in any year is, after the 1st day of September in such year, qualified to be a resident pupil in respect of a separate school zone until the last school day in June in the year in which he attains the age of twenty-one years, if,

- (a) he resides in the separate school zone in which his parent or guardian who is a separate school supporter resides; or
- (b) he or his parent or guardian is assessed for separate school purposes in the zone,
  - (i) as an owner, or
  - (ii) for business assessment, or
  - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year.

Evidence as to  
right to  
attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend an elementary school, including proof of age.

Resident  
pupil,  
elementary

(4) A person who is qualified to be a resident pupil in respect of a school section or a separate school zone is a resident pupil if he enrolls in a school operated by the board of the school section or separate school zone, as the case may be, or in a school operated by another board to which the board of such school section or separate school zone pays fees on his behalf. 1974, c. 109, s. 32.

Application of  
subss. (1, 4)

(5) Subsections (1) and (4) apply with necessary modifications to a trainable retarded child in respect of a school section on such date as may be designated by the Lieutenant Governor in Council or the 1st day of January, 1985, whichever occurs first.

Application of  
subss. (2, 4)

(6) Subsections (2) and (4) apply with necessary modifications to a trainable retarded child in respect of a separate school zone on such date as may be designated by the Lieutenant Governor in Council or the 1st day of January, 1985, whichever occurs first. 1980, c. 61, s. 6.

Kindergarten

**33.**—(1) Where a board operates a kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age one year lower than that referred to in section 32.

(2) Where a board operates a junior kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age two years lower than that referred to in section 32.

Junior  
kindergarten

(3) A board may provide a class or classes for children to enter school for the first time on or after the first school day in January and, where the board so provides, a child whose birthday is on or after the 1st day of January and before the 1st day of July, who resides in an area determined by the board and who is eligible to be admitted to an elementary school or kindergarten, as the case may be, on the first school day in the following September, may become a resident pupil in respect of such class. 1974, c. 109, s. 33.

Beginners  
class

**34.—(1)** In this section,

Interpre-  
tation

(a) “board” includes The Metropolitan Toronto School Board;

(b) “hard to serve pupil” means a pupil who, under this section, is determined to be unable to profit by instruction offered by a board due to a mental handicap or a mental and one or more additional handicaps;

(c) “school” includes a school or class for trainable retarded pupils.

(2) Where a principal considers that an exceptional pupil who attends his school is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction offered by the board, or where the parent or guardian of a pupil considers that the pupil is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction offered by the board, the principal shall refer the matter to the appropriate supervisory officer who shall refer the matter to the board, and the board shall appoint a committee of three persons consisting of a supervisory officer, a principal and a legally qualified medical practitioner who has expertise in respect of the mental or other handicap of the pupil, none of whom is a person to whom the matter has been previously referred.

Inability  
to profit  
by  
instruction

(3) The committee referred to in subsection (2) shall,

Inquiry  
by  
committee

(a) in accordance with subsection (4), inquire into the alleged inability of the pupil to profit by instruction offered by the board;

(b) inquire into the handicap or handicaps of the pupil; and

- (c) determine whether the pupil can profit by instruction offered by the board or determine that the pupil is a hard to serve pupil,

and the committee shall make a written report of its findings and of its determination to the board and to the parent or guardian of the pupil.

Idem

(4) The committee shall, for the purposes of its inquiry, study all existing reports in respect of the pupil, hear the teachers, the parent or guardian of the pupil, where reasonably possible the pupil, and any other person who may be able to contribute information bearing upon the matter and may, with the consent of the parent or guardian of the pupil, and of the pupil where he is an adult and capable of giving such consent, obtain and consider in respect of the pupil, the report of an assessment conducted by a person considered by the committee to be competent for the purpose.

Costs

(5) Any costs incurred in respect of an assessment or examination under this section, or in respect of the obtaining of other evidence required by the committee under subsection (3) or under subsection (6) shall be paid by the board referred to in subsection (2).

Review

(6) Where the parent or guardian of a person in respect of whom a determination has been made under clause (3) (c), or the person, where he is an adult,

(a) believes that by reason of improvement in the condition of the person or other cause the person has become able to profit by instruction; and

(b) furnishes to a supervisory officer of the board in whose jurisdiction the person resides, evidence or information to establish such belief,

the board shall appoint a committee constituted in accordance with subsection (2) that shall review the determination in respect of the person last made under this section and confirm or alter such determination and for such purpose the committee has the powers and duties of a committee under subsection (3), which subsection applies with necessary modifications to such a review.

Action  
to be  
taken by  
committee

(7) Where a committee under subsection (3) or subsection (6) determines that a pupil is a hard to serve pupil, the committee shall so notify the board and the board shall consider the recommendation and determine that the pupil is a hard to serve pupil or that the pupil is considered to need placement in a special education program, as the case may be, and shall notify the parent or guardian of the pupil in writing of its determination.

(8) Where the board determines that the pupil is considered to need placement in a special education program, the board shall refer the matter to the appropriate committee established under subparagraph iii of paragraph 5 of subsection 10 (1) that shall determine, designate or design an appropriate special education program for the exceptional pupil.

Program for exceptional pupil

(9) Where the board determines that the pupil is a hard to serve pupil and the parent or guardian of the pupil agrees with the said determination, the board shall assist the parent or guardian to locate a placement suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

Placement of hard to serve pupil

(10) Where,

Appeal to Tribunal

(a) the board determines that a pupil is a hard to serve pupil and the parent or guardian of the pupil disagrees with such determination and believes that the pupil is able to profit by instruction; or

(b) the board locates a placement under subsection (9) and the parent or guardian disagrees with the placement,

the parent or guardian of the pupil may, within fifteen days of the receipt of the notice under subsection (7) or any time prior to the implementation of the placement under subsection (9), notify the board in writing of the disagreement and the board shall forthwith refer the matter to the secretary of a Special Education Tribunal established under subsection 35 (1), by forwarding all the documentation outlining the special education programs and special education services that have been provided to the pupil and all existing reports and relevant material in respect of the pupil.

(11) The board shall reimburse the parent or guardian for any expenses he incurs in connection with the referral to and subsequent hearing by the Tribunal referred to in subsection (10), provided that such expenses are approved by the Tribunal.

Costs

(12) The Special Education Tribunal shall consider the referral and, after a hearing and review of the report of the committee referred to in subsection (3) and the determination of the board, shall find that,

Hearing by Tribunal

(a) the pupil is a hard to serve pupil;

(b) the pupil is considered to need placement in a special education program; or



(c) the proposed placement under subsection (9) is or is not suited to the needs of the pupil,

and so notify in writing the parent or guardian of the pupil, the board and the Minister.

Findings  
of  
Tribunal

(13) Where the Tribunal finds that the pupil is considered to need placement in a special education program, the board shall provide a special education program and special education services for the pupil and the board shall, within sixty days of receipt of the notice under subsection (12), inform the Minister of the special education services that have been provided for the pupil.

Idem

(14) Where, under subsection (12), the Tribunal finds that the pupil is a hard to serve pupil or that the placement under subsection (9) is not suited to the needs of the pupil, the board shall assist the parent or guardian to locate a placement or a new placement, as the case may be, suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

New  
Tribunal  
provided  
R.S.O. 1980,  
c. 224

(15) Where, pursuant to an application by the board or by the pupil or on his behalf for judicial review under the *Judicial Review Procedure Act*, the finding of the Special Education Tribunal is set aside, the determination of the board under subsection (7) shall be referred to a Special Education Tribunal for a new hearing conducted by members of the Tribunal other than those who first heard the matter if the board or the parent or guardian of the pupil, as the case may be, makes application therefor to the secretary of the Special Education Tribunal by registered mail within fifteen days after the date of the order of the court setting aside the finding of the Special Education Tribunal and the provisions of subsections (11), (12), (13) and (14) apply with necessary modifications in respect of a hearing by the Special Education Tribunal under this subsection.

Placement  
in  
Ontario

(16) A placement of a hard to serve pupil under subsection (9) or (14) shall be made in Ontario, except where no placement suited to the needs of the pupil is available in Ontario, a placement may be made outside Ontario.

Cost of  
placement

(17) Where a hard to serve pupil is placed under subsection (9) or (14), Ontario shall pay the cost, if any, of such placement. 1980, c. 61, s. 7, *part*.

Establish-  
ment of  
Special  
Education  
Tribunal

**35.**—(1) For the purposes of section 34, the Lieutenant Governor in Council shall establish one or more tribunals known as Special Education Tribunals, provincial or regional, and appoint a secretary of such tribunals.

Procedures  
of Special  
Education  
Tribunals

(2) The Lieutenant Governor in Council may by order,

- (a) establish the procedures that shall apply; and
- (b) authorize Special Education Tribunals to fix and assess costs,

with respect to matters dealt with by Special Education Tribunals. 1980, c. 61, s. 7, *part*.

**36.—(1)** Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may apply to the secretary of a Special Education Tribunal for a hearing for leave to appeal to a regional tribunal established by the Minister under subsection (2) in respect of the identification or placement.

Leave to appeal

(2) Where leave to appeal is granted under subsection (1), a regional tribunal shall be established by the Minister to hear the appeal of the parent or guardian.

Establishment of regional tribunal

(3) Notwithstanding subsection (1), a Special Education Tribunal may with the consent of the parties before it in lieu of granting leave to appeal to a regional tribunal hear and dispose of the appeal of the parent or guardian.

Hearing by Special Education Tribunal

(4) The Lieutenant Governor in Council may make regulations governing the provision, establishment, organization and administration of a regional tribunal and regulating and controlling the practice and procedure before such tribunal including the costs of persons before such tribunal.

Regulations

(5) The decision of a Special Education Tribunal or of a regional tribunal under this section is final and binding upon the parties to any such decision.

Decision final

(6) The tribunal hearing the appeal may,

Disposition

- (a) dismiss the appeal; or
- (b) grant the appeal and make such order as it considers necessary with respect to the identification or placement of the pupil. 1980, c. 61, s. 7, *part*.

**37.** Where a child who would otherwise have the right to attend school in a school section or separate school zone moves with his parent or guardian,

Admission where pupil moves into residence not assessed in accordance with his school support

- (a) who is not a separate school supporter, into a residence that is assessed to the support of separate schools; or

- (b) who is a separate school supporter, into a residence that is assessed to the support of public schools,

and the latest date upon which the assessment of the residence may be changed from,

- (c) separate to public school support ; or  
 (d) public to separate school support,

has passed, upon the filing of a notice of change of support for the following year with the clerk of the municipality, the child shall be admitted, without the payment of a fee, to a public or separate school, as the case may be, that will be supported by the assessment of the residence on the effective date of the change of school support. 1974, c. 109, s. 35.

Resident  
pupil's right  
to attend  
more  
accessible  
school in  
adjoining  
school section  
or separate  
school zone

**38.** Where a resident pupil of a school section or separate school zone resides,

- (a) more than 3.2 kilometres by the shortest distance by road from the school that the pupil is required to attend;  
 (b) more than 0.8 kilometres by the shortest distance by road from any point from which transportation is provided to the school that the pupil is required to attend; and  
 (c) nearer by the shortest distance by road to another public school in another school section in the case of a public school pupil, or to another separate school in another separate school zone in the case of a separate school pupil, than to the school that the pupil is required to attend,

the pupil shall be admitted to the nearer public school or the nearer separate school, as the case may be, referred to in clause (c), where the appropriate supervisory officer for the school section or separate school zone, as the case may be, in which such school is situate, certifies that there is sufficient accommodation for the pupil in such school, and where the pupil is admitted to such school, the board of the school section or separate school zone of which he is a resident pupil shall pay in respect of the pupil a fee calculated in accordance with the regulations. 1974, c. 109, s. 36; 1978, c. 87, s. 15 (2).

Resident  
pupil  
secondary  
school  
qualification

**39.**—(1) A person is qualified to be a resident pupil in respect of a secondary school district if,

- (a) he and his parent or guardian reside in the secondary school district ; or

- (b) he or his parent or guardian is assessed in the secondary school district,
- (i) as an owner, or
  - (ii) for business assessment, or
  - (iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

- (c) he resides in the secondary school district and is the owner or tenant of property therein that is separately assessed; or
- (d) he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district or to a secondary school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf.

(2) A person who is qualified to be a resident pupil in respect of a secondary school district is a resident pupil if he enrolls in a secondary school operated by the board of the secondary school district or in a secondary school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf. 1974, c. 109, s. 37 (1, 2).

Resident pupil, secondary

(3) Subsections (1) and (2) apply with necessary modifications to a trainable retarded child in respect of a school division until such date as may be designated by the Lieutenant Governor in Council or the 31st day of December, 1984, whichever occurs first. 1974, c. 109, s. 37 (3); 1980, c. 61, s. 8.

Trainable retarded child

(4) In subsection (3), school division includes the Metropolitan Area as defined in the *Municipality of Metropolitan Toronto Act*.

Metropolitan Area  
R.S.O. 1980,  
c. 314

(5) Notwithstanding any general or special Act, a person who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,

Admission of adult resident who is not a resident pupil

- (a) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school; and
- (b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school.

Limitation on right to attend without payment of fee

(6) Notwithstanding section 31, where a pupil,

- (a) has completed elementary school; and
- (b) has attended one or more secondary schools for a total of seven or more years,

the board of the secondary school that he attends may charge a fee calculated in accordance with the regulations. 1974, c. 109, s. 37 (4-6).

Resident pupil

**40.**—(1) Subject to subsections (2) and (3), a person who is qualified to be a resident pupil of a secondary school district has the right to attend any secondary school,

- (a) that is more accessible to him than any secondary school in the secondary school district of which he is qualified to be a resident pupil;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is qualified to be a resident pupil but required by him for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (c) to take a program of study that includes the subject of French for French-speaking pupils in the intermediate or senior division and that is not available in the secondary school district of which he is qualified to be a resident pupil, where such program of study is required by him for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (d) to take a program in a French-language school or class if a French-language school or class is not provided by the board of the secondary school district of which he is qualified to be a resident pupil.

Restrictions

(2) Subsection (1) applies to a person who is qualified to be a resident pupil of a secondary school district only if the appropriate supervisory officer certifies that there is adequate accommodation for him in the school.

(3) Clauses (1) (b) (c) and (d) do not apply to a person who is qualified to be a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under section 163 and the programs and subjects referred to in such clauses are offered in the schools covered by the agreement. 1976, c. 50, s. 5.

Where agreement between boards

41.—(1) A person who is qualified to be a resident pupil of a secondary school district and who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by his parent or guardian or by the pupil where the pupil is an adult, stating,

Admission of resident pupil from other district

- (a) the name of the secondary school district in respect of which he is qualified to be a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school.

(2) The principal of the school shall forward the statement to the chief executive officer of the board that operates the school and, if the pupil is admitted, the chief executive officer of the board shall forthwith notify the chief executive officer of the board of the secondary school district of which the pupil is qualified to be a resident pupil of the fact of the admission and of the information included in the statement. 1974, c. 109, s. 39.

Notice of admission

42.—(1) Where a pupil has been promoted from elementary school, he shall be admitted to secondary school.

Admission to secondary school

(2) A person who has not been promoted from elementary school shall be admitted to a secondary school if the principal of the secondary school has satisfied himself that the applicant is competent to undertake the work of the school.

Idem

(3) Where an applicant for admission to a secondary school under subsection (2) is denied admission by the principal, the applicant may appeal to the board and the board may, after a hearing, direct that the applicant be admitted or refused admission to a secondary school.

Where admission denied

Alternative  
course or  
program

(4) Where the pupil has clearly demonstrated to the principal that he is not competent to undertake a particular course or program of studies, the principal shall not permit him to undertake such course or program, in which case the pupil may take a prerequisite course, or select with the approval of the principal an appropriate alternative course or program provided that, where the pupil is a minor, the consent of his parent or guardian has been obtained.

Admission  
to evening  
classes

(5) A person is entitled to enrol in a course of study in an evening class if, in the opinion of the principal after due examination or other investigation, he is considered competent to undertake the desired course, but his admission to such course does not entitle him to be admitted to a day course. 1974, c. 109, s. 40.

Admission  
where one  
parent is  
sole support

43. Where, for any reason, one parent of a person is the sole support of the person, and that parent,

(a) resides in Ontario;

(b) is not assessed for school purposes in Ontario; and

(c) boards the person in a residence that is not a children's residence as defined in the *Children's Residential Services Act*,

R.S.O. 1980,  
c. 71

the person shall, if otherwise qualified to be a resident pupil, be deemed to be qualified to be a resident pupil in respect of,

(d) a school section, if such residence is situate in the school section and is assessed to the support of public schools; or

(e) a separate school zone, if the person is a Roman Catholic and such residence is situate in the separate school zone and is assessed to the support of separate schools; or

(f) a secondary school district, if such residence is situate in the secondary school district and is assessed to the support of secondary schools. 1974, c. 109, s. 41; 1976, c. 50, s. 6.

Tax exempt  
land

44.—(1) A person who resides in a school section, separate school zone or secondary school district in which his parent or

guardian resides, on land that is exempt from taxation for school purposes, is not qualified to be a resident pupil of the school section, separate school zone or secondary school district, unless the person or his parent or guardian is assessed and pays taxes for school purposes in such school section, separate school zone or secondary school district.

(2) A person who is otherwise qualified to attend an elementary or secondary school and who resides on land that is exempt from taxation for school purposes shall be admitted to a school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the person in the school for the current year, and fees calculated in accordance with the regulations shall, except where the regulations provide otherwise in respect of such fees, be prepaid monthly by the person or by his parent or guardian. 1974, c. 109, s. 42.

Resident on  
land exempt  
from  
taxation

45.—(1) A child who is a ward of a children's aid society or in the care of a children's aid society or a ward of a training school, and who is otherwise qualified to be admitted to an elementary school, shall be admitted without the payment of a fee to an elementary school operated by the board of the school section or separate school zone, as the case may be, in which the child resides.

Admission of  
ward, etc.,  
of children's  
aid society or  
training  
school  
to an  
elementary  
school

(2) A child who is a ward of a children's aid society or in the care of a children's aid society or a ward of a training school, and who is otherwise qualified to be admitted to a secondary school, shall be admitted without the payment of a fee to a secondary school operated by the board of the secondary school district in which the child resides. 1976, c. 50, s. 7.

Admission of  
ward, etc.,  
of children's  
aid society  
or training  
school to a  
secondary  
school

46. Where a child who is in the custody of a corporation, society or person, has not the right under the other provisions of this Part to attend the school that the corporation, society or person elects that he attend, and the appropriate supervisory officer certifies that there is sufficient accommodation in such school for the current school year, the board that operates such school shall, where the child is otherwise qualified to attend such school, admit the child to the school upon the prepayment monthly by the corporation, society or person of a fee calculated in accordance with the regulations. 1974, c. 109, s. 44.

Where fee  
payable

47.—(1) Where, on the 31st day of December, 1984, or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, a trainable retarded pupil was

Right of  
certain pupils  
to attend  
school in  
another  
jurisdiction



enrolled in a trainable retarded school or class that he had a right to attend and,

- (a) the parent or guardian of the pupil is a supporter of a board other than the board that operates the trainable retarded school or class that the pupil attends; and
- (b) the board of which the pupil is qualified to be a resident pupil, provides instruction for trainable retarded pupils or has entered into an agreement for the provision of such instruction with a board other than the board that on the 31st day of December, 1984, or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, operated the trainable retarded school or class in which the pupil was enrolled.

the trainable retarded pupil has, in addition to any other right that he may have under this Act, the right to attend the trainable retarded school or class in which he was enrolled on the 31st day of December, 1984, or such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, until the last school day in June in the year in which he attains the age of twenty-one years, and where such pupil elects to continue to attend the trainable retarded school or class in which he was enrolled, the board of which he is qualified to be a resident pupil shall pay to the divisional board that operates such school or class a fee calculated in accordance with the regulations. 1980, c. 61, s. 9.

*Idem*

(2) Where any part of a school section, separate school zone or secondary school district, after the 1st day of January, 1969, forms part of a school division or a county or district combined separate school zone, as the case may be, other than the school division or county or district combined separate school zone in which the school that the pupils resident in such part had the right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the divisional boards concerned, or the county or district combined separate school boards concerned, as the case may be, agree to other arrangements for the accommodation of such pupils.

*Idem*

(3) Where, on the 31st day of December, 1973, a pupil is enrolled in a public or secondary school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any right that he may have under this Act, subject to subsection 39 (5), the right to attend the school until he completes his education in the school, and the divisional boards concerned may

enter into an agreement in respect of the transportation to and from school of such pupils.

(4) Where, on the 31st day of December, 1973, a pupil <sup>Idem</sup> is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

(5) This section does not extend the right acquired by a <sup>Application</sup> pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. 1974, c. 109, s. 45 (2-5).

**48.—**(1) Where a person qualified to be a resident pupil of a <sup>Fees payable</sup> secondary school district attends a secondary school that he has a right to attend under subsection 40 (1), the board of the secondary school district of which he is qualified to be a resident pupil shall pay to the board that operates the secondary school attended by the pupil a fee calculated in accordance with the regulations.

(2) Where a person qualified to be a resident pupil of a <sup>Idem</sup> school division attends a public or secondary school in another school division under section 47, the divisional board of which he is qualified to be a resident pupil shall pay to the divisional board that operates the school attended by the pupil a fee calculated in accordance with the regulations. 1976, c. 50, s. 8, *part*.

(3) Where a separate school pupil resident in a county or <sup>Idem</sup> district combined separate school zone attends a separate school in another combined separate school zone under section 47, the board of the combined separate school zone in which he resides shall pay to the combined separate school board that operates the separate school attended by the pupil a fee calculated in accordance with the regulations.

(4) A child who resides with his parent or guardian in a residence that is assessed to the support of public schools and who may be excused from attendance under clause 20 (2) (c) may be admitted to a public school in another school section if the appropriate supervisory officer certifies that there is sufficient <sup>Admission of resident pupil to another school by reason of distance to school</sup>

accommodation for him, and the board of the section in which the child resides shall pay to the board of the other school section a fee calculated in accordance with the regulations. 1974, c. 109, s. 46 (3, 4).

Admission of  
qualified  
non-resident  
pupil

(5) A board may admit to a school that it operates a person whose admission with or without the payment of a fee is not otherwise provided for in this Act but who, except as to residence, is qualified to attend such school, and may, at its discretion, require the payment by or on behalf of the person of a fee calculated in accordance with the regulations. 1976, c. 50, s. 8, *part*.

### PART III

#### PUBLIC AND SECONDARY SCHOOLS

##### *Tax Exemption of Separate School Supporters*

Exemption of  
supporters of  
separate  
schools

**49.** Nothing in this Act authorizing the levying or collecting of taxes on property rateable for public school purposes applies to the supporters of Roman Catholic separate schools or Protestant separate schools, except that the taxable property in respect of which a person gives notice under section 119 or 138 or under section 14 of the *Assessment Act* is not exempt from taxation for public school purposes imposed before the person becomes a separate school supporter in respect of such property. 1974, c. 109, s. 47.

R.S.O. 1980,  
c. 31

##### *Religious Instruction*

Religious  
instruction

**50.**—(1) Subject to the regulations, a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires.

Religious  
exercises

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult. 1974, c. 109, s. 48.

##### *Visitors*

Visitors

**51.** A parent or guardian of a child attending a public or secondary school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman may visit a public and secondary school in his constituency or in the area where he has pastoral charge, as the case may be. 1974, c. 109, s. 49.

*Divisional Boards*

**52.**—(1) A school section or a secondary school district that is designated as such by the Minister on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on any lands that are exempt from taxation for school purposes, shall not be included in a school division. Application to schools on exempt land

(2) For divisional board purposes, the County of Essex includes Pelee Island. Essex county

(3) In respect of divisional boards of education, Territory without municipal organization deemed district municipality

(a) every school section in existence on the 31st day of December, 1968 that comprised only territory without municipal organization, except a school section established under section 69 or 70;

(b) any part of territory without municipal organization that on the 31st day of December, 1968 was part of a high school district but was not in a school section; and

(c) any part of territory without municipal organization that is designated by a regulation made under subsection 54 (1), or a predecessor thereof, as a district municipality or that is added to a school division without being so designated and that on the 31st day of December, 1968 was not in a school section or in a high school district,

shall be deemed to be a district municipality. 1974, c. 109, s. 50.

**53.**—(1) Subject to subsection (2), the divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall, for public school purposes and for secondary school purposes, exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board, and with respect thereto and to the election of members of the divisional board all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 67 (5) to (11) apply with necessary modifications, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school Powers and duties of divisional board re territory without municipal organization

purposes in such district municipality in the ratio that the assessment of such property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes, and shall be included in the levy imposed for school purposes on such property.

Parts of territory without municipal organization attached to municipality

(2) Except as provided in subsection (4), where any part of territory without municipal organization that is included in a school division is attached to a municipality for public school purposes or is deemed to be attached to a municipality for public and secondary school purposes, such part shall continue to be deemed to be attached to such municipality for the purposes of the divisional board, and the officers of such municipality shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to such part of territory without municipal organization that forms part of the school division as with respect to any part of the school division that is within the municipality, and the expenses incurred in connection therewith shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school purposes in such territory without municipal organization in the ratio that the assessment of such property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes and shall be included in the levy imposed for school purposes on such property, but the divisional board may, by resolution passed before the 1st day of July in any year effective on the 1st day of January next following, a copy of which resolution shall be given forthwith to the Minister, the clerk of the municipality and the appropriate assessment commissioner, detach such territory from the municipality for school purposes and deem such territory to be a district municipality whereupon subsection (1) applies thereto.

Estimates to include expenses of collection, etc., and allowances to be made

(3) The divisional board in preparing estimates of the sums required to be raised under subsection (1) or (2) shall,

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is estimated will not be collected during the year in such part of the territory without municipal organization;
- (b) include the proper proportion of the salaries and expenses of the officers involved, having regard to the time spent by such officers on their duties under subsection (1) or (2); and
- (c) include the cost of providing elections of members of the board in such territory.

(4) Where any part of territory without municipal organization is attached to a municipality for public school purposes, or is deemed to be attached to a municipality for public and secondary school purposes, and such part is included, pursuant to subsection 59 (9), with one or more municipalities in a combined area for the election of one or more members of the divisional board and the combined area does not include the municipality to which such part is so attached, such part shall be deemed to be attached for election purposes to the municipality that has the greatest residential and farm assessment in the combined area according to the last revised assessment roll as adjusted by the latest assessment equalization factor applicable thereto for each such municipality, provided by the Minister, and the provisions of subsection (2) apply with necessary modifications. 1974, c. 109, s. 51 (1-4).

Where attached territory not included with municipality for election

(5) The secretary-treasurer of an improvement district that forms all or part of a school division, in each year in which an election for members of the divisional board is to be held, shall provide for such election in the improvement district in the same manner as for the election of members of a divisional board in a municipality and shall have all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a divisional board under the *Municipal Elections Act*. 1974, c. 109, s. 51 (5); 1978, c. 44, s. 25.

Elections in improvement districts

R.S.O. 1980, c. 308

**54.—(1)** The Lieutenant Governor in Council may, by regulation,

School divisions, formation and alteration

- (a) designate as a school division all or part of one or more municipalities, localities, counties, regional municipalities, district municipalities or territory without municipal organization or a combination thereof;
- (b) assign a name, subject to subsections (4), (5), (6) and (7), to the divisional board of a school division;
- (c) dissolve a board of a school division or school section;
- (d) combine two or more adjoining school divisions to form one school division and provide that the board of the combined school division shall be a divisional board of education;
- (e) alter the boundaries of a school division and, where any part of territory without municipal

organization is attached to a school division, designate such part as a district municipality or attach it to a district municipality.

Adjustment  
of assets and  
liabilities  
on formation

(2) Upon the formation of a new school division,

- (a) all lands and premises that become part of a new school division, including the personal property therein or thereon and that, on the last school day immediately prior to such formation, were used as school sites and vested in the board of a school division or school section affected by such formation, become vested in the board of such new school division, and no compensation or damages are payable in respect of such lands, premises and personal property;
- (b) all debts, contracts, agreements and liabilities for which a board or former board was liable in respect of that portion of its area of jurisdiction that becomes part of a new school division become obligations of the board of such new school division unless otherwise determined under clause (c);
- (c) the boards affected by such formation shall, in respect of the area that becomes part of a new school division, adjust in such manner as may be agreed upon by such boards, the assets and liabilities of such boards as of the date of such formation, except the property referred to in clause (a), and, where the boards are unable to agree, any matter in disagreement shall be referred by a board affected to the Ontario Municipal Board, whose decision is final;
- (d) the Minister may, by order, provide for the first election of the divisional board of a new school division, for a new election, subject to subsections 56 (4) to (8), of the divisional board or board of a school section of an altered school division or school section, for the right of pupils affected by such formation to continue to attend schools that they were attending immediately prior to the formation and for any matter not specifically provided for in this section that he considers necessary or advisable to carry out the intent and purposes of this Part.

Dissolution of  
board

(3) No regulation made under this section has the effect of dissolving a board unless so provided in the regulation.

(4) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in a defined city is "The Board of Education for the City of ..... " (*inserting the name of the defined city*). Name of board; defined city

(5) The name of a divisional board that has jurisdiction in one county is "The..... County Board of Education" (*inserting the name of the county*). county

(6) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in, regional municipality and counties

- (a) all or part of a regional municipality;
- (b) all or parts of two or more counties; or
- (c) all or part of a regional municipality and all or part of one or more counties,

is "The..... Board of Education" (*inserting the name assigned by the regulations*).

(7) The name of a divisional board that has jurisdiction in the territorial districts is "The..... Board of Education" (*inserting the name assigned by the regulations*). 1974, c. 109, s. 52. territorial districts

**55.**—(1) A divisional board of education shall be established in each school division, and the members of the board shall be elected and the board organized in accordance with sections 52 to 59. Divisional boards establishment

(2) For the purposes of every Act, a school division shall be deemed to be a school section and a secondary school district. Deemed public school section and secondary school district

(3) Every divisional board is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon, Powers and duties

- (a) a public school board for public school purposes; and
- (b) a secondary school board for secondary school purposes.

(4) A member of a divisional board who is, Members to be trustees

- (a) elected by separate school electors; or
- (b) appointed, in the case of a vacancy,



- (i) by the remaining members elected to the divisional board by separate school electors, or
- (ii) by a separate school board,

is a trustee for secondary school purposes only and shall not move, second or vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes.

## Trustees

(5) All members of a divisional board are trustees for the purposes of schools for trainable retarded children. 1974, c. 109, s. 53.

## Alteration of boundaries: disposition of assets and liabilities

**56.**—(1) Where the boundaries of a school division are altered, except by reason of the formation of a new school division, all lands and premises that,

- (a) are situate in an area that is added to a school section or secondary school district by such alteration;
- (b) are used as school sites on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in another board of education, public school board or secondary school board except a board appointed or formed under section 70,

shall, on and after such effective date, be vested without compensation, subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the board of the school section or secondary school district to which such area is added, and the boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

## Dispute

(2) Any dispute as to the disposition of property under subsection (1) may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

## Employment contracts

(3) The employment contract of every employee of a board who, immediately before the effective date of the alteration of the boundaries of a school division, was required to perform his duties in a school that is vested under subsection (1) in the board of a school division, school section or secondary school district becomes an obligation of the board in which the school is vested.

(4) Subject to subsection (8), where one or more municipalities are detached from a school division and attached to an adjoining school division and a member of the board of the school division from which the municipality or municipalities are detached resides in one such municipality and was elected by public school electors to represent such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such member shall, on the effective date of the attaching of the municipality or municipalities, cease to be a member of the board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

Representation of municipalities detached and added to another school division

- (a) to have been elected by public school electors to the board of the school division to which the municipality in which he resides is attached; and
- (b) to represent on such board the municipality in which he resides and the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 59 (9) at the time of his election and that are also attached to such school division,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 59 (9) as a municipality or municipalities to be represented by one member to be elected by the public school electors.

(5) Where one or more municipalities are detached from a school division and the number of members of the board of such school division elected by public school electors is reduced pursuant to subsection (4), for the remainder of the term of the board the number of members who remain on the board and who were elected by public school electors and the total number of members who remain on the board shall be deemed to be the number of members to be elected by public school electors under subsection 59 (4) and the total number of members determined under subsection 59 (2) respectively.

Where board reduced by transfer of area

(6) Subject to subsection (8), where a municipality or part thereof is detached from a school division and attached to an adjoining school division, school section or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division, school section or secondary school district, the public school electors of such municipality or part shall be represented thereon by the member or members last elected thereto by the public school electors of the municipality, combination of municipalities or ward that adjoins the attached municipi-

Representation of public school electors of municipality attached to school division

pality or part and, where there are two or more such organized municipalities, combinations of municipalities or wards, the members of the board elected by public school electors shall, by resolution, determine which member or members shall represent the public school electors in the attached municipality or part for the remainder of the term of office of the board, but this subsection does not apply to the municipality or municipalities that will be represented by a member by virtue of subsection (4).

Represent-  
ation of  
separate  
school  
supporters of  
municipality  
attached to  
school  
division

(7) Subject to subsection (8), where one or more municipalities or part or parts thereof are detached from a school division and attached to an adjoining school division or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division or secondary school district, the separate school supporters in each such municipality or part shall be represented thereon by the member or members last elected thereto by the separate school electors in the area that adjoins such attached municipality and for which one or more members are elected to represent separate school supporters.

Where  
subss. (4, 6, 7)  
do not apply

(8) Subsections (4), (6) and (7) do not apply where a regular election of the board is to be held in the year preceding the effective date on which the municipality, municipalities or part or parts thereof are attached to the adjoining school division, school section or secondary school district, as the case may be. 1974, c. 109, s. 54.

Composition  
of board for  
defined city.  
members  
elected by  
public school  
electors

**57.**—(1) Where a school division comprises only a defined city, the members to be elected to the divisional board by public school electors shall, except where the method of election is that provided under subsection 58 (1) or (2), be elected by a general vote of such electors, in which case the number of members shall be determined by the population of the municipality as follows, where the population is,

- (a) less than 10,000, six members;
- (b) 10,000 or more but less than 50,000, eight members;
- (c) 50,000 or more but less than 100,000, ten members;
- (d) 100,000 or more, twelve members.

Change in  
number of  
members

(2) Where it becomes evident from the population of a defined city that the number of members of the divisional

board to be elected by public school electors should be increased or decreased, at the next election of trustees the proper number of members shall be elected.

(3) In addition to the members elected by the public school electors under subsection 58 (1), the separate school electors in the defined city shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected by the public school electors by the ratio of the residential and farm assessment of the property rateable for separate school purposes in the defined city to the residential and farm assessment of the property rateable for public school purposes in the defined city, according to the latest revised collector's roll, but in no case shall the number of members to be elected under this subsection be fewer than two.

(4) The clerk of the defined city shall make the determination under subsection (3) and shall send to the secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination.

(5) The members to be elected under subsection (3) shall be elected as provided in subsection 59 (23), which subsection applies with necessary modifications. 1974, c. 109, s. 55.

**58.**—(1) The number of members to be elected by the public school electors of a defined city that is divided into wards may be two for each ward, elected by the electors of that ward.

(2) Where a defined city is divided into five or more wards, the number of members to be elected by the public school electors may be one for each ward, elected by the electors of that ward.

(3) Subject to subsection (5), the number of members to be elected by the public school electors of a defined city that is divided into wards, and the method of their election, may be changed from the existing number and method to another number and method that is in accordance with section 57 or this section by resolution passed by majority vote of the members of the board who were elected by the public school electors, and upon notice thereof given by the chief executive officer of the board to the clerk of the defined city before the 1st day of July next preceding the election.

(4) At the election next following the giving of the notice required under subsection (3), the proper number of members shall be elected.

Limitations  
on changing  
election

(5) A change in the method of election may not be made under this section unless the board has been elected by the existing method for at least the two preceding regular elections. 1974, c. 109, s. 56.

Interpre-  
tation

**59.**—(1) In this section,

(a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause (b) as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;

(b) “residential and farm assessment” means the residential and farm assessment upon which taxes are levied in the year in which,

(i) a determination referred to in this section is made, or

(ii) nominations are held,

as the case may be;

(c) the Town of Newcastle in The Regional Municipality of Durham shall be deemed to be a city.

Composition  
of board for  
other than  
defined city

(2) Subject to subsections (4), (5) and (6), the number of members on a divisional board, except a divisional board of a defined city, shall be determined by the total population of the municipalities, not including any territory without municipal organization that is deemed a district municipality, within the school division, as follows, where the population is,

(a) less than 50,000, fourteen members;

(b) 50,000 or more but less than 100,000, sixteen members;

(c) 100,000 or more but less than 150,000, eighteen members;

(d) 150,000 or more, twenty members.

provided that where a school division in the territorial districts comprises fewer than four municipalities, not including any territory without municipal organization that is deemed a district municipality, where the population of such municipalities in the school division is,

- (e) less than 3,500, five members;
- (f) 3,500 or more but less than 5,000, eight members;  
and
- (g) 5,000 or more but less than 10,000, ten members.

(3) Where it becomes evident from the population of the municipalities in a school division that the number of members on a divisional board should be increased or decreased in accordance with subsection (2), at the next election of members the proper number of members shall be elected.

Change in number of members

(4) The public school electors of the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection (2) by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but in no case shall the number of members to be elected under this subsection be fewer than,

Number of members to be elected by public school electors

- (a) six where the number of trustees under subsection (2) is fourteen or more; or
- (b) four where the number of trustees under subsection (2) is fewer than fourteen.

(5) The separate school electors in the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection (2) by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but where the product obtained is less than one, one member shall be elected under this subsection. 1974, c. 109, s. 57 (1-5).

Number of members to be elected by separate school electors

(6) The number of members of a divisional board to be elected by the public school electors,

Number of members to be elected by public school electors in a city and in county or district municipalities

- (a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being

raised to the next higher integer, obtained by multiplying the number of members determined under subsection (4) by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the city to the equalized residential and farm assessment of all the property rateable for public school purposes in the school division; and

(b) of the county or district municipalities shall be the number of members determined under subsection (4) less the total number of members determined under clause (a) for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than,

(i) one, or

(ii) two where the school division comprises a regional municipality in which there are fewer than four municipalities. 1974, c. 109, s. 57 (6); 1976, c. 50, s. 9.

When  
determina-  
tion to be  
made under  
subss. (4-6)

(7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections (4), (5) and (6) if,

(i) it is determined under subsection (3) that the number of members of the divisional board should be increased or decreased, or

(ii) the boundaries of the school division have been altered subsequent to the latest determination or are to be altered effective on or before the 1st day of January next following the election;

(b) under subsection (6) if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection (6) that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on or before the 1st day of January next following the election; and

(c) under subsections (4), (5) and (6) in every fourth year following the latest determination under subsections (4) and (5),

and a determination made under subsection (4), (5) or (6) is effective until a new determination is required in accordance with this subsection. 1974, c. 109, s. 57 (7); 1978, c. 44, s. 2 (1, 2).

(8) Where a city is not entitled to one or more members under clause (6) (a), the city shall be deemed to be a county or district municipality for the purposes of subsections (6) and (9), and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection (9). 1974, c. 109, s. 57 (8). Where city does not qualify for at least one member to be elected by public school electors

(9) With respect to,

(a) the county municipalities in a county that comprises a school division, the council of the county;

(b) the county municipalities in a regional municipality that are in a school division and the county municipalities in a school division that comprises a county and part of a regional municipality, the clerks of the three county municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division; and

(c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division and the clerk of each town or village in which a secondary school is located in the school division and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

Distribution of members to be elected by public school electors in county or district municipalities

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause (6) (b), but in no case shall the determination under this subsection provide for a member to be elected by a general vote of all the public school electors of the



municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection (3) or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective on or before the 1st day of January next following the election. 1974, c. 109, s. 57 (9); 1978, c. 44, s. 2 (3).

Notice of  
determina-  
tion of  
regional  
municipality

(10) Where a determination is made under subsection (9) in respect of a school division that is entirely in a regional municipality, the clerk of the county municipality having the greatest equalized residential and farm assessment for public school purposes in the school division shall send forthwith to the clerk of the regional municipality a copy of the determination. 1978, c. 44, s. 2 (4).

Distribution  
of members  
within com-  
bined munic-  
ipalities

(11) Where two or more county municipalities that are not in a regional municipality are combined under subsection (9) for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and where the clerks of such combined municipalities so determine,

- (a) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and
- (b) where the remainder of a county municipality is to be represented by two or more members, subsections (23) and (24) apply with necessary modifications in respect of such remainder.

Appeal from  
determina-  
tion under  
subs (11)

(12) Where the determination made under subsection (11) apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of

members to be elected by the public school electors of the combined municipalities as determined under subsection (9) that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who shall either reapportion the number of members in accordance with clause (11) (a) or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final. 1974, c. 109, s. 57 (10, 11).

(13) The determination under subsection (9) shall be made before the 1st day of September, and the determination under subsection (11) may be made before the 15th day of September, in each year in which an election is to be held if,

When determination to be made

- (a) a determination is made in accordance with subsection (7); or
- (b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection (9), or are to be altered effective on or before the 1st day of January next following the election; or
- (c) the boundaries of the school division are altered, or are to be altered effective on or before the 1st day of January next following the election. 1974, c. 109, s. 57 (12); 1978, c. 44, s. 2 (5, 6).

(14) Where the determination under subsection (9) is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection (16), and where, for any reason, the determination is not made before the 1st day of October, the election shall proceed on the basis of the latest determination. 1974, c. 109, s. 57 (13).

Where judge to make determination

Notice of  
determina-  
tion to  
clerk

(15) Where a determination is made under subsection (14) in respect of a school division entirely in a regional municipality, the clerk who referred the matter to the judge shall, upon receipt of the determination of the judge, send a copy thereof to the clerk of the regional municipality. 1978, c. 44, s. 2 (7).

Determina-  
tion

(16) In determining under subsection (9),

- (a) the number of members to be elected by the public school electors of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more members by the public school electors of such municipalities,

the council of the county or the clerks of the district municipalities, or the clerks of the county municipalities in a school division in a regional municipality, as the case may be, shall apportion the number of members determined under clause (6) (b), as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

Idem

(17) Notwithstanding subsection (16), where the equalized residential and farm assessment of the property rateable for separate school purposes in a school division in a territorial district is less than 5 per cent of the equalized residential and farm assessment of all the rateable property in the school division, and where the equalized residential and farm assessment of the property rateable for public school purposes in a district municipality, expressed as a percentage of the total residential and farm assessment of all such property in the district municipalities in the school division, differs by fifteen or more percentage points from the population of such municipality expressed as a percentage of the total population of all the district municipalities comprising the school division, the clerks of the district municipalities shall apportion the number of members determined under clause (6) (b), as nearly as is practicable, in the proportion that the population of a district municipality or combination of district municipalities bears to the total population of all the district municipalities comprising the school division, and the right of appeal as provided in subsection (18) applies, but shall be based upon population rather than equalized residential and farm assessment.

(18) Where the determination made under subsection (9) Appeal from determination allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the judge who shall either reapportion the number of members in accordance with subsection (16) or, where he determines that the determination was made in accordance with subsection (16), confirm the determination, and his decision is final.

(19) The clerk of each city and of each county municipality, Information for determination district municipality or regional municipality in a school division and the chief executive officer of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

(20) The determinations required to be made under subsections By whom determination to be made (2), (4), (5), (6) and (26) shall be made in respect of a school division,

- (a) in a county or in a county and part of a regional municipality, by the clerk of the county;
- (b) entirely in a regional municipality, by the clerk of the regional municipality;
- (c) in the territorial districts,
  - (i) by the clerk of the organized district municipality, or
  - (ii) where the school division does not include an organized district municipality, by the clerk of the city,

that has the greatest equalized residential and farm assessment for public school purposes in the school division,

and the clerk who makes such determinations shall send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(d) before the 1st day of September in each year in which it is determined under subsection (3) that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection (9) or (27), a copy of each of the determinations made under subsections (2), (4), (5), (6), (9), (26) and (27); and

(e) before the 1st day of October in each year in which a determination is made by the judge under subsection (14) or (27), a copy of the determination.

Questions  
to be  
determined  
by judge

(21) The council of any municipality concerned and a divisional board on behalf of any territory without municipal organization that is deemed a district municipality may, within ten days of the mailing of the determination made under subsection (4), (5), (6) or (26), appeal to the judge with respect to the accuracy of the determination, and his decision is final, and the clerk responsible for making such determination shall make such changes in such determination as the judge requires.

New  
determina-  
tion where  
former  
determina-  
tion improper

(22) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection (18) or (21), shall apply to the election next following such determination, and the divisional board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Election by  
public school  
electors and  
by separate  
school  
electors

(23) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school electors, as the case may be, in the municipality, provided that, where it is determined under this

section that the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate school electors in a municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school electors, as the case may be, in each of such areas. 1974, c. 109, s. 57 (14-21).

(24) A by-law for the purpose mentioned in subsection (23) and a by-law repealing any such by-law shall not be passed later than the 1st day of September in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remain in force until repealed. 1974, c. 109, s. 57 (22); 1978, c. 44, s. 2 (8).

Time for passing by-law

(25) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection (11), be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection (11) or (12), a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

Election by public school electors in county and district municipalities

(a) the nominations in each case shall be submitted to the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the result of the vote.

Number of members to be elected by separate school electors in cities and county or district municipalities

(26) Where a school division includes one or more county or district municipalities and one or more cities, and the number of

members to be elected by the separate school electors under subsection (5) exceeds one, the number of members to be elected by the separate school electors of each city and of the county or district municipalities shall be determined in accordance with subsections (6), (7) and (8), which subsections apply with necessary modifications, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution of members to be elected by separate school electors

(27) Where it is determined under subsection (5) or (26) that the number of members to be elected by the separate school electors of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections (9), (13), (14), (16) and (18), which subsections apply with necessary modifications, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection (9) to the clerk of a town or village in which a secondary school is located in the school division shall be deemed to refer only to a town or village that is in a separate school zone.

Distribution of members within combined municipalities

(28) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school electors, subsections (11) and (12) apply with necessary modifications to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations.

Election of members by separate school electors

(29) Where the number of members,

- (a) determined under subsection (5) is one, such member shall be elected by a general vote of the separate school electors of the school division; or
- (b) to be elected by the separate school electors of the county or district municipalities under subsection (26) is one, such member shall be elected by a general vote of the separate school electors of the county or district municipalities in the school division.

Idem

(30) Where,

- (a) one member is to be elected by a general vote of the separate school electors of a school division or of the

separate school electors of the county or district municipalities in a school division ; or

- (b) two or more municipalities are combined for the purpose of the election of one or more members by the separate school electors,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the member or members are to be elected who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified ; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause (c), who shall prepare the final summary and announce the result of the vote.

(31) For the purposes of clause (25) (b) and clause (30) (d), the secretary of the divisional board of a school division shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the school division.

Secretary of board deemed clerk for elections in areas deemed district municipalities

(32) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1974, c. 109, s. 57 (23-30).

Elections

(33) Where the boundaries of a school division or of one or more municipalities in a school division are to be altered effective on or before the 1st day of January next following an election of members of the board of the school division, such boundaries shall be deemed to have been so altered for all purposes relating to such election except for the purpose of determining the persons responsible for performing duties in connection with the election. 1978, c. 44, s. 2 (9).

Effect of boundary change on elections

(34) Every nominator of a candidate for the office of a member to be elected,

Qualifications for nominators of candidates



- (a) by public school electors, shall be a public school elector; and
- (b) by separate school electors, shall be a separate school elector. 1974, c. 109, s. 57 (32).

*Boards of Education*

Interpretation

60.—(1) In this section and in section 61, “board of education” means a board of education other than a divisional board of education.

Establishment and status of board

(2) A board of education may be established in a secondary school district that is not a school division to perform the duties of a secondary school board for the district and the duties of a public school board for the school section or sections situated within the boundaries of the district and, where a board of education is established, subsection 55 (3) applies, with necessary modifications.

Name of board

(3) The name of a board of education that has jurisdiction in one municipality is “The Board of Education for the ..... of .....”  
*(inserting the name of the municipality).*

Idem

(4) The name of a board of education that has jurisdiction in more than one municipality is “The..... Board of Education” *(inserting a name selected by the board and approved by the Minister).*

Members to be trustees

(5) A member of a board of education elected by separate school electors or, in the case of a vacancy, by the remaining members elected by separate school electors is a trustee for secondary school purposes only and shall not move, second or vote on a motion that affects public schools exclusively and all other members of a board of education are trustees for public and secondary school purposes.

Assets, liabilities, etc.

- (6) Upon the organization of a board of education,
  - (a) the secondary school board and all public school boards in the secondary school district are dissolved;
  - (b) all the property vested in such boards becomes vested in the board of education; and
  - (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. 1974, c. 109, s. 58.

**61.**—(1) Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 57, which section applies with necessary modifications, except that the number of members to be elected by the separate school electors shall be,

Composition  
of boards of  
education

(a) where the population of the municipality is 50,000 or more, not fewer than two; and

(b) where the population of the municipality is less than 50,000, not fewer than one.

(2) Subsections 59 (32) and (34) apply with necessary modifications to the nomination and election of candidates for members of a board of education. 1974, c. 109, s. 59.

Qualifi-  
cations for  
nominators  
of  
candidates

#### *District School Area Boards*

**62.**—(1) Every school section that is in a territorial district but is not in a school division or designated as a school section under section 70 is a district school area, and the board of each such school section is a public school board and shall be known as a district school area board. 1974, c. 109, s. 60 (1).

School  
section to be  
district  
school area

(2) In respect of the territorial districts, the Lieutenant Governor in Council may, by regulation,

Formation  
and  
alteration of  
district  
school area

(a) form any part thereof that is not in a school section into a district school area;

(b) combine two or more district school areas into one district school area;

(c) add a part thereof that is not in a school division to a district school area; or

(d) detach a portion thereof from one district school area and attach it to another district school area or form it into a new district school area. 1974, c. 109, s. 60 (2); 1976, c. 50, s. 10 (1).

(3) Where a district school area is formed or altered under subsection (2), the appropriate provincial supervisory officer shall notify the assessment commissioner concerned. 1974, c. 109, s. 60 (3).

Notification  
of assessment  
commissioner

(4) Where the boundaries of a district school area are altered in accordance with clause (2) (b) or (d), the Minister shall, by order,

Arbitration

provide for arbitration of the assets and liabilities of the boards concerned.

Name of board

(5) The board of a district school area is a corporation by the name of "The . . . . . District School Area Board" (*inserting a name selected by the board and approved by the Minister*). 1974, c. 109, s. 60 (5, 6).

New district school areas

**63.**—(1) Where a district school area is formed under clause 62 (2) (b), upon the effective date of such formation the existing public school boards in the new district school area are dissolved, and, subject to subsection 62 (4),

(a) the property vested in such boards is vested in the new district school area board; and

(b) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the district school area board.

Alteration and formation: disposition of assets and liabilities

(2) Where the boundaries of a district school area are altered or a new district school area is formed under clause 62 (2) (d), upon the effective date of such alteration or formation, and, subject to subsection 62 (4),

(a) all real and personal property of the board situate in the part of the district school area that is detached is vested in the board of the district school area to which such part is attached, or in the board of the new district school area, as the case may be; and

(b) all debts, contracts, agreements and liabilities of the board in respect of the part of the district school area that is detached become obligations of the board of the district school area to which such part is attached or of the board of the new district school area, as the case may be. 1974, c. 109, s. 61.

Public school electors

**64.**—(1) In sections 64, 65 and 66, "public school electors" in respect of territory without municipal organization means,

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens or British subjects and of the full age of eighteen years and who are not separate school supporters. 1976, c. 50, s. 11.

(2) Subject to subsections (3) and (4), a district school area board shall be composed of three members. 1974, c. 109, s. 62 (1, 2). Composition of board

(3) Where a school section that became a district school area on the 1st day of January, 1975, had a board of five members, the district school area board shall be composed of five members. 1974, c. 109, s. 62 (3), *revised*. Idem

(4) Before the 1st day of July of an election year, the board of a district school area that is not an improvement district may, by resolution approved at a meeting of the public school electors, determine that the number of members to be elected shall be increased from three to five and, at the next following election, five members shall be elected. 1974, c. 109, s. 62 (4). Increase in number of members

(5) The election of members of the board of a district school area that is not an improvement district shall be held in the year 1974 and in every second year thereafter, and the members shall hold office for a term of two years except that, Election year and term of office

(a) where a new district school area is formed to take effect on the 1st day of January in the year 1976 or in any second year thereafter, the first members of such board shall be elected in the year preceding such 1st day of January and shall hold office for one year; or new board in "off election year"

(b) where the boundaries of a district school area are altered to take effect on the 1st day of January in the year 1976 or in any second year thereafter, 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 for one year. 1974, c. 109, s. 62 (2-5). Idem

(6) The term of office of members of the board of a district school area that is not an improvement district who are elected in the year 1978 and in regular elections thereafter shall commence on the 1st day of December in the election year. 1978, c. 44, s. 3. Term of office

#### *Elections and Meetings of Electors*

65.—(1) Except as provided in section 66, a district school area board shall be elected at a meeting of the public school electors held on the second Monday in November or where Election date

that day is Remembrance Day, on the next succeeding day in the year of an election at a time and place selected by the board. 1974, c. 109, s. 63 (1); 1978, c. 44, s. 4.

Notice of meeting

(2) At least six days before a meeting under subsection (1) or (6), the secretary of the board shall post notice of the meeting, including notice of any resolution required to be approved by the electors, in three or more of the most prominent places in the district school area and may advertise the meeting in such other manner as the board considers expedient. 1974, c. 109, s. 63 (2); 1976, c. 50, s. 12.

Meeting

(3) Meetings of public school electors shall be conducted in the manner determined by the public school electors present at the meeting by a presiding officer selected by such electors, but the election of members of the board shall be by ballot, and the minutes of the meeting shall be recorded by a secretary selected by such electors.

First meeting

(4) 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.

Minutes to be sent to Ministry

(5) A correct copy of the minutes of every meeting of the public school electors, signed by the presiding officer and the secretary of the meeting, shall, within ten days after the meeting, be transmitted by the presiding officer to the Ministry.

Special meetings

(6) A special meeting of the public school electors shall be called by the secretary when directed by the board or upon the request in writing of five public school electors of the area, by posting notice of the meeting in three or more of the most prominent places in the district school area, and such notice shall include a clear statement of the date, time, place and objects of the meeting, and the meeting may be advertised in such other manner as is deemed necessary.

Declaration where right to vote objected to

(7) If objection is made to the right of a person in territory without municipal organization to vote at a meeting under this section, or at an election under section 66, the presiding officer or the returning officer, as the case may be, shall require the person to make the following declaration:

I, ....., declare and affirm that:

1. I am the owner (or tenant) of property in The..... District School Area; or, I am the spouse of the owner (or tenant) of property in The..... District School Area;

2. I am of the full age of eighteen years;
3. I am a Canadian citizen or British subject;
4. The property in respect of which I claim the right to vote is not assessed to the support of separate schools;
5. I have a right to vote at this election (or on the question submitted to this meeting).

and after making such declaration the person making it is entitled to vote.

(8) Subsections 100 (8), (9), (10), (11), (12), (14), (15), (16), (17), (18), (20) and (21) apply with necessary modifications to an election under this section. 1974, c. 109, s. 63 (3-8). Election procedures

**66.**—(1) Notwithstanding section 65, before the 1st day of July in an election year, the board of a district school area may, by resolution approved at a meeting of the electors, determine that the board shall conduct the elections in the same manner as for the members of a divisional board of education, except that the members shall be elected by a general vote of the electors of the district school area and for such purposes subsection 53 (1) applies with necessary modifications to the district area board and to the officers of such board. 1974, c. 109, s. 64 (1). Elections

(2) The board shall give notice of the determination made under subsection (1) to the electors in the same manner as provided in subsection 65 (2). 1974, c. 109, s. 64 (2); 1976, c. 50, s. 13. Idem

(3) Where a district school area comprises, Idem

- (a) a municipality other than an improvement district;
- (b) a municipality and territory without municipal organization;
- (c) all or part of two or more municipalities; or
- (d) all or parts of two or more municipalities and territory without municipal organization,

the election of the board of such district school area shall be conducted under the *Municipal Elections Act*, and for the purposes of an election under this section in an improvement district or in territory without municipal organization the secretary of the board shall be the returning officer in respect of the improvement district or territory without municipal organization and shall perform all the duties that are required of a municipal clerk in relation

to the election of members of a divisional board. 1974, c. 109, s. 64 (3); 1978, c. 44, ss. 5, 25.

**Powers and duties**

**67.**—(1) The board of a district school area that includes territory without municipal organization shall, for public school purposes and in accordance with the regulations for community recreation purposes, exercise the powers and duties of a municipal council for such territory in respect of levying rates and collecting taxes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed by the board on the property rateable for public school purposes in such territory without municipal organization. 1974, c. 109, s. 65 (1).

**Auditors and financial matters**

(2) Subject to subsection (4), the provisions of sections 207, 208, 209 and 213 respecting auditors, debentures, estimates and apportionment apply with necessary modifications in respect of a district school area and to the board thereof. 1974, c. 109, s. 65 (2); 1976, c. 50, s. 14.

**Rates in municipality**

(3) Where a district school area includes a municipality, section 215 applies with necessary modifications to the council of the municipality.

**Debentures**

(4) A district school area board in territory without municipal organization may not apply to the Ontario Municipal Board in respect of the issue of debentures for a permanent improvement until such issue has been sanctioned at a special meeting of the public school electors.

**Collection of taxes**

(5) The board of a district school area may appoint a tax collector who has in that part of the district school area that is not a municipality the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township.

**Return of arrears of taxes in unorganized territory**

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the territorial district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

(7) The sheriff shall enter in a book to be kept by him for Entry in sheriff's book that purpose the particulars furnished by the collector.

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof, and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payments of arrears thereafter

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same, as nearly as may be, as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. Sale of land for arrears

(11) Where the tax arrears procedures under the *Municipal Affairs Act* are in effect in a district school area, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. Where tax arrears procedures of R.S.O. 1980, c. 303 in effect

(12) In the first year that any territory without municipal organization is included in a district school area, the rates for that year shall be levied on the assessment of the property in such territory made for that year. 1974, c. 109, s. 65 (3-12). Rates for first year to be levied on current assessment

**68.**—(1) Where the number of public school pupils of compulsory school age residing in a district school area is fewer than ten and the board has ceased to operate a school, the Minister may declare the district school area inactive as of the 31st day of December in any year. District school area to be inactive



Accounts in  
inactive area

(2) When a district school area is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited, and forward to the Ministry the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund.

Board  
dissolved

(3) If the Minister is satisfied that the board has carried out its duties under subsection (2) he shall dissolve the board and the district school area shall cease to exist as of the date that the district school area was declared inactive under subsection (1).

Records to be  
forwarded to  
Ministry

(4) The records of the dissolved board of the district school area shall be filed as the Minister may direct and, for the purposes of this Act, the pupils resident in such area shall be deemed not to reside in a school section.

Closing of  
school by  
Minister

(5) Where in any district school area there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the area shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs. 1974, c. 109, s. 66.

### *Secondary Schools Outside School Divisions in Territorial Districts*

In territorial  
districts

**69.**—(1) The Lieutenant Governor in Council may establish any area in the territorial districts that is not part of a school division as a secondary school district and may discontinue or decrease or increase the area of any such secondary school district and, if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

Board in  
territorial  
districts out-  
side school  
divisions

(2) Where a secondary school district is established under subsection (1), the Lieutenant Governor in Council may make regulations providing for,

- (a) the formation and composition of a secondary school board;
- (b) the apportionment of costs within the secondary school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council.

(3) The board shall exercise the powers and duties of a municipal council for that part of the secondary school district that comprises territory without municipal organization in respect of levying rates and collecting taxes for secondary school purposes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed on the property rateable for secondary school purposes in such territory without municipal organization.

Powers and duties

(4) The provisions of sections 207 and 209 respecting auditors and estimates apply with necessary modifications to the board of a secondary school district established under this section.

Auditors and estimates

(5) Where a secondary school district established under this section includes a municipality, section 215 applies with necessary modifications to the council of the municipality.

Rates in municipality

(6) Subsections 67 (5) to (12) apply with necessary modifications in respect of a secondary school district established under this section and to the board thereof.

Collection of taxes

(7) The Lieutenant Governor in Council may establish a board of education for a secondary school district established under subsection (1), in which case the other provisions of this section and subsections 60 (5) and (6) apply, with necessary modifications, to the board of education for public school purposes and for secondary school purposes. 1974, c. 109, s. 67.

Board of education

#### *Boards on Tax Exempt Land*

70.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a school section and may appoint as members of the board such persons as he considers proper, and the board so appointed is a body corporate by the name indicated in the order establishing the school section and has all the powers and duties of a divisional board for public school purposes.

Public school on Crown lands

(2) Where, in the opinion of the Minister, it is desirable to establish and maintain a secondary school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a secondary school district, and may

Secondary school on exempt land

appoint as members of the board such persons as he considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district and has all the powers and duties of a divisional board for secondary school purposes.

Board of education on exempt land

(3) Where a secondary school district has been designated under subsection (2), the Minister may authorize the formation of a board of education for the district and may provide for the name of the board, its composition and the term or terms of office of the members thereof, and for all other purposes the provisions in respect of divisional boards apply to the board.

Section not to be included in district school area or school division

(4) No school section or secondary school district designated under this section shall be included in a district school area or a school division.

Fee payable by non-resident

(5) Where a pupil attends a school that is operated by a board appointed under this section in a centre for the treatment of cerebral palsy, a crippled children's treatment centre, a hospital or a sanatorium and is not a resident pupil of such board, the board of which he is a resident pupil or is qualified to be a resident pupil shall pay to the board that operates the school a fee calculated under the regulations and, where he is not a resident pupil or qualified to be a resident pupil of a board and his cost of education is not payable by the Minister under the regulations, his parent or guardian shall pay to the board that operates the school a fee fixed by such board, but such fee shall not be greater than the fee calculated under the regulations. 1974, c. 109, s. 68.

### *Schools for Trainable Retarded Children*

Interpretation

71.—(1) In sections 71 to 78,

- (a) "board" means a public school board, a Roman Catholic separate school board, a Protestant separate school board, a board of education other than a board of education for an area municipality in The Municipality of Metropolitan Toronto and includes The Metropolitan Toronto School Board;
- (b) "committee" means an advisory committee on schools for trainable retarded pupils;
- (c) "local association" means a parents' group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board.

(2) All members of The Metropolitan Toronto School Board are trustees for the purpose of its schools for trainable retarded pupils. 1980, c. 61, s. 10.

Metropolitan  
Toronto  
School  
Board

**72.**—(1) Subject to subsections (2) and (4) and to the regulations, every board shall provide adequate accommodation for the trainable retarded pupils,

Provision  
of  
adequate  
accommodation

(a) who are exceptional pupils of the board; and

(b) in respect of whom a placement in a school or class for trainable retarded pupils has been made by a committee established under paragraph 5 of subsection 10 (1),

and shall establish and maintain a school or class for such trainable retarded pupils in which special education programs and services shall be provided in accordance with the regulations and in the English language or, where the pupil is enrolled in a school or class established under Part XI, the French language, as the case may be.

(2) A board may, in lieu of establishing and maintaining a school or class for the trainable retarded pupils for whom it is required to provide accommodation under subsection (1), enter into an agreement with another board to provide for the instruction of such trainable retarded pupils in a school or class for trainable retarded pupils under the jurisdiction of the other board and for the payment of fees in respect of such trainable retarded pupils.

Agreement  
with other  
board

(3) Where an agreement has been entered into under subsection (2), a committee established under paragraph 5 of subsection 10 (1) by the board that provides the instruction shall be responsible for the placement and the review of the placement of trainable retarded pupils who are qualified to be resident pupils of the other board that is party to such agreement.

Placement  
and review

(4) Subsections (1) and (2) apply on the 1st day of January, 1985 or on such date as may be designated by the Lieutenant Governor in Council, whichever occurs first, to a public school board, a Roman Catholic separate school board and a Protestant separate school board. 1980, c. 61, s. 11.

Application of  
subss. (1, 2)

**73.**—(1) A trainable retarded pupil has the right to attend a school or class for trainable retarded pupils established by the board of which he is a resident pupil or provided under an agreement made under subsection 72 (2) or to which he is admitted under subsection (2) until the last school day in June in the year in which he attains the age of twenty-one years.

Attendance  
beyond  
age 21

Admission of other trainable retarded pupils

(2) A board may admit to a school for trainable retarded pupils that it operates a trainable retarded pupil who does not have the right to attend such school under subsection (1) where the committee of the board established under paragraph 5 of subsection 10 (1) recommends the placement of such trainable retarded pupil in the trainable retarded school or class operated by the board, and fees in accordance with the regulations are paid to the board on behalf of such trainable retarded pupil. 1980, c. 61, s. 12.

Advisory committee

74.—(1) A divisional board and The Metropolitan Toronto School Board shall, subject to subsection (2), establish an advisory committee on schools for trainable retarded pupils.

Idem

(2) Where a divisional board establishes a committee under subsection 182 (2), it may,

- (a) discontinue the committee established under subsection (1); or
- (b) continue the committee established under subsection (1) and appoint one of the members appointed under clause (4) (b) to the committee established under subsection 182 (2).

Idem

(3) A board other than a board referred to in subsection (1) may establish an advisory committee on schools for trainable retarded pupils under this section, in which case subsections (4) to (8) and sections 75 and 76 apply with necessary modifications to such advisory committee. 1980, c. 61, s. 13.

Composition

(4) The committee shall consist of six members, of which,

- (a) three shall be appointed by the divisional board from among its members; and
- (b) three shall be appointed by the local association, or where there is more than one local association, three shall be appointed at a joint meeting of the associations concerned or, where there is no local association, three who are not members of the board shall be appointed by the board.

Qualification of members

(5) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the divisional board.

Term of office

(6) The members of the committee shall hold office until the expiry of the term for which the members of the divisional board were elected.

(7) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the divisional board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant. Vacancies

(8) The divisional board may pay to each member of the committee who is not a member of the divisional board an allowance in accordance with subsection 167 (1), except that the maximum allowance shall be based upon the enrolment in schools or classes for trainable retarded children and subsection 16. (5) applies with necessary modifications to such member. 1974, c. 109, s. 72 (2-6). Allowance

**75.**—(1) A majority of the members of the committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee. Quorum

(2) The members of the committee shall, at their first meeting, elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting. Chairman

(3) On every motion, the chairman may vote with the other members of the committee, and any motion on which there is an equality of votes is lost. Chairman voting

(4) The divisional board shall make available to the committee such personnel and services as the divisional board considers necessary for the proper functioning of the committee. 1974, c. 109, s. 73. Personnel and services available to committee

**76.**—(1) The committee may make recommendations to the divisional board relating to matters affecting the establishment and development of programs, services and facilities in respect of trainable retarded children. Powers of committee

(2) Before making a decision on a recommendation of the committee, the divisional board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. 1974, c. 109, s. 74. Right of committee to be heard

**77.** Where a divisional board provides instruction in a school or class for trainable retarded pupils for a trainable retarded pupil who is not a resident pupil of the board, the divisional board of which the trainable retarded pupil is qualified to be a resident pupil shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with the regulations. 1980, c. 61, s. 15. Fees for non-resident pupils of divisional boards

Boarding of pupils where daily transportation impracticable

78.—(1) Where a pupil resides in a school division with his parent or guardian in a residence from which daily transportation to a school or class for trainable retarded children that he has a right to attend is impracticable due to distance or terrain as certified by the appropriate supervisory officer of the school division in which the pupil resides, the board of the school division in which his parent or guardian resides may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. 1974, c. 109, s. 78 (1).

Idem

(2) Where a pupil resides in a school section or in a separate school zone with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the school section or separate school zone, the board of the school section or of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. 1974, c. 109, s. 78 (2); 1980, c. 61, s. 16 (1).

Idem

(3) Where a pupil resides in a territorial district, but not in a school division, school section or separate school zone, with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer of the board of the school that he attends, the board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. 1974, c. 109, s. 78 (3); 1980, c. 61, s. 16 (2).

Certification of attendance

(4) For the purpose of certifying attendance under subsections (1), (2) and (3), the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. 1974, c. 109, s. 78 (4).

## PART IV

## ROMAN CATHOLIC SEPARATE SCHOOLS

**79.** This Part applies to separate schools for Roman Catholics now or hereafter established and shall have the same effect as if this Part were a special Act respecting separate schools for Roman Catholics. 1974, c. 109, s. 79.

Application  
of Part

*Zones*

**80.—(1)** The boundaries of separate school zones shall be determined in relation to their centres.

Boundaries of  
zones

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centre of  
zone

(3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centres where  
two or more  
schools

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre where  
board owns  
land but does  
not operate  
school

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister, the clerks of the municipalities concerned and the chief executive officers of the divisional boards or the secretaries of public school boards affected, before the 30th day of September of the year in which the parcel was so approved.

Centre where  
board does  
not operate  
school or  
own site

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated. 1974, c. 109, s. 80 (1-6).

Centres of  
combined zone

(7) Subject to section 82, every parcel of land that is wholly or partly within a radius of 4.8 kilometres from a centre of a separate school zone is within the zone. 1974, c. 109, s. 80 (7); 1978, c. 87, s. 15 (3).

Rural and  
combined  
separate  
school zone



Urban  
separate  
school zone

(8) Subject to section 82, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within,

- (a) a township; or
- (b) an urban municipality in which a separate school zone has not been established,

and that is within a radius of 4.8 kilometres from a centre in the urban municipality. 1974, c. 109, s. 80 (8); 1978, c. 87, s. 15 (4).

Zones not to  
include  
organized and  
unorganized  
territory

(9) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. 1974, c. 109, s. 80 (9).

Maps and  
descriptions  
of zones

**81.—(1)** For each separate school zone that includes part or all of a township or territory without municipal organization, the appropriate separate school supervisory officer shall,

- (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
- (b) describe each zone by indicating the name of the board, the centre of the zone, and the municipalities wholly or partly within the zone;
- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
  - (i) to each separate school board, a map or description of its zone,
  - (ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and
  - (iii) to the chief executive officer of a divisional board or the appropriate supervisory officer for a public school board affected, a description

of each separate school zone within the area of his jurisdiction.

(2) Where a separate school has been established in a school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the supervisory officer of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the supervisory officer may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided in section 83.

Establishment of separate school in a portion of rural section

(3) Where a separate school zone is established and the boundaries of adjoining separate school zones are thereby altered, the board concerned shall, in the manner provided in subsection (5), appoint a board of arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the board of arbitrators is final and binding.

Arbitrate assets and liabilities

(4) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the levying and collecting of rates for separate schools in the territory without municipal organization and the board and the council of the municipality may enter into an agreement providing for the officers of the municipality to levy and collect rates for separate schools in such territory without municipal organization.

Rates in unorganized territory in combined zone

(5) The appropriate supervisory officer, a person chosen by the newly established board and a person chosen by each of the separate school boards, the boundaries of which have been altered, shall constitute a board of arbitrators. 1974, c. 109, s. 81.

Constitution of board of arbitrators

**82.—(1)** Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the appropriate supervisory officers shall, after they have consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

Boundaries where zones overlap

Failure to  
make  
determina-  
tion

(2) Where more than one supervisory officer is involved in the determination under subsection (1), and the supervisory officers fail to make a determination, the matter shall be referred to the judge by the board concerned that has the greatest equalized assessment for separate school purposes.

When  
alteration  
effective

(3) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(4) A separate school board or a separate school supporter affected by the determination of the supervisory officer may appeal the determination to the judge before the 1st day of August following the determination.

All parts of  
zone to be  
adjoining

(5) The boundaries of a separate school zone as determined by the supervisory officer or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

Effect of  
change in  
boundaries

(6) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the supervisory officer or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. 1974, c. 109, s. 82.

### *Formation and Discontinuance of Zones*

Meeting to  
establish  
separate  
school zone

**83.**—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a city, town, village, or a 9.6 kilometre square area in one or more townships and not within an area designated by the regulations made under subsection 105 (2), may convene a public meeting of persons desiring to establish a separate school zone with centre therein. 1974, c. 109, s. 83 (1); 1978, c. 87, s. 15 (5).

Procedure

(2) Where such a meeting is held, the persons present shall,

(a) elect a chairman and a secretary for the meeting;

- (b) pass a motion determining the centre of the separate school zone to be established;
- (c) where the zone to be established is in one or more townships, subject to clause (5) (b), select a name for the board;
- (d) elect the required number of trustees; and
- (e) require the chairman of the meeting to transmit notice in writing of the holding of the meeting and of the election of trustees to the clerks of the municipalities and to the chief executive officer of the divisional board or the secretary of the public school board, as the case may be, for the area in which the separate school zone is to be established designating by name and residence each of the persons elected as trustees.

(3) Each of the officers receiving the notice shall certify <sup>Certification</sup> thereon the date of its receipt, and shall transmit a copy of the notice so certified to the chairman of the meeting.

(4) The chairman of the meeting shall forthwith trans- <sup>Notification</sup> mit the copy of the certified notice, a copy of the minutes of the meeting, and of the notice calling it, to,

- (a) the Minister; and
- (b) the appropriate assessment commissioner. 1974, c. 109, s. 83 (2-4).

(5) On and after the transmission to the Minister of the <sup>Corporate name</sup> documents referred to in subsection (4), the separate school zone is established and the trustees named therein are a body corporate under the name,

- (a) in the case of a city, town, or village, "The..... Roman Catholic Separate School Board" (*inserting the name of the city, town, or village, as the case may be*); or
- (b) in the case of a portion of one or more townships, "The.....Roman Catholic Separate School Board" (*inserting the name selected under clause (2) (c) or by the board and approved by the Minister*). 1974, c. 109, s. 83 (5); 1976, c. 50, s. 15.

(6) Where a meeting is convened to establish a separate <sup>In urban municipalities in wards</sup> school in an urban municipality that is divided into wards,

unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 91, the trustees shall be elected by general vote.

Formation not rendered invalid by reason only of vacancy in office of trustee

(7) The formation of a separate school is not rendered invalid by reason only of a vacancy in the office of a trustee occurring before the trustees become a body corporate, provided that the vacancy is filled forthwith and the Minister is provided with the information required under clause (2) (e) in respect of the filling of the vacancy.

Roman Catholic deemed separate school elector

(8) For the purpose of qualifying to be elected as a trustee at a meeting to establish a separate school zone, a Roman Catholic who is otherwise qualified under subsection 196 (1) is deemed to be a separate school elector. 1974, c. 109, s. 83 (6-8).

New zone in unorganized territory

84.—(1) Not fewer than,

(a) ten heads of families; or

(b) where the zone is to be united, effective on the 1st day of January in the following year, with one or more separate school zones to form a combined separate school zone, five heads of families,

being Roman Catholics and being householders or freeholders resident within territory without municipal organization that is not within an area designated by the regulations made under subsection 105 (2) may convene a public meeting of persons desiring to establish a separate school zone therein, and the provisions of subsections 83 (2), (3), (4) and (8) apply with necessary modifications. 1974, c. 109, s. 84 (1).

Corporate name

(2) On and after the transmission to the Minister of the documents referred to in subsection 83 (4), the separate school zone is established and the trustees named therein are a body corporate under the name of, "The . . . . . Roman Catholic Separate School Board" (*inserting the name selected under clause 83 (2) (c) or by the board and approved by the Minister*). 1974, c. 109, s. 84 (2); 1976, c. 50, s. 16.

Powers of trustees

(3) The trustees elected at a meeting convened under subsection (1) have all the powers of a public school board in territory without municipal organization and are in all other respects subject to the provisions of this Act that apply to rural separate school boards.

Where school not united

(4) Where in any year a separate school zone is established by not fewer than five heads of families under clause (1) (b), the public meeting for the election of trustees shall be held before the 1st day of June in that year, and the only powers and duties of the separate

school board so formed are to proceed in the same year to implement the provisions of section 87, and if the separate school zone is not united with one or more separate school zones to form a combined separate school zone before the 1st day of August in that year under section 87, the board is dissolved on that date. 1974, c. 109, s. 84 (3, 4).

**85.** A Roman Catholic who is a householder or freeholder and of the full age of eighteen years and who desires to establish a separate school zone under section 83 or 84 is entitled, in the year in which the separate school zone is established, to vote on any matter relating to such separate school if,

Right to vote  
in year of  
establish-  
ment of zone

(a) in the case of a separate school zone in one or more townships or in territory without municipal organization, he resides in the separate school zone; or

(b) in the case of an urban municipality, he resides in the municipality. 1974, c. 109, s. 85.

**86.** On receipt by the Minister of the documents required under section 83 or 84 that a separate school zone has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sums as may be approved by the Lieutenant Governor in Council. 1974, c. 109, s. 86.

Legislative  
grants

**87.—(1)** A separate school board or five supporters of a separate school that is not within an area designated by the regulations made under subsection 105 (2) may, before the 1st day of July in any year, hold a meeting of the supporters of such separate school to consider the question of uniting the separate school zone with one or more other separate school zones in such area to form a combined separate school zone and, where the majority of such supporters present at each such meeting who vote on the question, vote in favour of the union and of the adjustments referred to in subsection (2), each such board shall give notice of the decision, before the 1st day of August of the same year, to the Minister, the clerks of the municipalities affected, and the appropriate municipal assessors, and the combined separate school zone thus formed shall be deemed to be one zone for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one zone on the day of nomination for trustees of the combined separate school board.

Formation of  
combined  
separate  
school zones  
in non-  
designated  
areas

(2) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume

Adjustment  
of rights

and may assume a differential in rates for a stated period of time.

Dissolution  
of boards

(3) When a combined separate school zone is formed, the board of each zone forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school zone.

Corporate  
name of  
trustees

(4) The trustees of a combined separate school board are a corporation by the name of "The . . . . . Combined Roman Catholic Separate School Board" (*inserting the name selected by the board and approved by the Minister*). 1974, c. 109, s. 87.

Detaching  
school zone  
from  
combined  
school zone

**88.**—(1) Where, in an area not designated by the regulations made under subsection 105 (2), a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school zone from the combined separate school zone is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition.

Qualified  
voters detach-  
ing a separate  
school zone  
from a combin-  
ed separate  
school zone

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than any other centre.

When  
school zone  
detached

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the zone it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school zone so detached shall be elected as provided in section 90 or 100, as the case may be.

Adjustment  
of assets, etc.

(4) Where a zone or zones is or are detached under this section, subsection 81 (5) applies with necessary modifications, except that the combined separate school board and the board or boards of the zone or zones detached shall each appoint an arbitrator. 1974, c. 109, s. 88.

Dis-  
continuing  
board by a  
vote of the  
supporters

**89.**—(1) In an area not designated by the regulations made under subsection 105 (2), a separate school board or five supporters of such board may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board and, where the majority of the supporters vote in favour of discontinuing and

fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the clerk of each municipality concerned and the secretary of any school board that may be affected thereby and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting. 1974, c. 109, s. 89 (1).

(2) A separate school board is discontinued on the 30th day of November in any year,

Other conditions under which a separate school board is discontinued

(a) if, for any continuous four month period in a school year, after the year in which the board was established, the board,

(i) fails to operate a school, or

(ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause 20 (2) (c); or

(b) if no one is assessed as a separate school supporter in the separate school zone in relation to property in respect of which taxes are to be levied in the following year; or

(c) if the supporters fail to elect the required number of trustees in two successive regular elections. 1974, c. 109, s. 89 (2); 1978, c. 44, s. 6.

(3) When a board is discontinued under subsection (2), the appropriate supervisory officer for separate schools shall forthwith notify the Minister, the clerks of the municipalities concerned and the secretaries of the public school boards affected thereby.

Notification of Minister, etc., when board discontinued

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Ministry of Intergovernmental Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Settling accounts

(5) The records of a board that has been discontinued under this section shall be filed with the Ministry.

Records



Boundaries  
to be revised

(6) The boundaries of the zones that are altered as a result of discontinuing a separate school zone shall be revised by the appropriate supervisory officer.

Sale of real  
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the appropriate separate school supervisory officer is notified that an offer to purchase the real property has been made, he shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

Deposit of  
funds from  
sale

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Re-establish-  
ing a board

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the manner provided in section 83 or 84, and the funds that were deposited by the board that was discontinued shall be returned to the board. 1974, c. 109, s. 89 (3-9).

### *Urban Separate Schools*

Election of  
trustees in  
urban municipi-  
palities by  
general vote

**90.**—(1) Except as provided in section 91, the trustees of an urban separate school board shall be elected by general vote for a term of two years.

Number of  
trustees

(2) The number of trustees on an urban separate school board shall be determined by the population of the municipality as follows, where the population was,

(a) less than 10,000, six trustees;

(b) 10,000 or more but less than 50,000, eight trustees;

(c) 50,000 or more but less than 100,000, ten trustees;

(d) 100,000 or more, twelve trustees.

Change in  
number of  
trustees

(3) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election

of trustees the proper number of trustees shall be elected. 1974, c. 109, s. 90.

**91.**—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, elected by the separate school electors of that ward for a term of two years. Urban municipality divided into wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward, elected by the separate school electors of that ward for a term of two years. Where five or more wards

(3) The composition and election of an urban separate school board that is elected as provided in subsection (1) or (2) may be changed to that provided in section 90. 1974, c. 109, s. 91. Change from election by wards to general vote

**92.**—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 91 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the electors of the separate schools of the urban municipality and has received the affirmative vote of a majority of the electors who voted on the resolution. Method of changing composition and election of board

(2) At the election following an affirmative vote of a majority of the separate school electors who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until their successors are elected and the new board is organized. Election of new board after change

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected by the existing method for at least the two preceding regular elections. 1974, c. 109, s. 92. Limitation on changing method of election

**93.**—(1) The election of trustees of an urban separate school board shall be conducted in the same manner as municipal elections. Conduct of elections

(2) In urban municipalities every person who is a separate school elector is entitled to vote at the election of trustees of the separate schools. 1974, c. 109, s. 93. Election of trustees, who may vote

**94.** The *Municipal Elections Act* applies with necessary modifications to the election of trustees of an urban separate school board, except that the oath to be taken by a voter shall be: Application and form of oath R.S.O. 1980, c. 308

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*),

That you are of the full age of eighteen years,

That you are a Roman Catholic separate school elector;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

So help you God.

1974, c. 109, s. 94; 1978, c. 44, s. 25.

Residents  
other than  
supporters  
entitled to  
vote

1953, c. 119  
R.S.O. 1980,  
c. 308

**95.** Notwithstanding the provisions of this or any other Act, including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in the *Municipal Elections Act* but who,

(a) is a Canadian citizen or other British subject;

(b) is of the full age of eighteen years; and

(c) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and, where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election. 1974, c. 109, s. 95; 1978, c. 44, s. 25.

Where person  
residing out  
of urban  
municipality  
to vote

**96.** When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. 1974, c. 109, s. 96.

#### *Rural Separate Schools*

Trustees  
term of office

**97.**—(1) The board of a rural separate school shall consist of three trustees who, subject to subsection (3), shall be

elected in the year 1974 and in every second year thereafter and shall hold office for two years. 1974, c. 109, s. 97 (1).

(2) The term of office of trustees of a rural separate school board elected in the year 1978 and in regular elections thereafter shall commence on the 1st day of December in the election year. 1978, c. 44, s. 7. Term of office

(3) Where the first election of a newly-established board is held in 1975 or in any second year thereafter, the trustees elected in such year shall hold office for one year. Where first election held in 1975

(4) A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and by the appointment of a secretary and a treasurer or of a secretary-treasurer. Organization and quorum

(5) No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required under section 98 and at which at least two trustees are present. Regularity

(6) Every householder or freeholder of the full age of eighteen years, who is a Canadian citizen or other British subject and who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. 1974, c. 109, s. 97 (2-6). Elector, qualifications

(7) Every person who is a Roman Catholic and is the spouse of a supporter of a rural separate school who is entitled to vote under subsection (6), and where elections are held under the *Municipal Elections Act*, every person who is a separate school elector in the area of jurisdiction of the board of such school, is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. 1974, c. 109, s. 97 (7); 1978, c. 44, s. 25. Idem  
R.S.O. 1980, c. 308

**98.**—(1) It is the duty of every rural separate school board and it has power, Duties of rural boards:

(a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for, time and place of meetings

(i) filling any vacancy in the board,

(ii) the selection of a new school site,

- (iii) the appointment of a school auditor, or
- (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

annual report

- (b) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school moneys during such year, and signed by the chairman and by one or both of the school auditors.

Appointment of auditor by the Minister

(2) Where a rural separate school board neglects or the supporters at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. 1974, c. 109, s. 98.

Appointment of collector

**99.**—(1) A separate school board in territory without municipal organization may appoint a person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

Powers and duties of collectors

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and subsections 67 (6), (7), (8), (9) and (10) apply with necessary modifications. 1974, c. 109, s. 99.

Annual meeting

**100.**—(1) An annual meeting of the supporters of a rural separate school shall be held on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at

the separate school. 1974, c. 109, s. 100 (1); 1978, c. 44, s. 8 (1).

(2) A rural separate school board shall be elected at a meeting of the separate school supporters held on the second Monday in November or, where that day is Remembrance Day, on the next succeeding day, in the year of a municipal election at a time and place selected by the board. 1978, c. 44, s. 8 (2). Election  
of  
board

(3) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection (1), the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, which shall be held on that day in each year thereafter until some other day is similarly named. 1974, c. 109, s. 100 (2). Idem

(4) The supporters of the school present at a meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this section. 1974, c. 109, s. 100 (3); 1978, c. 44, s. 8 (3). Organization  
of meeting

(5) The business of the annual meeting may be conducted in the following order, Order of  
business

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) appointing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business. 1974, c. 109, s. 100 (4); 1978, c. 44, s. 8 (4).

(6) The presiding officer shall submit all motions to the meeting in the manner desired by the majority, and is entitled to vote on any motion, and, Duties of  
presiding  
officer

- (a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost.

Granting poll and proceedings in case of a poll

(7) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee, the presiding officer shall forthwith grant the poll.

Entries in poll book

(8) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of ballot paper

(9) Ballot papers shall be pieces of plain white paper of uniform size.

Marking of ballot paper

(10) A voter shall mark his ballot,  
(a) in the election of a trustee, by marking the name of the trustee thereon; and  
(b) on a question, by marking the word "for" or "against" thereon.

Manner of voting

(11) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Appointment of scrutineer

(12) Every candidate may appoint a person to act as his scrutineer during the election. 1974, c. 109, s. 100 (5-11).

Declaration where right to vote objected to

(13) When an objection is made to the right of a person to vote at a meeting of the supporters of a rural separate school, either for trustee or upon a school question, the presiding officer shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

I..... declare,

(a) that I am a Roman Catholic and a householder or freeholder assessed to the support of..... or  
(insert name of board)

(b) that I am a Roman Catholic and the spouse of a supporter of .....; and  
*(insert name of board)*

(c) that I am of the full age of eighteen years; and

(d) that as such supporter or spouse of a supporter I have the right to vote at this meeting.

1974, c. 109, s. 100 (12); 1978, c. 44, s. 8 (5).

(14) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. 1974, c. 109, s. 100 (13). When poll shall close

(15) When a meeting for the election of one or more trustees is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. 1974, c. 109, s. 100 (14); 1978, c. 44, s. 8 (6). Polling at afternoon meetings

(16) When the poll is closed, the presiding officer and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and, Counting votes, tie vote

(a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost.

(17) In the case of an election of trustees, the presiding officer shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a motion he shall declare it carried or lost as the majority of votes is in favour of or against the motion. Declaration of result

(18) A statement of the result of the vote shall be certified by the presiding officer and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate. Statement of result of poll

(19) A correct copy of the minutes of every meeting, signed by the presiding officer and secretary of the meeting, shall be transmitted forthwith by the secretary to the Ministry. Secretary to transmit minutes to Ministry



Meetings called in default of first or annual meeting

(20) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time, the appropriate separate school supervisory officer or any two supporters of the school may call a meeting by giving six days notice posted in at least three of the most public places in the locality in which the school is situate.

Validity of election

(21) No election under this section is invalid by reason of non-compliance with the provisions of this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this section, and that the non-compliance or mistake or irregularity did not affect the result of the election. 1974, c. 109, s. 100 (15-20).

Where municipality may conduct election

**101.** Notwithstanding section 100, where the centre of a rural separate school zone is in a municipality, the board of the rural separate school may, by resolution passed before the 1st day of July in the year of an election and approved at a meeting of the supporters of the rural separate school, determine that the election of trustees of the board shall be conducted by the municipality under the *Municipal Elections Act*, and the trustees shall be elected by general vote of the separate school electors of the separate school zone. 1978, c. 44, s. 9.

R.S.O. 1980, c. 308

### *Separate Schools—General*

Returning officer

**102.** Where territory without municipal organization is,

- (a) within a rural or an urban separate school zone whose centre is in a municipality; or
- (b) within a combined separate school zone, a centre of which is in a municipality,

and the election of trustees of the board for such zone is conducted under the *Municipal Elections Act*, the secretary of the board shall be the returning officer and shall perform all the duties of a municipal clerk in the election for the territory without municipal organization and he shall report forthwith the vote recorded in the territory to the returning officer for the municipality in which the centre of the zone is situated and the returning officer shall prepare the final summary and announce the result of the vote. 1978, c. 44, s. 10.

*Combined Separate Schools*

**103.**—(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 subsection (5), five trustees shall be elected by the supporters of the newly-created or altered combined separate school zone as provided in section 100, who shall hold office for two years and otherwise the provisions of section 97 apply. 1974, c. 109, s. 101 (1); 1978, c. 44, s. 11 (1). Trustees

(2) Every trustee shall continue in office until his successor has been elected and the new board is organized. 1974, c. 109, s. 101 (2). Trustee in office until organization of new board

(3) For the purpose of electing the first trustees for a combined separate school zone, the boards of the separate schools forming the combined separate school zone shall, before the 1st day of September, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 93 or 100, as the case may be. 1974, c. 109, s. 101 (3); 1978, c. 44, s. 11 (2). First trustees

(4) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have under section 90 and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone. Trustees in combined separate school zone including urban municipality

(5) Notwithstanding subsections (1) and (4), the board of a combined separate school zone may be composed of such number of trustees, not fewer than five or more than nine, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school zone, by the committee formed under subsection (3), and the board of the combined separate school zone shall be deemed to be an urban separate school board. Resolution providing for trustees

(6) Where a resolution is passed under subsection (5), the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 93, 94 and 95 apply with necessary modifications, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards. Election and term of office

Voters list  
for areas in  
combined  
zone

(7) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization, and the election is conducted under section 93, the provisions of subsection 113 (21) apply with necessary modifications.

Copy of  
resolution to  
be sent to  
Minister

(8) The board or committee that passes a resolution under subsection (5) shall forthwith send a copy thereof to the Minister.

Electors'  
qualifica-  
tions, urban  
combined  
separate  
school zone

(9) Every person,

(a) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 94; or

(b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 97 if the combined separate school zone were a rural separate school zone,

is entitled to vote at the election of trustees of the combined separate school zone and on any school question.

Electors'  
qualifica-  
tions, rural  
combined  
separate  
school zone

(10) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 97 is entitled to vote at the election of trustees of the combined separate school zone and, subject to subsection 97 (7), on any school question. 1974, c. 109, s. 101 (4-10).

#### *Duties and Powers of Separate School Boards*

Duties of  
board:

**104.**—(1) It is the duty of a separate school board and it has power,

appointment  
of officers

(a) to appoint, where required, one or more collectors of school fees or rate-bills, who may be members of the board, and who shall discharge all duties, have powers similar to those of like officers of a municipality, and be subject to the obligations of and the penalties applicable to such officers;

collection of  
rates

(b) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collecting of all rates for the support of their schools, and for any other school purposes authorized by this Act

to be collected from the supporters of the separate schools under the control of the board ;

- (c) to appoint an auditor or auditors; appointment  
of auditors
- (d) to lay all the accounts of the board before the auditors, accounts together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money ; and
- (e) to exercise all such other powers and perform all other powers  
and duties such other duties of boards as are applicable to public school boards, except where otherwise expressly provided in this Act. 1974, c. 109, s. 102 (1); 1976, c. 50, s. 17.

(2) A separate school board may establish and maintain Religious  
education programs and courses of study in religious education for pupils in all schools under its jurisdiction. 1974, c. 109, s. 102 (2).

*County and District Combined Roman Catholic  
Separate School Zones*

**105.**—(1) The separate school zones and the former separate County and  
district com-  
bined  
separate  
school  
zones school zones that form all or part of a combined separate school zone whose centres are within an area designated by the regulations made under subsection (2) are united to form a county or district combined separate school zone, as the case may be.

(2) The Lieutenant Governor in Council may make regu- Regulations lations,

- (a) designating areas in Ontario in which the separate school zones whose centres are within the areas are to be united to form county or district combined separate school zones and designating the names of the areas ;
- (b) altering the boundaries of any such area ;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 105 to 118. 1974, c. 109, s. 103 (1, 2).

(3) Where an area that is designated under clause (2) (a) Dissolution  
of board includes the centre of an existing separate school zone, the board

of such zone is dissolved effective upon such date as may be set out in the regulation designating the area. 1976, c. 50, s. 18 (1).

Establishment of boards

(4) A separate school board shall be established for each county and district combined separate school zone, and except where otherwise provided under section 106, the trustees of the board shall be elected and the board organized in accordance with sections 113 to 115. 1976, c. 50, s. 18 (2).

Separate school zones

(5) Where the centre of a separate school zone is within an area designated by the regulations made under subsection (2), the separate school zone shall forthwith become a part of the county or district combined separate school zone in that area. 1974, c. 109, s. 103 (4), *revised*.

Designation of a combined separate school board as a district combined separate school board

**106.**—(1) Where the board of a combined separate school zone in the territorial districts applies to the Minister to have the zone made a district combined separate school zone and the board become a district combined separate school board, the Lieutenant Governor in Council on the recommendation of the Minister may, by regulation, designate such zone as a district combined separate school zone, and upon such designation,

- (a) the board of the combined separate school zone is dissolved and a separate school board for the district combined separate school zone is established, composed of the trustees of the board of the combined separate school zone who shall remain in office as trustees of the board of the district combined separate school zone until the board is organized following the next regular election of trustees;
- (b) all property, including the employment contracts of the employees, of the combined separate school board becomes vested in the district combined separate school board; and
- (c) all debts, contracts, agreements and liabilities of the combined separate school board become obligations of the district combined separate school board.

and except as provided by or under this section, the provisions of this Act shall apply in respect of the district combined separate school board and the zone designated under this section as if the designation of the zone and the formation of the board had been made under section 105.

(2) For the purpose of an election of trustees of a district combined separate school board established under subsection (1), the Lieutenant Governor in Council may, by regulation, exempt the district combined separate school board from the provisions of subsections 113 (2) to (18) and provide for the number of trustees to be elected to the board and the city, district municipality or district municipalities to be represented by each trustee. 1976, c. 50, s. 19.

Trustee representation

**107.**—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a 9.6 kilometre square area in an area designated by the regulations made under subsection 105 (2), may convene a public meeting of persons desiring to establish a separate school zone with its centre therein. 1974, c. 109, s. 104 (1); 1978, c. 87, s. 15 (6).

Meeting to establish separate school zone in designated area

(2) Where such a meeting is held, the persons present shall, Procedure

- (a) elect a chairman and a secretary for the meeting;
- (b) pass a motion determining the centre of the separate school zone to be established; and
- (c) require the chairman of the meeting to send a copy of the motion to,
  - (i) the Minister,
  - (ii) the secretary of the county or district combined separate school board,
  - (iii) the secretary of the divisional board of education affected, and
  - (iv) the appropriate assessment commissioner,

and on and after the transmission to the Minister of a copy of the notice calling the meeting, a copy of the motion, and evidence that the persons required to be notified under clause (c) have been so notified, the separate school zone is established and becomes a part of the county or district combined separate school zone.

(3) No trustees shall be elected at the meeting. 1974, c. 109, s. 104 (2, 3).

Trustees not elected at meeting

**108.** Where a county or district combined separate school board acquires a site under subsection 171 (3) and operates a school on such site, a separate school zone having its centre as

Zone deemed formed

provided in subsection 80 (2) is deemed to have been established under subsection 107 (2) on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for the purposes of legislative grant. 1974, c. 109, s. 105.

Arbitration where boundaries of designated areas are altered

**109.**—(1) Where the boundaries of an area designated by the regulations under subsection 105 (2) are altered to include,

- (a) one or more separate school zones established under section 83; or
- (b) part or all of one or more separate school zones that form part or all of another county or district combined separate school zone,

each of the boards concerned shall appoint one arbitrator who, subject to subsection (2), shall forthwith value and adjust in an equitable manner the assets and liabilities of the boards affected by the alteration of the boundaries and the decision of the arbitrators is final and binding upon the boards concerned.

Appointment of additional arbitrator

(2) Where the number of arbitrators appointed under subsection (1) is an even number, the arbitrators so appointed shall appoint an additional arbitrator.

Referral to judge

(3) Where a majority of the arbitrators appointed under subsections (1) and (2) is unable to reach a decision on any matter, such matter shall be referred by the arbitrators to the judge whose decision is final. 1974, c. 109, s. 106.

Alteration of boundaries; disposition of assets and liabilities

**110.**—(1) Where the boundaries of an area designated by the regulations under subsection 105 (2) are altered, all lands and premises that,

- (a) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;
- (b) are used as separate schools on the last school day preceding the effective date of such alteration; and
- (c) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and

premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

(2) Any dispute as to the disposition of property under subsection (1) may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute and its decision is final. Dispute

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 105 (2) was required to perform his duties in a separate school that is vested under subsection (1) in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board. Employment contracts

(4) Subject to subsection (8), where one or more municipalities are detached from an area designated by the regulations under subsection 105 (2) and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed, Transfer of trustee

- (a) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and
- (b) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 113 (8) at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under sub-



section 113 (8) as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Number of trustees reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 105 (2) and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection (4), for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 113 (2).

Trustee to represent transferred area

(6) Subject to subsection (8), where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 105 (2) and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in,

- (a) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or
- (b) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection (4).

Determination of trustee representation by enlarged board

(7) Subject to subsection (8), where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection (4).

Application of subss. (4, 6, 7)

(8) Subsections (4), (6) and (7) do not apply where a regular election of the board is to be held before the effective date on which

the municipality or municipalities or part or parts thereof or territory without municipal organization is attached.

(9) The area added to the Borough of Scarborough by subsection 150 (2) of the *Municipality of Metropolitan Toronto Act* is part of the district of which the separate schools are administered by The Metropolitan Separate School Board. 1974, c. 109, s. 107.

Area added to Scarborough to be under Metropolitan Separate School Board  
R.S.O. 1980, c. 314

**111.**—(1) A county combined separate school board that has jurisdiction in an area that includes only one county is a corporation by the name of "The..... County Roman Catholic Separate School Board" (*inserting the name of the county*).

Name of board in one county

(2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city is a corporation by the name of "The.....County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*).

Name of county combined board

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The.....Roman Catholic Separate School Board" (*inserting the name of the area designated by the regulations*).

Name of board in territorial districts

(4) Notwithstanding subsections (2) and (3) and except as provided in sections 117 and 118, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The..... Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*). 1974, c. 109, s. 108.

Name of board in regional municipality

**112.**—(1) For district combined separate school purposes, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under subsection 105 (2), and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under subsection 105 (2), shall be deemed to be a district municipality.

Territory without municipal organization in zones deemed district municipalities

(2) The board of a district combined separate school zone that includes territory without municipal organization that is deemed a district municipality for separate school purposes shall exercise the powers and duties of a municipal council for such district municipality in respect of preparing estimates,

Powers and duties of combined board re territory without municipal organization

levying rates, collecting taxes and issuing debentures for the purposes of the district combined separate school board and in respect of the preparation of a list of voters and the election of members of such board, and all the officers appointed by such board have the same powers and duties as similar officers in an organized municipality except that the provisions of subsections 67 (5) to (11) apply with necessary modifications, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the district combined separate school board on all property rateable for separate school purposes in such district municipality.

Duties of secretary of board re school support

R.S.O. 1980, c. 302

(3) In respect of territory without municipal organization referred to in subsection (2) that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 374 (3) to (14) of the *Municipal Act* for the purposes of the district combined separate school board. 1974, c. 109, s. 109 (1-3).

Election in improvement district

R.S.O. 1980, c. 308

(4) The secretary-treasurer of an improvement district that forms part of a district combined separate school zone, in each year in which an election for members of the district combined separate school board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality, and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a district combined separate school board under the *Municipal Elections Act*. 1974, c. 109, s. 109 (4); 1978, c. 44, s. 25.

Interpretation

**113.**—(1) In this section,

- (a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause (b), as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;
- (b) “residential and farm assessment” means the residential and farm assessment upon which taxes are levied in the year in which a determination is made or the year in which nominations are held, as the case may be.

Composition of board

(2) Subject to subsection (4) and except where otherwise expressly provided, the number of trustees of a combined separate school board shall be determined by the population

of the county or counties or of the area municipalities in a regional municipality in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,

- (a) less than 25,000, eight trustees;
- (b) 25,000 or more but less than 45,000, ten trustees;
- (c) 45,000 or more but less than 100,000, twelve trustees;
- (d) 100,000 or more but less than 200,000, fourteen trustees;
- (e) 200,000 or more, sixteen trustees.

(3) Where it becomes evident from the population of the county or counties in a county combined separate school zone or of the municipalities all or part of which are in a district combined separate school zone that the number of trustees of the board should be increased or decreased in accordance with subsection (2), at the next regular election of trustees the proper number of trustees shall be elected.

Change in  
numbers of  
trustees

(4) In a county or district combined separate school zone, the number of trustees to be elected by the separate school electors,

Number of  
trustees to be  
elected in a  
combined  
zone

- (a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of trustees determined under subsection (2) by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the city to the equalized residential and farm assessment of all the property rateable for separate school purposes in the county or district combined separate school zone; and
- (b) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection (2) less the total number of trustees, determined under clause (a) for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

Determina-  
tion under  
subs. (4),  
who to make

(5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsections (2), (3) and (4), and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination. 1974, c. 109, s. 110 (1-5).

When  
determina-  
tion to be  
made

(6) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection (4),

(a) if it is determined under subsection (3) that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered, effective on or before the 1st day of January next following the election;

(b) if,

(i) the boundaries of one or more cities within the county or district combined separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection (4) that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective on or before the 1st day of January next following the election; and

(c) in every fourth year following the latest determination under subsection (4),

and, subject to subsection (15), a determination made under subsection (4) is effective until a new determination is required in

accordance with this subsection. 1974, c. 109, s. 110 (6); 1978, c. 44, s. 12 (1, 2).

(7) Where a city is not entitled to one or more trustees under clause (4) (a), the city shall be deemed to be a county or district municipality for the purposes of subsection (4) or (8), and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection (8).

Where a city does not qualify for at least one trustee

(8) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

Distribution of trustees to be elected in county or district municipalities in combined zone

- (a) a determination is made in accordance with subsection (6); or
- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination under this subsection provide for a trustee to be elected by a general vote of all the separate school electors of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

(9) Where two or more county municipalities that are not in a regional municipality are combined under subsection (8) for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection (8), determine that a portion of a county municipality that is so combined be attached to one

Distribution of members within combined municipalities

or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

- (a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and
- (b) where the remainder of the county municipality is to be represented by two or more trustees, subsections (17) and (18) apply with necessary modifications in respect of such remainder.

Appeal from determination under subs. (9)

(10) Where the determination made under subsection (9) apportions to a combined area or to the remainder of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection (8) that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause (9) (a) or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

Where judge to make determination

(11) Where the determination under subsection (8) is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection (13), and his decision is final.

(12) Where the separate school zones in two or more counties are combined to form a county combined separate school zone, and where the three clerks designated under subsection (8) do not include a clerk from each county in the county combined separate school zone, the clerk of the county municipality having the greatest equalized residential and farm assessment for separate school purposes in each such county not so represented shall act together with the clerks designated under subsection (8).

Municipal clerk from each county to be on committee under subs. (8)

(13) In determining under subsection (8),

Determination

- (a) the number of trustees to be elected by the separate school electors of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more trustees by the separate school electors of such municipalities,

the clerks of the county or district municipalities, as the case may be, shall apportion the number of trustees determined for a combined separate school zone under clause (4) (b), as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone in the county or district municipalities in such zone, and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

(14) Where the determination made by the clerks of the county or district municipalities under subsection (8) allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school electors of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the judge who, before the 1st day of October, shall either reappor-

Appeal from determination



tion the number of trustees in accordance with subsection (13) or, where he determines that the determination was made in accordance with subsection (13), confirm the determination, and his decision is final.

Request by  
clerk for  
information

(15) On the request of the clerk of the county municipality or the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a combined separate school zone, the clerk of each city and of each county or district municipality and the secretary of the county or district combined separate school board shall provide the clerk of such county municipality or organized district municipality with the information required to make any determination under this section.

Mailing of  
determina-  
tion under  
subss. (8, 14)

(16) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone shall send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board,

- (a) before the 1st day of September in each year in which it is determined under subsection (3) that the number of trustees of the board should be increased or decreased or in which a determination is made under subsection (8), a copy of the determination made under subsection (8); and
- (b) before the 1st day of October in each year in which a determination is made by the judge under subsection (11) or (14) a copy of the determination.

Appeal and  
decisions of  
judge

(17) The council of any municipality concerned and a district combined separate school board on behalf of any territory without municipal organization may, within ten days of the mailing of the determination made under subsection (4), appeal to the judge with respect to the accuracy of the determination, and the judge shall either vary or confirm the determination, and his decision is final, and the clerk of the county or district municipality responsible under subsection (5) for making such determination shall make the changes required by the judge and shall send a copy of the decision by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board.

(18) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection (14) or (17), shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition. 1974, c. 109, s. 110 (7-18).

New  
determina-  
tion where  
former  
determina-  
tion improper

(19) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school electors of such board in the municipality, provided that, where the number of trustees to be elected to the board by the separate school electors in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school electors in each of such areas. 1974, c. 109, s. 110 (19); 1976, c. 50, s. 20.

Where  
election by  
general vote  
and where  
by areas

(20) A by-law for the purpose mentioned in subsection (19) and a by-law repealing any such by-law shall not be passed later than the 1st day of September in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. 1974, c. 109, s. 110 (20); 1978, c. 44, s. 12 (3).

Time for  
passing  
by-law

(21) Where two or more county or district municipalities are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection (9), be elected by a general vote of the separate school electors of the combined municipalities, and where, under subsection (9) or (10) a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school electors of such combined area, and,

Elections in  
combined  
areas

- (a) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the vote.

Secretary of  
board deemed  
clerk for  
elections in  
areas deemed  
district  
municipalities

(22) For the purposes of clause (21) (b), the secretary of the district combined separate school board shall be the clerk of each part of territory without municipal organization in the district combined separate school zone that is deemed to be a district municipality for separate school purposes.

Elections

(23) The election of trustees of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1974, c. 109, s. 110 (21-23).

Effect of  
boundary  
change on  
elections

**114.** Where the boundaries of an area designated by the regulations under subsection 105 (2) in respect of a county or district combined separate school board or the boundaries of one or more municipalities in such area are to be altered effective on or before the 1st day of January next following an election of trustees of the board, such boundaries shall be deemed to have been altered for all purposes relating to such election except for the purpose of determining the persons responsible for performing duties in connection with the election. 1978, c. 44, s. 13.

Number of  
votes to be  
cast

**115.**—(1) Every person in a municipality or in a part thereof or in a combination of municipalities who is qualified to vote for trustees of a separate school board under sections 105 to 118 is entitled to as many votes as there are trustees to be elected in such municipality or part or combination of municipalities, but may not give more than one vote to any one candidate.

Retiring  
trustees  
eligible for  
re-election

(2) A trustee of a county or district combined separate school board is eligible for re-election if otherwise qualified.

(3) Every nominator of a candidate for the office of a trustee to be elected to a separate school board under sections 105 to 118 shall be a separate school elector. Qualifications for nominators of candidates

(4) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a trustee of the board by reason of the election, and his seat or seats are thereby vacated. 1974, c. 109, s. 112 (1-4). Person not to be candidate for more than one seat on board

**116.**—(1) The cities of Vanier and Ottawa and the Village of Rockcliffe Park are continued as a county combined separate school zone under sections 105 to 118. Ottawa separate school zone

(2) The separate school board for such combined separate school zone is continued as a corporation by the name of "The Ottawa Roman Catholic Separate School Board" and shall consist of sixteen trustees. Ottawa Board

(3) The number of trustees to be elected by the separate school electors in the area comprising the City of Ottawa and the Village of Rockcliffe Park shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying sixteen by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the City of Ottawa and the Village of Rockcliffe Park to the equalized residential and farm assessment of all the property rateable for separate school purposes in the combined separate school zone, and such trustees shall be elected by general vote. Number of trustees to be elected in Ottawa and Rockcliffe Park

(4) The number of trustees to be elected by the separate school electors in the City of Vanier shall be sixteen, less the number determined under subsection (3), and such trustees shall be elected by general vote, but in no case shall the number of trustees elected under this subsection be fewer than one. Vanier

(5) The trustees of The Ottawa Roman Catholic Separate School Board shall be elected at the same time and place and for the same term of office as the members of The Ottawa Board of Education, and the nomination of candidates for the offices of trustees to be elected by the separate school electors in the City of Ottawa and the Village of Rockcliffe Park shall be submitted to the returning officer of the City of Ottawa, and the clerk of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality to the clerk of the City Election of trustees, term of office

of Ottawa who shall prepare the final summary and announce the vote.

Application  
of ss. 105-118

(6) Except where inconsistent with this section, the other provisions of sections 105 to 118 in respect of county combined separate school boards apply with necessary modifications to the board established under subsection (2). 1974, c. 109, s. 113.

Carleton  
combined  
separate  
school zone

R.S.O. 1980,  
c. 439

**117.**—(1) The separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area municipality as defined in the *Regional Municipality of Ottawa-Carleton Act*, except the cities of Vanier and Ottawa and the Village of Rockcliffe Park, are continued as a county combined separate school zone.

Carleton  
Board

(2) The separate school board for such county combined separate school zone is continued as a corporation by the name of "The Carleton Roman Catholic Separate School Board".

Election of  
trustees,  
term of  
office

(3) The trustees of The Carleton Roman Catholic Separate School Board shall be elected at the same time and for the same term of office as the members of The Carleton Board of Education.

Application  
of Act to  
Carleton  
Board

(4) Except as provided in this section, all the provisions of this Act respecting county combined separate school boards apply to The Carleton Roman Catholic Separate School Board.

Part of  
Ottawa-  
Carleton  
deemed  
county

R.S.O. 1980,  
c. 439

(5) For county combined separate school purposes, the area municipalities as defined in the *Regional Municipality of Ottawa-Carleton Act*, except the cities of Ottawa and Vanier and the Village of Rockcliffe Park, shall be deemed to be a county. 1974, c. 109, s. 114.

Essex county

**118.**—(1) For county combined separate school purposes, the County of Essex does not include the City of Windsor.

Application  
of ss. 207, 208

(2) Sections 207 and 208 apply with necessary modifications to the City of Windsor and The Windsor Roman Catholic Separate School Board. 1974, c. 109, s. 115.

### *Rates, Borrowing Powers and Grants*

Exemption of  
supporters  
from public  
school rates

**119.**—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate

school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

(2) The notice is not required to be renewed annually. No renewal required

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone. Who may be supporters of separate schools

(4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in the separate school zone shall be assessed for the purposes of the separate school. Rights of non-residents to be assessed for separate school

(5) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof. Certificate of notice

(6) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and on conviction is liable to a fine of not more than \$100. Penalty for wilful false statements in notice

(7) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the separate school zone. 1974, c. 109, s. 116. As to rates imposed before separate school established

**120.**—(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

(a) where the separate school is situated in a municipality, to the clerk of the municipality; or

(b) where the separate school is situated in territory without municipal organization,

- (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
- (ii) if he does not reside in a school section, to the secretary of the separate school board,

otherwise he shall be deemed to be a supporter of the separate school.

**Exception**

(2) A person who withdraws his support from a Roman Catholic separate school is not exempt from paying rates for separate school purposes imposed before the date on which the withdrawal of such support is effective. 1974, c. 109, s. 117.

**Liability of non-resident supporter**

**121.**—(1) Where a person resides in a separate school zone and is a separate school supporter in such zone but his residence is situate in a municipality other than a municipality in which a centre of such zone is located, he is liable to pay and shall pay the separate school rates or taxes imposed by the board of the separate school of which he is a supporter upon property that is situate in such zone and that he occupies as owner or tenant or that is unoccupied and owned by him, and he is not liable to pay rates or taxes to any other separate school board in respect of such property.

**How enforceable**

(2) The board of the school of which he is a supporter shall notify the clerk of the municipality in which such supporter resides of the amount of the school taxes or rates payable by him, and the same shall be collected in like manner as other taxes, and when collected shall be paid over to the board. 1974, c. 109, s. 118.

**Clerk to keep index book**

**122.**—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 119, 125 and 126 or by former Acts respecting separate schools.

**Entries**

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 120, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the Assessment Review Court, by a judge, by the Ontario Municipal

Board or by the Divisional Court, with the date of the disallowance.

(3) The index book shall be open to inspection by any ratepayer. Inspection

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received. Filings

(5) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. 1974, c. 109, s. 119. Clerk to be guided by index book

**123.**—(1) If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 14 of the *Assessment Act* that through mistake or inadvertance a ratepayer has been entered on the list either as a supporter of separate schools or as a supporter of public schools, the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board, but the council is not competent to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Divisional Court on appeal. Correction of mistakes in assessing R.S.O. 1980, c. 31

(2) In case of such action by a council, the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. 1974, c. 109, s. 120. Liability

**124.**—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes. Distinguishing the school rates

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. 1974, c. 109, s. 121. Idem

**125.**—(1) The occupant or tenant of land shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision. Case of owner and occupant

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant When owner may exercise option



or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. 1974, c. 109, s. 122.

Right of  
corporation  
to support  
separate  
schools

**126.**—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under the *Assessment Act*, to be entered, rated and assessed for the purposes of the separate school.

R.S.O. 1980,  
c. 31

Duty of clerk

(2) The clerk shall thereupon enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

How  
proportions  
settled

(3) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of  
notice

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly.

Filing notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect a collector's roll.

(6) The clerk shall in each year, before the final revision of the list supplied to the clerk under section 14 of the *Assessment Act*, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. 1974, c. 109, s. 123.

Search for notices  
R.S.O. 1980,  
c. 31

**127.**—(1) Every separate school board shall prepare and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 209 in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a divisional board of a school division apply, with necessary modifications, to a separate school board for separate school purposes.

Estimates

(2) Where rates or taxes in respect of separate schools are levied and collected by the council of a municipality under section 133 and the separate school board is unable in any year to submit to the council on or before the 1st day of March the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 133 to levy and collect such rates, and, where the municipality is required, by reason of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality shall pay to the treasurer the cost of levying such rates.

Where cost of separate levy payable by board

(3) Subsection 164 (5) of the *Municipal Act* does not apply to a separate school board. 1974, c. 109, s. 124.

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

**128.**—(1) The board of a separate school may in respect of the estimates adopted under section 127 impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Powers of trustees

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Land on which there are rates uncollected

## Return

(3) The clerk shall make a return of such land and the arrears of separate school rates thereon to the appropriate municipal treasurer.

## Collection of rates

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

## Deficiency

(5) The council of the township, village, town or city in which the separate school zone is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. 1974, c. 109, s. 125.

Levy for costs for transportation and board and lodging of secondary school pupils not resident in secondary school district

**129.** Where some of the supporters in a separate school zone reside in a municipality or in territory without municipal organization and in a secondary school district and other supporters in the separate school zone reside in another municipality or in territory without municipal organization and not in a secondary school district, and the separate school board,

(a) provides daily transportation; or

(b) reimburses the parents or guardians for the cost of board, lodging and transportation once a week under subsection 166 (10),

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the secondary school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the secondary school district. 1974, c. 109, s. 126.

Determining school rates by equalizing factor

**130.—(1)** Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

## Adoption of rate

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipi-

pality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors. Arbitrators, appointment

(4) The secretary of the board shall call the meeting of the arbitrators. Meeting

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration. Determina-  
tion of factors

(6) The factors shall be determined, When factors  
to be  
determined

(a) in the year in which the separate school is formed;

(b) in any year that is divisible evenly by 5;

(c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and

(d) in any year if the board so directs.

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final. Appeal to  
board

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors. Use of  
factors

(9) The cost of the arbitration shall be paid by the separate school board. 1974, c. 109, s. 127. Cost of  
arbitration

**131.** The clerk or other officer of a municipality within or adjoining which a separate school is established, having Trustees may  
copy assess-  
ment roll of  
municipality

possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. 1974, c. 109, s. 128.

Clerk to give trustees annual statement of supporters of separate schools

**132.** The clerk of a municipality in which there is a separate school board shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons who are separate school supporters with the amount for which each person has been rated upon the assessment roll. 1974, c. 109, s. 129.

Request for collection of separate school rates by the municipality

**133.—(1)** The council of a municipality, if so requested on or before the 1st day of February in any year by a separate school board having jurisdiction in the municipality, shall levy and collect upon the property rateable for separate school purposes in the municipality and within the jurisdiction of the board, the rates or taxes imposed thereon by the board, and such request shall be deemed to continue from year to year unless terminated by the board giving notice to the council on or before the 1st day of February in any year.

Expenses of collection

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board and the provisions of section 215 shall apply with necessary modifications to such rates and taxes. 1974, c. 109, s. 130.

Borrowing powers of separate school trustees

**134.—(1)** The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes.

Terms of payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Debentures

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by the *Municipal Act* in the case of debentures issued under that Act.

Maturity

R.S.O. 1980,  
c. 302

(5) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable.

Sinking fund

(6) The sum referred to in subsection (5) shall be deposited with a chartered bank or a trust company that is registered under the *Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in the *Municipal Act* for sinking funds, and subsections 146 (4) to (9) of the *Municipal Act* apply with necessary modifications except that reference therein to the Ministry of Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education.

Investment  
of fund

R.S.O. 1980,  
c. 249

(7) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,

Publication  
of notice of  
by-law

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

(8) The debentures issued under the by-law may be for such amounts as the board considers expedient. 1974, c. 109, s. 131.

Amounts

Share of legislative grants

**135.**—(1) Every separate school shall share in the legislative grants in like manner as a public school.

Right of separate schools to a share of municipal grants

(2) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils enrolled at the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils enrolled at school in the same city, town, village or township.

Apportionment

(3) Where the grant is made by a council of a county or a regional municipality it shall be apportioned in like manner as the legislative grant.

Not to share in public school assessment

(4) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. 1974, c. 109, s. 132.

*Visitors*

Separate school visitors

**136.** A parent or guardian of a child attending a separate school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman of the Roman Catholic Church may visit a separate school in his constituency or in the area where he has pastoral charge, as the case may be. 1974, c. 109, s. 133.

FORM 1

FORM OF INDEX BOOK

[Section 122 (1) ]

Names	Notices claiming exemption, when received	Remarks
Allen, John. . . . .	3rd February, 19..	Notice of withdrawal received 1st January, 19...
Ardagh, Joseph . . . .	3rd February, 19..	
Ashbridge, Robert..	3rd February, 19..	Disallowed by Assessment Review Court, 1st June, 19...

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

[Section 126 (1) ]

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*), pursuant to a resolution in that behalf of the directors, requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, (*here insert fraction of assessment so designated*) of the land and business or other assessments.

Given on behalf of the company (*here insert date*).

Secretary of the Company.

1974, c. 109, Form 2.

PART V

PROTESTANT SEPARATE SCHOOLS

137.—(1) Subject to subsection (3), five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Application to establish Protestant separate school

(2) Subject to subsection (3), the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Permission to establish

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics.

Restrictions on establishment

(4) A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. 1974, c. 109, s. 134.

Effective date

138.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a

Notice to be supporter, exemption from public school rates



Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal  
required

(2) The notice is not required to be renewed annually.

Certificate  
of notice

(3) Every clerk of a municipality, upon receiving the notice shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for  
wilful false  
statements  
in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates and in addition is guilty of an offence and liable to a fine of not more than \$100.

As to rates  
imposed  
before  
Protestant  
separate  
school  
established

(5) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the Protestant separate school. 1974, c. 109, s. 135.

Withdrawal  
of support

**139.** A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a Protestant separate school supporter. 1974, c. 109, s. 136.

Index book

**140.**—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the name of each Protestant who has declared himself to be a supporter of a Protestant separate school in the same manner with necessary modifications as is provided for the keeping of an index of each Roman Catholic who has declared himself to be a supporter of a Roman Catholic separate school.

Inspection

(2) The index book shall be open to inspection by any ratepayer.

Filing of  
notices

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 138 and 139.

(4) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. 1974, c. 109, s. 137.

Clerk to be guided by index book

141.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

Not to share in public school assessment

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. 1974, c. 109, s. 138.

Share of legislative grants

142.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the Ministry in such form and at such times as may be required by the Minister.

Reports

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. 1974, c. 109, s. 139.

Use of assessor's roll by board

143. Every person who is assessed as a Protestant separate school supporter and whose name appears on the list of voters of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees for the Protestant separate school board and on any school question having to do with the Protestant separate school or board. 1974, c. 109, s. 140.

Qualification of a voter

144.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school.

Qualification of a trustee

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part IV with respect to the election of trustees of Roman Catholic rural and urban separate schools apply with necessary modifications to the election of trustees of Protestant rural and urban separate school boards. 1974, c. 109, s. 141.

Election of trustees

**Corporate name of board**      **145.** The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the . . . . . ." (*inserting the name of the city, town, village or township*). 1974, c. 109, s. 142.

**Powers of board**      **146.** A Protestant separate school board has the same powers as a district school area board. 1974, c. 109, s. 143.

**Discontinuing board**      **147.** A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board is discontinued and may be re-established in the manner provided in section 137. 1974, c. 109, s. 144.

**Application of other sections**      **148.** Subsections 97 (3) and (4), subsection 98 (2), sections 123, 124 and 125 and clause 174 (1) (d) apply in respect of Protestant separate schools and Protestant separate school boards. 1974, c. 109, s. 145.

PART VI

BOARDS

*Duties and Powers*

- Duties of boards:**      **149.** Every board shall,
- appoint secretary-treasurer**      1. appoint a secretary and a treasurer or a secretary-treasurer who, in the case of a board of not more than five elected members, may be a member of the board;
  - security of treasurer**      2. take proper security from the treasurer or secretary-treasurer;
  - order payment of bills**      3. give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the regulations and by the board;
  - meetings**      4. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
  - head office**      5. establish and maintain a head office and notify the Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change;

6. provide instruction and adequate accommodation during each school year for the pupils who have a right to attend a school under the jurisdiction of the board; provide instruction and accommodation
7. before the 1st day of September, 1985, provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils in the English language or, where the pupil is enrolled in a school or class established under Part XI, the French language, as the case may be; special education programs and services
8. keep the school buildings and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board; repair property
9. make provision for insuring adequately the buildings and equipment of the board and for insuring the board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; insurance
10. ensure that every school under its charge is conducted in accordance with this Act and the regulations; conduct schools
11. keep open its schools during the whole period of the school year determined under the regulations, except where it is otherwise provided under this Act; school open
12. appoint for each school that it operates a principal and an adequate number of teachers, all of whom shall be qualified according to this Act and the regulations; appoint principal and teachers
13. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the textbooks that are required by the regulations to be purchased by the board; provide textbooks
14. where it furnishes transportation for pupils in a vehicle that is owned by the board, provide and carry with an insurer licensed under the *Insurance Act* for each such vehicle at least the amount of insurance that is required to be provided in respect of such a vehicle by the licensee of a school vehicle under the *Public Vehicles Act*; vehicle insurance  
R.S.O. 1980,  
cc. 218, 425

report  
children  
not  
enrolled

15. ascertain and report to the Ministry at least once in each year in the manner required by the Minister the names and ages of all children of compulsory school age within its jurisdiction who are not enrolled in any school or private school and the reasons therefor;

reports

16. transmit to the Minister all reports and returns required by this Act and the regulations;

statement of  
sick leave  
credits

17. issue to an employee, upon the termination of his employment with the board, a statement of the sick leave credits standing to his credit with the board at the time of such termination. 1974, c. 109, s. 146; 1976, c. 50, s. 21; 1980, c. 61, s. 17.

Powers of  
boards:

**150.**—(1) A board may,

committees

1. appoint such committees as it considers expedient;

appoint  
employees

2. subject to Part X, appoint and remove such officers and servants and, subject to Part IX, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, prescribe their duties and fix their salaries, except that in the case of a secretary of a board who is a member of the board, the board may pay only such compensation for his services as is approved by the electors at a meeting of the electors;

voluntary  
assistants

3. permit a principal to assign to a person who volunteers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment;

supervisors

4. appoint supervisors of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations;

psychiatrist  
or  
psychologist

5. appoint one or more,

- i. psychiatrists who are on the register of specialists in psychiatry of The Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario,

- ii. psychologists who are legally qualified medical practitioners or hold a certificate of registration under the *Psychologists Registration Act*; R.S.O. 1980, c. 404
6. determine the number and kind of schools to be established and maintained, and the attendance area for each school; schools and attendance areas
  7. provide instruction in courses of study that are prescribed or approved by the Minister, developed from curriculum guidelines issued by the Minister or approved by the board where the Minister permits the board to approve courses of study; 1974, c. 109, s. 147 (1), pars. 1-7. courses of study
  8. in lieu of purchasing a computer or system of computer programming, enter into an agreement for the use thereof by the board; 1976, c. 50, s. 22 (1). computer programming
  9. operate the school ground as a park or playground and rink during the school year or in vacation or both, and provide and maintain such equipment as it considers advisable, and provide such supervision as it considers proper, provided the proper conduct of the school is not interfered with; playgrounds, parks, rinks
  10. organize and carry on gymnasium classes in school buildings for pupils or others during the school year or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; gymnasiums
  11. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; milk
  12. provide school supplies, other than the textbooks that it is required to provide under paragraph 13 of section 149, for the use of pupils; provision of supplies, etc.
  13. establish and maintain school libraries and resource centres; libraries
  14. establish kindergartens and junior kindergartens; kindergartens, junior kindergartens
  15. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, litho- signatures mechanically reproduced

graphed, printed or otherwise mechanically reproduced on cheques;

membership  
fees and  
travelling  
expenses

16. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of an educational association and may make grants and pay membership fees to any such organization;

legal costs

17. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him,

i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or

ii. for assault in respect of disciplinary action taken in the course of duty;

invest funds

18. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under the *Trustee Act*; 1974, c. 109, s. 147 (1), pars. 9-18.

R.S.O. 1980,  
c. 512

idem

19. invest moneys not required immediately by the board in,

i. bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, or any other province of Canada,

ii. debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under the *Loan and Trust Corporations Act*,

R.S.O. 1980,  
c. 249

iii. term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

1980-81,  
c. 40 (Can.)

iv. promissory notes of a municipality as defined in the *Municipal Affairs Act*, and promissory notes of a metropolitan municipality, a regional municipality, the District Municipality of Muskoka and the County of Oxford, and

R.S.O. 1980,  
c. 303

- v. term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act*, R.S.O. 1980, c. 102

provided that the investments become due and payable by the day on which the moneys are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested; 1979, c. 99, s. 1.

20. notwithstanding any other Act, borrow, for any purpose for which the board has authority to spend money, any moneys in any fund established by the board that are not immediately required by the board for the purposes of such fund, but such borrowing shall not extend beyond the term of office of the members of the board and, where secondary school moneys are borrowed for public school purposes or public school moneys are borrowed for secondary school purposes, the board shall pay interest to the fund from which such moneys are borrowed at a rate not less than that being earned by the fund at the date of borrowing; <sup>borrowing from funds</sup>
21. subject to the provisions of this Act and the regulations, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice; <sup>student fees</sup>
22. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purpose; <sup>permit use of school and school buses</sup>
23. provide for surgical treatment of children attending the school who suffer from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical officer are employed, of the nurse and medical officer, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; <sup>surgical treatment</sup>
24. establish and maintain cadet corps; <sup>cadet corps</sup>



- athletics 25. provide for the promotion and encouragement of athletics and for the holding of school games;
- activities 26. provide, during the school year or at other times, activities and programs on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein;
- guidance 27. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement;
- public lectures 28. conduct free lectures open to the public and include in the estimates for the current year the expenses thereof;
- summer schools 29. establish summer schools for pupils;
- courses for teachers 30. establish and conduct during the school year courses for teachers;
- evening classes 31. establish evening classes;
- erect fences 32. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises;
- school fairs 33. contribute toward the support of school fairs;
- student activities 34. authorize such school activities as pertain to the welfare of the pupils and exercise jurisdiction in respect thereof;
- cafeteria 35. operate a cafeteria for the use of the staff and pupils;
- records management 36. institute a program of records management that will, subject to the regulations in respect of pupil records,
- i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by

the board to have enduring value or to be of historical interest, and

- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use;
37. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use; 1974, c. 109, s. 147 (1), pars. 20-37. education of children in charitable organizations
  38. with the approval of the Minister, employ and pay teachers to conduct an education program in a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act and in which the Ministry does not provide an education program and provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith; 1980, c. 61, s. 18. programs in detention homes
  39. provide for maternity leave for a teacher, not exceeding two years for each pregnancy; maternity leave
  40. establish, subject to the regulations, special education programs to provide special education services for children who require such services; special education
  41. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved; assumption of treatment centres, etc.
  42. where a recreation committee or a joint recreation committee has been appointed for territory without municipal organization within the jurisdiction of the board, exercise the powers and duties of a muni- recreation committees

cipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates and collecting taxes for such purposes on the rateable property supporting the board in such territory, and where such a joint recreation committee has been appointed, apportion the costs of such committee by agreement with the other board concerned;

agreement  
for provision  
and use of  
recreational  
facilities

43. with the approval of the Minister, enter into an agreement with a university, college of a university, or the board of governors of a polytechnical institute or of a college of applied arts and technology in respect of the provision, maintenance and use of educational or recreational facilities on the property of either of the parties to the agreement; 1974, c. 109, s. 147 (1), pars. 39-43.

election  
recounts  
R.S.O. 1980,  
c. 308

44. pass a resolution referred to in subsection 83 (2) of the *Municipal Elections Act*; 1974, c. 109, s. 147 (1), par. 44; 1978, c. 44, s. 25.

insurance

45. provide for insurance against risks that may involve pecuniary loss or liability on the part of the board, and for paying premiums therefor. 1976, c. 50, s. 22 (2).

Collection  
of rates in  
territory  
without  
municipal  
organization  
by action

(2) In addition to any other remedy possessed by a board in territory without municipal organization for the recovery of rates imposed under the authority of this Act, the board, with the approval of the Minister, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. 1974, c. 109, s. 147 (2).

Establish-  
ment of  
scholarships,  
etc.

**151.**—(1) Any person may, with the approval of the board concerned, establish scholarships, bursaries or prizes.

Idem

(2) A board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. 1974, c. 109, s. 148.

### *Vocational Courses*

Vocational  
courses

**152.**—(1) A secondary school board may provide vocational courses of study in one or more of its schools.

Courses of  
study

(2) Vocational courses of study may comprise,

- (a) full-time day courses of study;
- (b) part-time day courses of study; and
- (c) evening courses of study.

(3) A secondary school board may provide for the admission of a pupil to a vocational course and may determine the procedures for admission to such course. Admission procedures

(4) Where a principal of a school is satisfied that an adult is competent to receive instruction in a vocational course, the adult may, without regard to his school standing, be admitted to, Admission of adult

- (a) a special full-time day course of study;
- (b) a part-time day course of study; or
- (c) an evening course of study,

in the school. 1974, c. 109, s. 149.

**153.**—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....(inserting the name of the vocational course) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course. Advisory committee

(2) A secondary school board may pay to each person 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, but such allowance shall not exceed one-half of the amount determined under subsection 167 (1) based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board. 1974, c. 109, s. 150. Allowance

*Benefits*

**154.** A board may,

1. provide, by contract with an insurer licensed under the *Insurance Act*,
  - i. group accident insurance to indemnify a member of a board or of an advisory com-

Powers of board  
accident, etc., insurance  
R.S.O. 1980, c. 218

mittee appointed by a board or his estate against loss in case he is accidentally injured or killed, and

- ii. group public liability and property damage insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

while travelling on the business of the board or in the performance of his duties as a member of the board or of an advisory committee either within or outside the area over which the board has jurisdiction;

accident and public liability insurance re work-experience programs  
R.S.O. 1980, c. 218

2. where, in co-operation with business, industry or other enterprise, it provides for pupils training programs designed to supplement the courses given in its schools, provide, by contract with an insurer under the *Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a program and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a program;

insurance for pupils

3. provide, by contract with an insurer under the *Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians. 1974, c. 109, s. 151.

Insurance, hospital and health services  
R.S.O. 1980, c. 197

**155.**—(1) Subject to the *Health Insurance Act*, a board by resolution may provide,

R.S.O. 1980, c. 388

- (a) by contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

- (i) group life insurance for its employees or any class thereof,
- (ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and
- (iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees

or any class thereof and their spouses and children; and

(b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

(2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under the *Health Insurance Act*.

Contributions re insured services  
R.S.O. 1980, c. 197

(3) A board may retain a person who retires from employment with the board before he attains the age of sixty-five years in a group established for the purposes of a contract referred to in clause (1) (a) until he attains such age if he pays the full premium required to be paid to retain his participation in the contract. 1974, c. 109, s. 152.

Participation of retired person in contract

**156.**—(1) A board, by resolution, may provide pensions for employees or any class thereof under the *Ontario Municipal Employees Retirement System Act*.

Pensions  
R.S.O. 1980, c. 348

(2) Notwithstanding subsection (1), a board that makes contributions to an approved pension plan, as defined in subsection 117 (1) of the *Municipal Act*, may continue to provide pensions under such plan, and the said section 117 applies with necessary modifications.

Idem  
R.S.O. 1980, c. 302

(3) In this section, "employee" does not include a teacher or supervisory officer or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund.

Interpretation

(4) An employee of a divisional board who was a contributor or who was entitled to be a contributor under the *Ontario Municipal Employees Retirement System Act*, by reason of his employment with a former board on the 31st day of December, 1968, shall continue to be a contributor or to be entitled to be a contributor, as the case may be, and the divisional board shall assume in respect of such employee all the rights and obligations of the former board, but in respect of other employees, the divisional board, before such employees may participate under such Act, shall pass a resolution electing to become a participant under such Act, as required by the regulations made thereunder, and stating the effective date.

Employees of newly organized board

(5) A divisional board that is required to make the contribution of a former board to an approved pension

Assumption of board of rights and obligations of former board

R.S.O. 1980,  
c. 302

plan, as defined in section 117 of the *Municipal Act*, in respect of an employee who was a contributor to such approved pension plan on the 31st day of December, 1968, shall assume all the rights and obligations of such former board under the approved pension plan in respect of such employee.

Saving

R.S.O. 1950,  
cc. 165, 316,  
356

(6) Nothing in this section affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. 1974, c. 109, s. 153.

Retirement  
allowances

**157.—**(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who,

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under the *Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service.

R.S.O. 1980,  
c. 494

Widow or  
widower

(2) Where an employee,

(a) has been granted an annual retirement allowance under subsection (1) and subsequently dies; or

(b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection (1).

Interpre-  
tation

(3) In subsection (1), "pension payments" means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee.

(4) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who were in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956.

Limitation on application of section

(5) Nothing in this section affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*, 1974, c. 109, s. 154.

Idem

R.S.O. 1950, cc. 165, 316

**158.**—(1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Sick leave credits

(2) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection (5), place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board.

Allowing of credits on transfer of employment

(3) Notwithstanding subsection (2), where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the system of sick leave credit gratuities of the first-mentioned board.

Where transferred because of change in jurisdiction of board

(4) Where an employee of a municipality or a local board, as defined in the *Municipal Affairs Act*, except a school board, that has established a sick leave credit plan under any general or special Act, becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection (5), place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board.

Idem

R.S.O. 1980, c. 303



- Limitation** (5) The amount of sick leave credits placed to the credit of an employee under subsection (2) or (4) shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.
- Application of subss. (2, 4) where intervening employment** (6) Subsections (2) and (4) apply only where the transfer of employment from a school board to another school board or from a municipality or a local board to a school board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.
- Exception** (7) Notwithstanding subsection (6), intervening employment with the Ministry does not preclude the application of subsections (2) and (4).
- Applicability of sick leave credits** (8) Where an employee of a board that, before the 1st day of June, 1968, had established a sick leave credit plan became, on the 1st day of January, 1969, an employee of a divisional board or of a county or district combined separate school board, such board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board.
- Idem** (9) Nothing in this section affects any sick leave credit plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*. 1974, c. 109, s. 155.

R.S.O. 1950,  
cc. 165, 316,  
356

### *Agreements*

- Agreements to provide accommodation or services for another board** **159.**—(1) A board may, subject to subsection (2), enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,
- (a) accommodation and equipment for administrative purposes;
  - (b) accommodation and equipment for instructional purposes;
  - (c) the services of teachers and other personnel; or
  - (d) the transportation of pupils,

that the board by this Act is authorized or required to provide for its own pupils. 1974, c. 109, s. 156 (1); 1976, c. 50, s. 23.

(2) Where the construction of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection (1), the agreement shall make provision for the payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

Where building, additions, etc., required

(3) Where, under an agreement, the board that does not provide the additional accommodation is required to bear and pay the cost thereof, the additional accommodation shall, for the purposes of issuing debentures, be deemed to be a permanent improvement of such board.

Where cost borne by board not providing accommodation

(4) An agreement under this section may, notwithstanding the regulations, provide for the calculation and payment of fees in respect of pupils covered by the agreement. 1974, c. 109, s. 156 (2-4).

Fees, exception

**160.—(1)** In this section,

Interpretation

- (a) "board" includes The Metropolitan Toronto School Board;
- (b) "municipality" includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

(2) One or more boards and the council of a municipality or the councils of two or more municipalities may enter into an agreement,

Agreements for joint use of facilities, etc.

- (a) in respect of the use of existing facilities owned by one of such parties; or
- (b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

- (c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;

- (d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;
- (e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses (c) and (d) and the times when such costs shall be paid;
- (f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and
- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of  
Minister

(3) Where, pursuant to an agreement made under this section, a permanent improvement is required, it shall not be proceeded with until such plans and specifications therefor as are required by the Minister have been approved by the Minister.

Previous  
agreement

(4) This section does not affect an agreement entered into before the 23rd day of June, 1972,

R.S.O. 1980,  
c. 314

- (a) under subsection 145 (2) of the *Municipality of Metropolitan Toronto Act*; or
- (b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the 23rd day of June, 1972, an amendment to an agreement referred to in clause (a) or (b) or an agreement to which the said subsection 145 (2) applies may be made only in accordance with this section.

Facilities  
deemed  
community  
recreation  
centre

(5) Where an agreement under this section or an agreement referred to in subsection (4) between one or more boards and one or more municipalities provides for the use of existing facilities or for the establishment of facilities, such facilities or any of them that come within the definition of community recreation centre under the *Community Recreation Centres Act* may be considered by the Minister of Community and Social Services as a community recreation centre for the purposes of making grants under section 6 of that Act. 1974, c. 109, s. 157.

R.S.O. 1980,  
c. 80

**161.**—(1) A public school board may enter into an agreement with another public school board under which one public school board shall furnish education for pupils of the other upon payment by such other public school board on behalf of such pupils of fees calculated in accordance with the regulations.

Agreement  
between  
public  
school  
boards

(2) A separate school board may enter into an agreement with another separate school board under which one separate school board shall furnish education for pupils of the other upon payment by such other separate school board on behalf of such pupils of fees calculated in accordance with the regulations.

Agreement  
between  
separate  
school  
boards

(3) The board of an elementary school may provide for the admission of one or more of its pupils to a school for Indian children established, operated and maintained under the *Indian Act* (Canada), subject to the approval of the authority having control of such school, and the accommodation provided under such arrangement shall be in lieu of the accommodation that the board is required by this Act to provide for such pupils.

Admission  
of pupils  
to Indian  
schools

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

(4) The board of an elementary school may levy and collect upon the property rateable for the purposes of the board such sum as may be necessary to pay the fees of its pupils who attend schools for Indian children pursuant to subsection (3) and to pay for the transportation of such pupils to and from such schools as well as such other sums as the board considers expedient or as may be required by this Act.

Levy for  
fees, trans-  
portation,  
etc.

(5) Where a board has arranged under this section for the admission of all its pupils to a school or schools that the board does not operate, the board may close its schools for the period during which such arrangement or arrangements are in effect. 1974, c. 109, s. 158.

Closing of  
school by  
board

**162.** A public school board and a separate school board may enter into an agreement in respect of the provision of education in a public or separate school under the jurisdiction of either board for pupils of the other board in a course or courses that are not available in a school under the jurisdiction of the board requiring the provision of education or that are considered by such board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements  
for  
education  
of public  
and separate  
school pupils

- (a) the appropriate supervisory officer of the board providing education certifies that accommodation is available in such school for such pupils; and

- (b) the board requiring the provision of education pays for each such pupil a fee calculated in accordance with the regulations. 1974, c. 109, s. 159.

Secondary school agreements

**163.**—(1) The board of a secondary school district that is not a school division may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment in respect of such pupils of fees calculated in accordance with the regulations.

Agreements for education at outside schools

(2) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board and for the payment in respect of such pupils of fees calculated in accordance with the regulations. 1974, c. 109, s. 160.

Agreements re pupils in federal establishments

**164.** A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada. 1974, c. 109, s. 161.

Agreements re accommodation for Indian pupils

**165.**—(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be calculated in accordance with the regulations.

Idem

(2) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be calculated in accordance with the regulations, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto.

Cost of special services

(3) A board shall not enter into an agreement under subsection (1) or (2) that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in addition to the fees referred to in subsection (1) or (2), the cost of such services is payable by the Crown in right of Canada.

(4) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection (5), name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection (6), appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

Appointment  
of representa-  
tive of  
Indian pupils

(a) where the agreement or agreements under this section are in respect of secondary school pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect public schools exclusively; and

(b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect secondary schools exclusively.

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection (4), and subsection (4) applies with necessary modifications in respect of such persons.

Additional  
representa-  
tive

(6) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection (4) may be made at the discretion of the board.

Where  
appointment  
in discretion  
of board

(7) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections (5) and (6) shall be that of elementary school pupils only or secondary school pupils only, as the case may be.

Enrolment

(8) A member of the board appointed under subsection (4), (5) or (6) is in addition to the number of members of the board otherwise provided for in this Act and the term of office of such

Appointed  
members in  
addition to  
elected  
members

member terminates on the same date as the term of office of the elected members. 1974, c. 109, s. 162 (1-8).

Exception re  
subss. (4-8)

(9) Where a regulation made under clause 69 (2) (a) provides for the appointment of one or more members to represent on the board the interests of Indian pupils, subsections (4) to (8) do not apply. 1976, c. 50, s. 24 (1).

Vacancy  
in office

(10) Where the office of a member of a board appointed under this section becomes vacant for any reason, it shall be filled in accordance with subsection (4), and the person so appointed shall hold office for the remainder of the term of his predecessor. 1974, c. 109, s. 162 (9).

Representative  
of Indian  
pupils on  
Roman  
Catholic  
separate  
school board  
to be Roman  
Catholic

(11) Where a person is chosen by a board to represent the interests of Indian pupils on a Roman Catholic separate school board, such person shall be a Roman Catholic and of the full age of eighteen years. 1976, c. 50, s. 24 (2).

### *Transportation*

Transporta-  
tion of  
pupils

**166.**—(1) A board may provide for,

- (a) a resident pupil of the board who is enrolled in a school that the board operates or in a school operated by another board to which the board pays fees in respect of such pupil;
- (b) a pupil in respect of whom the Minister pays the cost of education under the regulations; and
- (c) a child over two years of age who may, under the regulations, be admitted to a program for hearing-handicapped children,

transportation to and from the school that the pupil attends and to and from an activity that is part of the program of such school. 1974, c. 109, s. 163 (1); 1976, c. 50, s. 25 (1).

Idem

(2) A board may provide for a person who is qualified to be a resident pupil of the board, transportation to and from the Ontario School for the Blind, an Ontario School for the Deaf, a demonstration school established by or operated under an agreement with the Minister for pupils with severe learning disabilities, a centre classified as a Group K hospital under the *Public Hospitals Act*, a facility designated under the *Developmental Services Act*, a psychiatric facility designated as such under the *Mental Health Act* and a children's mental health centre approved under the *Children's Mental Health Services Act*. 1980, c. 61, s. 19.

R.S.O. 1980,  
cc. 410, 118,  
262, 69

Idem

(3) A secondary school board may assist in the provision of transportation for children who are qualified to be resident

pupils of the board to and from a centre operated by a local association that is affiliated with the Ontario Association for the Mentally Retarded.

(4) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose. <sup>Purchase of bus</sup>

(5) Subject to subsection (6), for the purposes of this section, a board may make an agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils. <sup>Agreements</sup>

(6) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years for the transportation of such pupils. 1974, c. 109, s. 163 (3-6). <sup>Agreements not exceeding five years</sup>

(7) Where a pupil resides in a school section or separate school zone in a territorial district but not in a school division with his parent or guardian in a residence that is twenty-four kilometres or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1974, c. 109, s. 163 (7); 1976, c. 50, s. 25 (2); 1978, c. 87, s. 15 (7). <sup>Boarding of secondary school pupils residing in territorial district</sup>

(8) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a school division, with his parent or guardian in a residence that is twenty-four kilometres or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1974, c. 109, s. 163 (8); 1978, c. 87, s. 15 (8). <sup>Idem</sup>

(9) Where a pupil resides with his parent or guardian in a school division or a secondary school district in a residence that, <sup>Idem</sup>

(a) in a territorial district is twenty-four kilometres or more; or

(b) in a county is forty-eight kilometres or more,



by road or rail from a secondary school that he attends, or where a pupil resides with his parent or guardian on an island in a school division or a secondary school district the board of the school division or secondary school district of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1976, c. 50, s. 25 (3); 1978, c. 87, s. 15 (9):

Boarding and transportation of secondary school pupils in a territorial district taking "français" subject

(10) Where a secondary school pupil resides in a territorial district in a school division with his parent or guardian in a residence that is twenty-four kilometres or more by road or rail from a secondary school in which the subject of French, taught as a subject for students who normally speak the French language, is offered as one of the subjects of the courses of study, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, when not so provided by the secondary school board, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends, or may furnish transportation for such pupil in lieu thereof. 1974, c. 109, s. 163 (10); 1978, c. 87, s. 15 (10).

Boarding of elementary school pupils residing in territorial districts

(11) Where a pupil resides in a territorial district but not in a school section or a separate school zone, with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the appropriate supervisory officer of the elementary school nearest such residence, the board of the elementary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Boarding of elementary school pupils where transportation impracticable

(12) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and

return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

(13) For the purpose of certifying attendance under sub-sections (7) to (12), the principal may add to the number of days of attendance of a pupil the number of days the pupil is excused from attendance under the regulations or is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. 1974, c. 109, s. 163 (11-13). Certification of attendance

*Allowances*

**167.**—(1) A board may pay to each member of the board for each month an allowance not exceeding an amount based on the enrolment on the 30th day of September in the preceding year in all the schools which, on the 1st day of January of the current year, are operated by the board, as follows: Allowance for members

<u>Enrolment</u>	<u>Maximum Monthly Allowance</u>
Fewer than 2,000.....	\$100
2,000 or more but fewer than 10,000.....	200
10,000 or more but fewer than 40,000.....	400
40,000 or more.....	600

(2) A board may pay to its chairman, in addition to any allowance that may be paid to him as a member, an additional allowance not exceeding one-half of the allowance that may be paid to him as a member. 1974, c. 109, s. 164 (1, 2). Chairman, additional allowance

(3) In respect of travel of a member of the board to and from his residence to attend a meeting of the board, or a committee thereof, that is held within the area of jurisdiction of the board, the board may, Travel expenses to attend board meetings

- (a) reimburse the member for his expenses necessarily incurred therefor or such lesser amount as may be determined by the board; or
- (b) pay the member an allowance at a rate per kilometre determined by the board. 1974, c. 109, s. 164 (3); 1978, c. 87, s. 15 (11).

Expenses for authorized travel on board business

(4) A board may authorize a member, teacher or official of the board to travel on designated business of the board, and may reimburse the member, teacher or official for his actual expenses incurred on business of the board, or such lesser amount as may be determined by the board.

Deduction because of absence

(5) A board may provide for a deduction of a reasonable amount from the allowance of a member because of absence from regular or committee meetings of the board.

Advisory committee members

(6) Subsections (3), (4) and (5) apply with necessary modifications to members of a committee established by the board who are not members of the board. 1974, c. 109, s. 164 (4-6).

*Property*

School lands granted before 1850 vested in board for school purposes

**168.**—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in a public school board or a board of education having jurisdiction in the municipality in which the lands are situate, continue to be vested in such board, and continue to be held by it and its successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are respectively held.

Property in trust vested in board

(2) All property heretofore granted or devised to, acquired by or vested in any person or corporation,

(a) for the secondary school purposes of a secondary school district or any part thereof; or

(b) for the separate school purposes in a separate school zone,

is vested in the board having jurisdiction in the secondary school district or separate school zone, as the case may be. 1974, c. 109, s. 165.

Possession of property

**169.**—(1) A board may take possession of all property acquired or given for school purposes and hold and apply it according to the terms on which it was acquired or given.

Idem

(2) A separate school board has power to acquire and hold as a corporation, by any title whatsoever, land, movable

property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received.

(3) A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but, where public school property is appropriated for secondary school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for public school purposes and, where secondary school property is appropriated for public school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for secondary school purposes. 1974, c. 109, s. 166.

Appropriation of property

**170.**—(1) Lands originally granted or conveyed by the Crown for school purposes and held by a board may be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval.

Disposal of lands patented to boards for school purposes

(2) Where land, the use of which is restricted by deed in any manner to school purposes so as to appear that some other person may have an interest therein, has been vested in a board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it considers just including, where the land adjoins land being used as a farm, a requirement that the board shall, where the board intends to sell the land, first offer it at a reasonable price to the owner or owners of such adjoining land.

Application for removal of restrictions on use of school lands

(3) Subject to subsection (4), a board has power to sell, lease or otherwise dispose of any school site or part thereof or property of the board upon the adoption of a resolution that such site or part or property is not required for the purposes of the board, and the board shall apply the proceeds thereof for the purposes of the board and shall advise the Minister of the sale, conveyance or transfer, or of the lease where the term thereof exceeds one year, of any of its schools.

Lease or sale of site or property

(4) Notwithstanding any general or special Act, including *The Metropolitan Separate School Board Act, 1953*, a board shall not sell, lease or otherwise dispose of a building or part thereof other than to another board or demolish a building, unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

Disposal of buildings 1953, c. 119

Exceptions

(5) Subsection (4) does not apply,

(a) to the use of a building or part thereof pursuant to an agreement under section 160; or

(b) where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school. 1974, c. 109, s. 167.

Board may purchase or expropriate within its jurisdiction

**171.**—(1) Subject to the provisions of Part IV as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction.

Purchase or lease of site in adjoining jurisdiction

(2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school thereon, but the board shall not expropriate any such site.

Separate school board may purchase or expropriate within its designated area

(3) A county or district combined separate school board may acquire by purchase or lease, or may expropriate, a school site that is within the area designated in respect of such board by regulation made under subsection 105 (2) but that is not within the county or district combined separate school zone, for the purpose of operating a school thereon.

School outside designated area

(4) A county or district combined separate school board may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 105 (2) and may operate thereon a separate school, but a county or district combined separate school board shall not expropriate any such site.

Zone not established

(5) Notwithstanding section 80, the operation of a separate school on a school site acquired under subsection (4) does not, thereby, establish a separate school zone with a centre at such site.

Buildings on land owned by board

(6) Subject to section 172, a board may erect, add to or alter buildings for its purposes on land owned by the board.

Buildings on leased land

(7) A board may erect a school building on land that is leased by the board where the term of the lease, the school site and the plans of the school building are approved by the Minister.

(8) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease. 1974, c. 109, s. 168. <sup>Additions or alterations</sup>

**172.** Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purposes may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister. 1974, c. 109, s. 169. <sup>Agreement for multi-use building</sup>

### *Out-of-Classroom Programs*

**173.—(1)** A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities. <sup>Agreements between boards</sup>

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities. <sup>Acquisition of land for natural science programs</sup>

(3) All land acquired by a board under subsection (1) or (2), so long as it is held by the board and is not situated, <sup>Taxation</sup>

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection (2); or

(b) in the case of a separate school board, within the area designated in respect of such board by regulation made under subsection 105 (2),

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements  
with  
conservation  
authorities,  
etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.

Idem

(6) One or more boards may enter into an agreement with a conservation or other appropriate authority to provide for the construction, furnishing and equipping by the authority on lands owned by the authority of facilities for the purposes of conducting a natural science, conservation or other out-of-classroom program as directed by the board or one or more of the boards and, where under the agreement a board is required to pay all or part of the cost of the facilities, the construction of the facilities shall be first approved by the Minister, and the amount paid therefor by the board shall be deemed to be an expenditure made by the board for a permanent improvement.

Board and  
lodging for  
courses in  
conservation

(7) A board may provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he participates, with the consent of his parent or guardian and with the permission of the board, in a natural science, conservation or other out-of-classroom program. 1974, c. 109, s. 170.

### *Officers*

Duties of  
secretary

**174.**—(1) The secretary of a board is responsible for,

- (a) keeping a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board and ensuring that the minutes when confirmed are signed by the chairman or presiding member;
- (b) transmitting to the Ministry copies of reports requested by the Ministry;

- (c) giving notice of all meetings of the board to each of the members by notifying him personally or in writing or by sending a written notice to his residence;
- (d) calling a special meeting of the board on the request in writing of the majority of the members of the board; and
- (e) performing such other duties as may be required of him by the regulations, by this Act or by the board.

(2) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safekeeping as directed by the board. Security by officers

(3) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in the *Guarantee Companies Securities Act*. 1974, c. 109, s. 171 (1-3). Form of security  
R.S.O. 1980,  
c. 192

(4) If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts moneys of the board and any of such moneys are forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys, which may be recovered by the board or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. 1974, c. 109, s. 171 (4); 1976, c. 50, s. 26 (1). Failure to take security

(5) Every treasurer of a board shall, Duties of treasurer

- (a) receive and account for all moneys of the board;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board; and



(e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. 1974, c. 109, s. 171 (5); 1976, c. 50, s. 26 (2).

Business administrator

(6) Where a board determines that one or more persons should be employed full time to carry out the duties of a secretary or treasurer or both, it may appoint one or more business administrators and one or more assistant business administrators and may assign to a person so appointed any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings. 1974, c. 109, s. 171 (6).

Responsibility of officers

**175.** Every officer appointed by a board is responsible to the board through its chief executive officer for the performance of the duties assigned to him by the board. 1974, c. 109, s. 172.

*School Board Advisory Committees*

Interpretation

**176.** In sections 177 to 181, "committee" means a school board advisory committee established under section 177. 1974, c. 109, s. 173.

Committee establishment

**177.** A board of education, a county or district combined separate school board or the Metropolitan Separate School Board may establish a school board advisory committee. 1974, c. 109, s. 174.

Composition

**178.—**(1) The committee shall be composed of,

- (a) three members of the board appointed by the board;
- (b) the chief education officer of the board or his nominee;
- (c) six teachers employed by the board, appointed by the teachers in the employ of the board;
- (d) four persons appointed by the board who are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and
- (e) the persons appointed under subsections (2) and (3).

Separate school board

(2) In the case of a separate school board,

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations

of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

- (b) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (c) where no recommendation and appointment is made under clause (a), a recommendation and appointment of two persons may be made under clause (b) and, where no recommendation and appointment is made under clause (b), a recommendation and appointment of two persons may be made under clause (a).

(3) In the case of a board of education,

Board of  
education

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;
- (b) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council;
- (c) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (d) where no appointment is made under any two of clause (a), (b) or (c), two members may be appointed under the remaining clause. 1974, c. 109, s. 175 (1-3).

(4) The teachers shall submit to the board, not later than the 31st day of December in each year, the names of the appointees under clause (1) (c). 1974, c. 109, s. 175 (4); 1978, c. 44, s. 15 (1).

- Appointment and term of office** (5) Members of the committee shall be appointed on or before the 31st day of December in each year and shall hold office for one year. 1974, c. 109, s. 175 (5); 1978, c. 44, s. 15 (2).
- Reappointment** (6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.
- Vacancies** (7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection (1) and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member. 1974, c. 109, s. 175 (6, 7).
- First meeting** **179.**—(1) The chairman of the board shall call the first meeting of the committee not later than the 31st day of January in each year, and shall preside at such meeting until the chairman of the committee is elected. 1974, c. 109, s. 176 (1); 1978, c. 44, s. 16.
- Chairman** (2) The chairman of the committee shall be elected by the committee at its first meeting in each year.
- Quorum** (3) Eight members of the committee constitute a quorum and a vote of the majority of the members present is necessary to bind the committee.
- Sub-committees** (4) The committee may establish such sub-committees as it considers necessary. 1974, c. 109, s. 176 (2-4).
- Recording secretary** **180.**—(1) The board shall provide a recording secretary for the committee.
- Budget** (2) The committee shall, as required by the board, submit to the board for approval a budget of its estimated expenditures for the calendar year.
- Expenditures** (3) The board shall pay such expenditures of the committee as are approved by the board. 1974, c. 109, s. 177.
- Powers of committee** **181.**—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.
- Limitation** (2) Notwithstanding subsection (1), the committee shall not concern itself with salaries of employees of the board or with

matters pertaining to personnel problems and policies relating to personnel.

(3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board. 1974, c. 109, s. 178. Consideration of reports

*Special Education Advisory Committee*

**182.—**(1) In this section,

Interpre-  
tation

- (a) "board" means a divisional board of education, a county and district combined Roman Catholic separate school board, a board of education in The Municipality of Metropolitan Toronto, The Metropolitan Separate School Board and The Windsor Roman Catholic Separate School Board;
- (b) "committee" means a special education advisory committee;
- (c) "local association" means an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults.

(2) Every board shall, subject to subsection (6), establish a special educational advisory committee that shall consist of, Advisory committee

- (a) one representative from each of the local associations, not to exceed twelve, in the area of jurisdiction of the board, as nominated by the local association and appointed by the board;
- (b) where the board provides a French-language instructional unit as defined in clause 260 (c), one or more members who are French-speaking appointed by the board as representative of the French-speaking ratepayers or supporters of the board;
- (c) where the board provides English-language schools or classes under sections 258 and 272, one or more members who are English-speaking appointed by the board as

representative of the English-speaking ratepayers or supporters of the board; and

- (d) three members appointed by the board from among its members,

and, in addition to the members referred to in clauses (a), (b), (c) and (d), the board may appoint one or more additional members who are not representative of either a local association or the French-speaking community and are not members of the board or of a committee of the board.

Idem

(3) Each of the persons appointed under subsection (2) who are not members of the board shall have the qualifications required for members of the board that appointed them and shall hold office during the term of the members of the board and until the new board is organized.

Application of s. 206

(4) Section 206 applies with necessary modifications to a member of a committee established under subsection (2).

Members of committee

(5) One of the members of a committee appointed by a board of education under clause (2) (d) shall be a member of the board of education elected by separate school electors.

Local associations

(6) A board that establishes a committee under subsection (2) shall select as one of the local associations for the purposes of clause (2) (a) a local association as defined in clause 71 (1) (c).

Requirements for advisory committee

(7) An advisory committee on schools for trainable retarded pupils, established under subsection 74 (1), shall satisfy the requirements for a committee under this section where,

- (a) a representative from each of the local associations, not to exceed twelve, and none of which is a local association as defined in clause 71 (1) (c), is added to the advisory committee on schools for trainable retarded pupils;
- (b) the board appoints to the said advisory committee a person as referred to in clause (2) (b) or (c) where the board provides a French-language instructional unit as therein referred to; and
- (c) in the case of an advisory committee established by a divisional board of education, one of the members appointed under clause 74 (4) (b) is a member of such board elected by separate school electors,

and such advisory committee may make recommendations as provided in subsection (8).

(8) A committee established under subsection (2) may make recommendations to the board in respect of any matter affecting the establishment and development of special education programs and services in respect of exceptional pupils of the board. Recommendations

(9) Subsections 74 (7) and (8), section 75 and section 76 apply with necessary modifications to a committee established under subsection (2). Application of ss. 74 (7, 8), 75 and 76

(10) A district school area board, a Protestant separate school board, a combined separate school board and a rural separate school board shall appoint a committee consisting of two members appointed by the school board from among its members and two members appointed by the local associations in the area of jurisdiction of the school board, or where no such local association or associations have been established, two members appointed by the school board who are not members of such board. Members of committee

(11) For the purposes of subsections (2) and (7), where there are more than twelve local associations in the area of jurisdiction of the board, the board shall select the twelve local associations that shall be represented. 1980, c. 61, s. 20. Selection by board

### *Access to Meetings and Records*

**183.**—(1) The meetings of a board and meetings of a committee of the board, including a committee of the whole board, shall be open to the public except where a board determines that certain meetings of a committee of the board, including a committee of the whole board, shall not 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

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. Exclusion of persons

(3) Any person may, at all reasonable hours, at the head office of the board inspect the minute book, the audited annual financial report and the current accounts of a board, and, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, the secretary shall furnish copies of them or extracts therefrom certified under his hand. 1974, c. 109, s. 179. Inspection of books and accounts

*Board Meetings*

When board  
deemed  
constituted

**184.**—(1) A board shall be deemed to be constituted when a majority of the members to be elected or appointed has been elected or appointed. 1974, c. 109, s. 180 (1).

First  
meeting  
R.S.O. 1980,  
c. 308

(2) A board that is elected at a regular election under the *Municipal Elections Act* and a board that is appointed or elected other than at a regular election under the *Municipal Elections Act* shall hold its first meeting not later than seven days after the day on which the term of office of the board commences on such date and at such time and place as the board determines and, failing such determination, at 8 p.m. at the head office of the board on the first Wednesday following the commencement of the term of office. 1978, c. 44, s. 17 (1).

Supervisory  
officer may  
provide for  
calling first  
meeting

(3) Notwithstanding subsection (2), on the petition of a majority of the members of a newly elected or appointed board, the appropriate supervisory officer may provide for calling the first meeting of the board at some other time and date. 1974, c. 109, s. 180 (3).

Presiding  
officer

(4) At the first meeting in December of each year, the chief executive officer shall preside until the election of the chairman or, if there is no chief executive officer or in his absence, the members present shall designate who shall preside at the election of the chairman and if a member of the board is so designated, he may vote at the election of the chairman. 1974, c. 109, s. 180 (4); 1978, c. 44, s. 17 (2).

Election of  
chairman

(5) At the first meeting in December of each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. 1974, c. 109, s. 180 (5); 1978, c. 44, s. 17 (3).

Subsequent  
meetings

(6) Subsequent meetings of the board shall be held at such time and place as the board considers expedient.

Vice-  
chairman

(7) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman.

Where  
equality of  
votes

(8) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be.

(9) If at any meeting there is no chairman or vice-chairman present, the members present may elect one of themselves to be chairman for that meeting. <sup>Temporary chairman</sup>

(10) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. <sup>Temporary secretary</sup>

(11) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum. <sup>Quorum</sup>

(12) Subject to subsection 55 (4), the presiding officer, except where he is the chief executive officer of the board and is not a member, may vote with the other members of the board upon all motions, and any motion on which there is an equality of votes is lost. <sup>Chairman, voting; equality of votes</sup>

(13) Special meetings of the board may be called by the chairman and in such other manner as the board may determine. 1974, c. 109, s. 180 (6-13). <sup>Special meetings</sup>

**185.**—(1) Except as provided in subsection (2), every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, or on or before the day of the first meeting that he attends, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned: <sup>Declaration</sup>

DECLARATION

I,.....<sup>A.B.</sup>....., do solemnly declare that:

- 1. I am not disqualified under any Act from being a member of (*name of board*).
- 2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at  
.....in the  
County or District of  
.....this  
.....day of  
....., 19..

A.B.



Idem

(2) Where a person is elected or appointed to fill a vacancy on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment or on or before the day of the first meeting that he attends and in default he shall be deemed to have resigned.

Oath of allegiance

(3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I,.....*A.B.*....., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at  
.....in the  
County or District of  
.....this  
.....day of  
....., 19.. } *A.B.*

Filing of declaration and oath

(4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be. 1974, c. 109, s. 181.

*Arbitrators*

Arbitrators to send copy of award to board, etc.

**186.**—(1) Arbitrators acting under this Act shall send a copy of their award forthwith after the making thereof to the chief executive officer of the board and to the clerk of each municipality affected.

Liability of parties for costs

(2) Such arbitrators shall determine the costs of the arbitration and shall direct to whom and by whom and in what manner such costs or any part thereof, and the fees under subsection (4), shall be paid, and such determination and direction is final. 1974, c. 109, s. 182 (1, 2).

Expenses

(3) An arbitrator is entitled to an allowance of 10 cents for each kilometre necessarily travelled by him to and from his residence to attend meetings of arbitrators together with his actual expenses for room and meals, incurred while attending such meetings, and such costs shall be included in the costs of the arbitration. 1974, c. 109, s. 182 (3); 1978, c. 87, s. 15 (12).

Fees

(4) Each arbitrator, shall be paid a fee,

(a) in the case of the Ontario Municipal Board, as determined by the Board;

(b) in the case of an arbitrator other than a supervisory officer, judge or member of the Ontario Municipal Board, at the rate of \$20 for each sitting of a half-day or fraction thereof.

(5) This section does not apply to a Board of Reference or <sup>Application</sup> the members thereof.

(6) This section, except subsection (4), applies to treasurers <sup>Application to treasurers</sup> of municipalities who meet to arbitrate the apportionment of costs within a school division. 1974, c. 109, s. 182 (4-6).

### *Offences and Penalties*

**187.** Every person who wilfully makes a false statement in a <sup>False declaration</sup> declaration required to be made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1974, c. 109, s. 183.

**188.**—(1) Every person who wilfully interrupts or disquiets <sup>Disturbances</sup> the proceedings of a school or class is guilty of an offence and on conviction is liable to a fine of not more than \$100.

(2) Every person who, with intent to prevent the discussion of <sup>Idem</sup> any matter or the passing of any motion at a meeting of a board, or a committee of a board including a committee of the whole board disrupts or endeavours to disturb or interrupt the meeting after having been expelled or excluded from the meeting is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1974, c. 109, s. 184.

**189.**—(1) Every member of a board who sits or votes at any <sup>Acting while disqualified</sup> meeting of the board after becoming disqualified from sitting is guilty of an offence and on conviction is liable to a fine of not more than \$100 for every meeting at which he so sits or votes.

(2) Every member of a board who knowingly signs a false <sup>False reports and registers</sup> report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1974, c. 109, s. 185.

**190.** Every member of a board and every officer thereof who, <sup>Information to auditors</sup>

(a) withholds from the auditor access, at all reasonable hours, to the books, records, documents and vouchers of the board; or

(b) refuses or neglects to provide such information and explanations as the auditor may require,

is guilty of an offence and on conviction is liable to a fine of not more than \$100, but no person is liable if he proves that he has made reasonable efforts to procure the furnishing of the papers or information. 1974, c. 109, s. 186.

Delivery up  
of books and  
money

**191.**—(1) A person who holds or has held the office of treasurer, secretary or secretary-treasurer, and a member or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, member or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons for  
appearance

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, member or person to appear before him at a time and place appointed by him.

Service of  
summons

(3) A bailiff of a small claims court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a person apparently not under the age of sixteen years.

Order to  
account

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Other remedy  
not affected

(5) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. 1974, c. 109, s. 187.

Compelling  
delivery of  
books, money,  
etc., on  
dissolution  
of school  
board

**192.**—(1) Section 191 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money as provided in this Act and failing any such provision, as directed by the Minister, and in default thereof, proceedings may be taken against the person by two ratepayers in the same manner as in the case provided for by section 191 and that section applies with necessary modifications.

(2) Subsection (1) applies to every person who has received from such secretary, treasurer, member or other person any book, paper, chattel or money, which by subsection (1) it is declared to be the duty of such secretary, treasurer, member or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. 1974, c. 109, s. 188.

Application of subs. (1)

**193.**—(1) No teacher, supervisory officer or other employee of a board or of the Ministry shall, for compensation of any kind other than his salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein.

Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited

(2) Subsection (1) does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he is an author where the only compensation that he receives in respect thereof is a fee or royalty thereon.

Exception for authors

(3) No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of a board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose.

Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited

(4) Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$500. 1974, c. 109, s. 189.

Penalty

*Validity of Elections*

**194.**—(1) Any person entitled to vote at the election of members of a board may commence an action by writ in the county or district court in the county or district in which the head office of the board is situate for a declaration that the office of a member of such board has become vacant under section 115, 185, 196, 197 or 206.

Action for declaration that seat vacant

(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the board came to the knowledge of the person bringing such action.

Time for bringing action

(3) Where in an action under this section the court finds that the office of a member of the board has become vacant,

Power of court

the court may order that the member be removed from office and declare that the office is vacant. 1974, c. 109, s. 190 (1-3).

Application of  
R.S.O. 1980,  
c. 308

(4) The provisions of sections 107 to 110 and 114 of the *Municipal Elections Act* apply with necessary modifications to an action brought under this section. 1974, c. 109, s. 190 (4); 1978, c. 44, s. 18 (1).

Joining of  
claims  
R.S.O. 1980,  
c. 308

(5) A claim in an action under this section may be joined with a claim in an action under section 106 of the *Municipal Elections Act*, and such claim may be heard and disposed of in the same action. 1974, c. 109, s. 190 (5); 1978, c. 44, s. 18 (2).

Validity of  
elections  
and corrupt  
practices

(6) The provisions of the *Municipal Elections Act* in respect of the validity of elections and corrupt practices apply to an election of trustees that is not conducted under the *Municipal Elections Act*. 1974, c. 109, s. 190 (6); 1978, c. 44, s. 25.

## PART VII

### BOARD MEMBERS—QUALIFICATIONS, RESIGNATIONS AND VACANCIES

Employee  
disqualified

**195.** An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote thereon. 1974, c. 109, s. 191.

Qualifications  
of members

**196.**—(1) A person is qualified to be elected as a member of a board if he is,

- (a) a Canadian citizen;
- (b) of the full age of eighteen years;
- (c) a resident within the area of jurisdiction of the board; and
- (d) in the case of,
  - (i) a public school board, a public school elector,
  - (ii) a Roman Catholic separate school board, a separate school elector,
  - (iii) a member of a board of education to be elected by public school electors, a public school elector, and
  - (iv) a member of a board of education to be elected by separate school electors, a separate school elector.

(2) A member of a board is eligible for re-election if otherwise qualified. 1974, c. 109, s. 192 (1, 2). Members eligible for re-election

(3) A person is not qualified to be elected or to act as a member of a board, Disqualification

(a) who is,

(i) a member of any other board, or

(ii) a member of the council or an elected member of a local board as defined in the *Municipal Affairs Act*, of a municipality, including a metropolitan or regional municipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board, R.S.O. 1980, c. 303

and whose term of office has at least two months to run after the last day for filing nominations for a new election unless before the closing of nominations he has filed his resignation with the secretary of the other board or with the clerk of the municipality, as the case may be;

(b) who is the clerk or treasurer or deputy clerk or deputy treasurer of a county or municipality, including a metropolitan or regional municipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board;

(c) who is a member of the Assembly or of the Senate or House of Commons of Canada; or

(d) who is otherwise ineligible or disqualified under this or any other Act. 1974, c. 109, s. 192 (3); 1976, c. 50, s. 27.

(4) A person is qualified to act as a member of a board during the term for which he was elected so long as he continues to hold the qualifications required for election as a member of the board and does not become disqualified under subsection (3). Qualification to act as member

(5) No person shall qualify himself as a candidate for more than one seat on a board, and any person who so qualifies himself and is elected to hold one or more seats on the board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. 1974, c. 109, s. 192 (4, 5). Person not to be candidate for more than one seat

**197.—(1)** The members of a board shall remain in office until their successors are elected and the new board is organized. Members to remain in office

Board not to  
cease for  
want of  
members

(2) A board does not cease to exist by reason only of the lack of members.

Resignation  
of members

(3) A member of a board, with the consent of a majority of the members present at a meeting, entered upon the minutes of it, may resign as a member, but he shall not vote on a motion as to his own resignation and may not resign as a member if his resignation will reduce the number of members of the board to less than a quorum. 1974, c. 109, s. 193 (1-3).

Resignation  
to become  
candidate  
for some  
other office

(4) Notwithstanding subsection (3), where it is necessary for a member of a board to resign to become a candidate for some other office, he may resign by filing his resignation, including a statement that he is resigning for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on the 30th day of November after it is so filed or the day preceding the day upon which the term of such office commences, whichever is the earlier. 1974, c. 109, s. 193 (4); 1978, c. 44, s. 19.

Vacancies on  
public and  
secondary  
school  
boards

**198.**—(1) Subject to section 202, where, in respect of a board, the office of a member elected by public school electors, except a board composed of three members, becomes vacant from any cause before the expiration of the term for which he was elected and,

- (a) the remaining members elected by public school electors constitute a majority of the members of the board elected by public school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or
- (b) there are no remaining members elected by public school electors or the remaining members elected by public school electors do not constitute a majority of the members elected by public school electors, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor.

Vacancy in  
office of  
member  
elected by  
separate  
school  
electors

(2) Subject to section 202, where, in respect of a board of education, the office of a member elected by separate school electors becomes vacant from any cause before the expiration of the term for which he was elected, and,

- (a) the remaining members elected by separate school electors constitute a majority of the members elected by separate school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or

(b) there are no remaining members elected by separate school electors or the remaining members elected by separate school electors are not a majority of the members elected by separate school electors, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below the third year of the Intermediate Division who resided in the school division, as certified by the appropriate supervisory officer,

and the person so appointed shall hold office for the remainder of the term of his predecessor.

(3) Subject to section 202 and notwithstanding subsection (2), where the offices of all members of a board of education become vacant from any cause, a new election shall be held to fill all such vacancies, and the members so elected shall hold office for the remainder of the term of their predecessors. 1974, c. 109, s. 194 (1-3). All offices vacant

(4) Notwithstanding subsections (1) to (3) and section 200, where the elections of a board are held under the *Municipal Elections Act*, and a vacancy occurs on the board on or before the 31st day of March of an election year, the board may, by resolution, require that an election be held to fill the vacancy, in which case the secretary of the board shall forthwith send to the clerk of the appropriate municipality a certified copy of the resolution, and the provisions of that Act that pertain to an election to fill a vacancy apply. 1978, c. 44, s. 20. Where election held to fill a vacancy  
R.S.O. 1980, c. 308

**199.**—(1) Where a vacancy occurs from any cause in the office of a member of a district school area board composed of only three members, the remaining members shall forthwith hold a new election to fill the vacancy in the manner provided for holding the election of the board, and the person elected shall hold office for the remainder of the term of his predecessor. Vacancies on board of district school area

(2) If at any time there are no remaining members, or only one remaining member, of the board of a district school area, any two electors of the district school area, or the appropriate supervisory officer, by giving six days notice posted up in at least three public places in the district school area, may call a meeting of the electors who shall elect three or two members, as the case may be, in the manner provided in subsection (1). 1974, c. 109, s. 195. Where one trustee or no trustee

**200.** Subject to section 202, where the office of a trustee of a separate school board, other than a rural separate school board, becomes vacant from any cause before the expiration of the term for which he was elected and, Vacancy on separate school board other than rural



- (a) the remaining members constitute a majority of the membership of the board, a majority of the remaining members shall, at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or
- (b) there are no remaining members or the remaining members do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor. 1974, c. 109, s. 196.

Vacancy on rural separate school board

**201.**—(1) Where a vacancy occurs from any cause in the office of a trustee,

- (a) of a rural separate school before the trustees become a body corporate; or
- (b) of a rural separate school board,

the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the remainder of the term of his predecessor.

Proceedings at new election

(2) The new election shall be conducted in the same manner and is subject to the same provisions as for an election of the whole board. 1974, c. 109, s. 197.

Vacancy on board

**202.** Where a vacancy occurs on a board,

- (a) within one month before the next ensuing election, it shall not be filled; or
- (b) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. 1974, c. 109, s. 198.

Election to fill vacancy

R.S.O. 1980, c. 308

**203.** Where an election is required to fill a vacancy on a board that is composed of more than three members and whose elections are not conducted under the *Municipal Elections Act*, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. 1974, c. 109, s. 199; 1978, c. 44, s. 21.

**204.** Where the appropriate supervisory officer reports that no persons duly qualified are available or that the electors have failed to elect members of a district school area board, the Minister may appoint as members of the board such persons as he may consider proper, and the persons so appointed have, during the term of such appointment, all the authority of a board as though they were eligible and duly elected according to this Act. 1974, c. 109, s. 200.

Appointment of trustees on failure of qualified person

**205.** When, at a regular meeting of a board or at a special meeting called to fill a vacancy or vacancies on a district school area board, two or more candidates for office receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected. 1974, c. 109, s. 201.

When tie vote for vacancy on board

**206.**—(1) If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board, or ceases to hold the qualifications required to act as a member of the board or becomes disqualified under subsection 196 (3), he thereby vacates his seat, and the provisions of this Act with respect to the filling of vacancies apply.

Seat vacated by conviction

(2) Notwithstanding subsection (1), where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. 1974, c. 109, s. 202.

Proviso

## PART VIII

### FINANCE

**207.**—(1) Every board shall appoint an auditor who shall be a person licensed by the Ministry of Intergovernmental Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the board.

Appointment and dismissal of auditor

(2) No person shall be appointed as an auditor of a board who is or during the preceding year was a member of the board or who has or during the preceding year had any

Disqualification of auditor

direct or indirect interest in any contract or any employment with the board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

**Duties of auditor**

(3) An auditor of a board shall perform such duties as are prescribed by the Minister and by the Minister of Intergovernmental Affairs and also such duties as may be required by the board that do not conflict with the duties prescribed by the Minister and by the Minister of Intergovernmental Affairs.

**Rights of auditor**

(4) An auditor of a board has the right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the board and is entitled to require from the members and officers of the board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

**Auditor may take evidence**

R.S.O. 1980, c. 411

(5) An auditor of a board may require any person to give evidence on oath touching on any such matters, and for such purpose has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

**Auditor may attend meetings**

(6) An auditor of a board is entitled to attend any meeting of the board or of a committee thereof and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

**Publication of financial statements**

(7) The treasurer of every board in every year shall, within one month after receiving the auditor's report on the financial statements of the board, cause to be published or to be mailed or delivered to each ratepayer a copy of the financial statements of the board for the preceding year in such form as the Minister may prescribe, together with a copy of the report of the auditor.

**Idem**

(8) Where in any year a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection (7) cause to be included with such notice the copy or summary and the report.

**Filing of financial statements**

(9) The treasurer of every board in every year shall prepare the financial statements of the board and, upon receiving the auditor's report thereon, shall forthwith submit two copies

of the financial statements together with a copy of the auditor's report to the Ministry. 1974, c. 109, s. 203 (2-10).

**208.**—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in the *Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under the *Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively.

Debentures

R.S.O. 1980,  
c. 308

(2) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board.

Temporary  
advances  
pending sale  
of debentures

(3) The clerk-treasurer or treasurer of each county and municipality in which a divisional board has jurisdiction shall notify the treasurer of the divisional board before the 1st day of January in each year of the amount of the principal and interest due and payable in that year in respect of debentures issued for school purposes by such county or municipality and the dates on which payments are due.

Notification  
of debt  
charges

(4) The treasurer of the divisional board shall pay to every county and municipality on or before the due date of payment the amount of the principal and interest as notified under subsection (3).

Payment of  
debt charges  
for  
debentures  
not issued  
by the  
board

(5) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board.

Withholding  
from  
debenture  
levy

(6) Where the debt charges payable by a municipality referred to in subsection (5) on behalf of a board are more than the amount levied by the municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable. 1974, c. 109, s. 204.

Deficiency  
payable by  
board

**209.**—(1) Every divisional board in each year shall pre- pare and adopt estimates of all sums required during the year

Estimates

for public school purposes and for secondary school purposes respectively, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board including debt charges payable by the divisional board or on its behalf by the council of a municipality or a county;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 34 of subsection 1 (1) and any sum allocated to a reserve fund do not exceed,
  - (i) for secondary school purposes, an amount that would increase the sum that would be required to be raised by levy for secondary school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and
  - (ii) for public school purposes, an amount that would increase the sum that would be required to be raised by levy for public school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided,

and shall submit to the council of each municipality all or part of which is in the school division on or before the 1st day of March in each year a statement indicating the amount of the estimates for public school purposes and for secondary

school purposes to be raised by each council and a requisition of the amount of the estimates for public school purposes and for secondary school purposes required to be raised by the council in respect of the municipality or part thereof. 1974, c. 109, s. 205 (1); 1979, c. 99, s. 2.

(2) In subsection (1), "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the estimates are adopted as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. 1974, c. 109, s. 205 (2). Interpretation

(3) The cost of operation of schools for trainable retarded children shall be included in the estimates of the divisional board for secondary school purposes under subsection (1) for, Cost to be included in estimates

(a) where there is no designation by the Lieutenant Governor in Council under clause (b), the years 1981, 1982, 1983 and 1984 and commencing with the year 1985 and for each subsequent year thereafter such cost of operation shall be included in the estimates for public school purposes under subsection (1); or

(b) where there is a designation by the Lieutenant Governor in Council, the year 1981 and such year or years as may be designated by the Lieutenant Governor in Council and commencing with the year designated by the Lieutenant Governor in Council and for each subsequent year thereafter such cost of operation shall be included in the estimates for public school purposes under subsection (1). 1974, c. 109, s. 205 (3); 1980, c. 61, s. 21.

(4) The limitation on the sum that a board may allocate to a reserve fund under clause (1) (d) does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements. Reserve fund limitation exception

(5) The limitation on the sum that a board may include in its estimates for permanent improvements under clause (1) (d) does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements or to an expenditure from a reserve fund for the purpose for which such fund was established or to the portion of an expenditure for a permanent improvement receivable by way of a grant under section 9 of the *Community Recreation Centres Act* or receivable from a municipality pursuant to an agreement under section 160. Idem  
R.S.O. 1980,  
c. 80

(6) The moneys raised for, or held in, a reserve fund by a board shall not be expended, pledged or applied to any purpose other Expenditure of reserve fund moneys

R.S.O. 1980,  
c. 302

than that for which the fund was established without the approval of the Minister and subsection 165 (4) of the *Municipal Act* does not apply to such moneys.

Where  
estimates  
submitted  
after  
March 1st

(7) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection (1) to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 215 (1) to levy and collect the amount required by the divisional board.

Where cost  
of separate  
levy payable  
by divisional  
board

(8) Where, in any year, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection (1) after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

Requirement  
re estimates  
R.S.O. 1980,  
c. 302

(9) Subsection 164 (5) of the *Municipal Act* does not apply to divisional boards.

Application  
to board of  
education  
R.S.O. 1980,  
c. 314

(10) Except where inconsistent with the provisions of the *Municipality of Metropolitan Toronto Act*, this section applies, with necessary modifications, to a board of education for an area municipality under such Act.

Application  
to public  
school board

(11) The provisions of this section that apply in respect of the public school purposes of a divisional board apply to a public school board.

Application  
to secondary  
school board

(12) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply to a secondary school board. 1974, c. 109, s. 205 (4-12).

Limitation

**210.**—(1) This section does not apply to The Metropolitan Toronto School Board or to a board of education in The Municipality of Metropolitan Toronto.

Moneys raised  
locally not  
spent for  
salaries  
because of  
strike or  
lock-out to  
be used to  
reduce taxes

(2) Where, in any year, any moneys that were provided in the estimates of a board for payment of salaries and wages of teachers and other employees in relation to employment in that year are not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them, an amount of money calculated in accordance with the regulations shall in that year be placed in a reserve, and the estimates of the board for the next following year shall make due allowance for the amount in the reserve to reduce the sum that would otherwise be required for such following year for public, secondary or separate school purposes, as the case may be.

(3) When in any year a board submits to a municipality a requisition of the amount of the board's estimates for public or secondary school purposes to be raised by that municipality or the rates required for separate school purposes in that municipality, the board shall also submit a statement setting out,

Statement

- (a) the amount of money placed in a reserve for which due allowance is made under subsection (2) in that year;
- (b) where estimates of the board for that year exclude an amount of money that would normally be paid as salaries and wages of teachers and other employees and that was not paid in that year because of a strike or lock-out of such teachers and other employees, or any of them, that occurred prior to the adoption of the estimates in that year, the amount of money calculated in accordance with the regulations; and
- (c) the portion of the amounts set out pursuant to clauses (a) and (b) that is applied to reduce the sum required for that year to be raised by that municipality for public, secondary or separate school purposes, as the case may be.

(4) A collector of a municipality to which subsection (3) applies shall send with the notice of taxes to each ratepayer affected in that municipality a notice showing the amount of money applied to reduce the sum required to be raised in that municipality for public, secondary or separate school purposes and the effect of such reduction upon the mill rate.

Notice

(5) Where the collector of a municipality is required to send notices under subsection (4), the municipality shall be reimbursed by the board for the reasonable expenses incurred by that municipality for preparing and printing such notices.

Cost of preparing notices

(6) In the case of,

Board providing statements

- (a) each locality or part of territory without municipal organization that is within the area of jurisdiction of a board; and
- (b) a separate school board that appoints a collector under section 128,

the board shall provide the statements referred to in subsection (3) to the officer of the board who performs in the locality or part of territory without municipal organization the duties of a collector in a municipality, or to the collector appointed by the separate school board, as the case may be, and subsection (4) applies with necessary modifications to such officer or collector in respect of the municipality, locality, territory without municipal organization,



or part thereof, in which he collects taxes or rates. 1976, c. 50, s. 29, *part.*

Interpre-  
tation

**211.**—(1) For the purposes of this section,

R.S.O. 1980,  
c. 314

(a) “area municipality” means an area municipality as defined in the *Municipality of Metropolitan Toronto Act*;

(b) “board” means a board of education of an area municipality;

(c) “Metropolitan Council” means the council of The Municipality of Metropolitan Toronto;

(d) “School Board” means The Metropolitan Toronto School Board.

Moneys  
raised not  
spent for  
salaries  
because of  
strike or  
lock-out to  
be used to  
reduce taxes

(2) Where, in any year, any moneys that were provided in the estimates of the School Board for payment of salaries and wages of teachers and other employees in relation to employment in that year by a board or the School Board are not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them, an amount of money calculated in accordance with the regulations shall in that year be placed in a reserve by the School Board, and the estimates of the School Board for the next following year shall make due allowance for the amount in the reserve to reduce the sum that would otherwise be required for such following year by the School Board for public or secondary school purposes, as the case may be.

Information

(3) Each board shall provide to the School Board, at the time required by the School Board, such information as the School Board may require for the purposes of subsection (2).

Adjustment  
of monthly  
instalments

(4) Where in any year the School Board has, by reason of the information given by a board pursuant to subsection (3), placed an amount of money in a reserve under subsection (2), it shall thereafter adjust in the manner determined by the School Board, one or more of the monthly instalments payable to such board in that year under subsection 131 (2) of the *Municipality of Metropolitan Toronto Act* so that the amount paid to the board for that year is reduced by the amount placed in the reserve.

Statement

(5) When in any year the School Board submits to the Metropolitan Council its estimates for public and secondary school purposes, the School Board shall also submit statements setting out for public and for secondary school purposes,

(a) the amount of money placed in a reserve for which due allowance is made under subsection (2) in that year; and

(b) where estimates of the School Board for that year exclude an amount of money that would normally be paid as salaries and wages of teachers and other employees of a board or the School Board and that was not paid in that year because of a strike or lock-out of such teachers and other employees, or any of them, that occurred prior to the adoption of the estimates in that year, the amount of money calculated in accordance with the regulations.

(6) The Metropolitan Council, when it levies against an <sup>Idem</sup> area municipality the amount that it apportions for public school purposes and for secondary school purposes to such area municipality, shall submit a statement setting out the portions of the amounts referred to in clauses (5) (a) and (b) that are applied to reduce the sum required to be raised by the area municipality for public or secondary school purposes, as the case may be.

(7) The collector of each area municipality shall send <sup>Notice</sup> with the notice of taxes to each ratepayer affected in that area municipality a notice showing the amount of money applied to reduce the sum required to be raised in that area municipality for public or secondary school purposes and the effect of such reduction upon the mill rate.

(8) Where the collector of an area municipality is required to send notices under subsection (7) in respect of a statement <sup>Cost of notice</sup> received from the Metropolitan Council under subsection (6), The Municipality of Metropolitan Toronto shall reimburse the area municipality for the reasonable expenses incurred by that area municipality for preparing and printing such notices, and The Municipality of Metropolitan Toronto shall deduct the total amount of such reimbursements from the sums payable to the School Board under subsection 131 (1) of the *Municipality of Metropolitan Toronto Act*. 1976, c. 50, s. 29, <sup>R.S.O. 1980, c. 314</sup> *part.*

**212.** The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations, that may be <sup>Regulations</sup> of general or particular application, providing for the calculation of the amounts of money,

(a) to be placed in a reserve under subsection 210 (2) and subsection 211 (2); and

(b) for the purposes of statements required under clause 210 (3) (b) or clause 211 (5) (b). 1976, c. 50, s. 29, *part.*

Interpre-  
tation

**213.**—(1) In this section, “equalized assessment” for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the apportionment is made as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister.

Apportion-  
ment where  
unorganized  
territory  
becomes  
part of  
school  
division

(2) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection (11) may be made within thirty days after receiving the apportionment from the divisional board.

Apportion-  
ment,  
secondary  
school  
purposes

(3) The sum required by a divisional board for secondary school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for secondary school purposes in each such municipality or locality bears to the equalized assessment of all the property rateable for secondary school purposes in the school division.

Apportion-  
ment, public  
school  
purposes

(4) The sum required by a divisional board for public school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for public school purposes in each such municipality or locality bears to the equalized assessment of all the property rateable for public school purposes in the school division.

Request for  
arbitration

(5) Where, in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection (3) or (4) imposes an undue burden on the rate-payers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.

Arbitrators

(6) Upon receipt of the application, the divisional board shall direct its chief executive officer to call a meeting of the treasurer of the county or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer

of The District Municipality of Muskoka and the treasurers of the municipalities within the school division, and these treasurers shall be arbitrators to determine the proportion of the amounts to be raised by each municipality.

(7) The arbitrators shall make their decision in writing and file a copy thereof with the chief executive officer of the divisional board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail.

Notification of decision

(8) If, within thirty days of the mailing of copies of the decision by the chief executive officer, the council of one of the municipalities files with the chief executive officer a written objection to the decision of the arbitrators, the divisional board shall refer the matter to the Ontario Municipal Board whose decision is final. 1974, c. 109, s. 206 (1-8).

Reference to O.M.B.

(9) In determining the proportion of the amounts to be raised by each municipality, the arbitrators and the Ontario Municipal Board shall not take into account,

Payments in lieu of taxes not to be taken into account

(a) payments receivable by a municipality,

(i) from Canada, except payments under section 498 of the *Municipal Act*, or

R.S.O. 1980, c. 302

(ii) from Ontario, except payments under section 7 of the *Housing Development Act*,

R.S.O. 1980, c. 209

in lieu of taxes in respect of real property in the municipality;

(b) the valuation of any property referred to in clause (a);

(c) the valuation of properties of a commission as defined in section 26 of the *Assessment Act*, assessed in the municipality under such section; and

R.S.O. 1980, c. 31

(d) payments receivable by the municipality under section 26 of the *Assessment Act*. 1975, c. 77, s. 2 (1).

(10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Effect of decision

Territory  
without  
municipal  
organization

(11) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under subsections (5) and (8) and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the chief executive officer of the divisional board shall designate the person so to act. 1974, c. 109, s. 206 (9, 10).

Levy not-  
withstanding  
appeal

(12) An application for an arbitration or the referral of an objection to the Ontario Municipal Board under this section does not relieve the council of a municipality of its duty to levy and collect the amounts required by the board as apportioned to the municipality.

Adjustment  
where  
apportion-  
ment  
altered by  
O.M.B.

(13) Where in respect of any year a municipality in a school division has, under section 215, levied the amounts that were requisitioned by the divisional board and such amounts are altered pursuant to a decision of the arbitrators or to an order of the Ontario Municipal Board, the provisions of subsections 219 (2) and (3) shall apply in respect of an overpayment or an underpayment resulting from such alteration. 1975, c. 77, s. 2 (2).

Regulations  
for  
apportion-  
ment in  
any year

**214.**—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for any year among the municipalities or parts thereof and localities in the school division. 1974, c. 109, s. 207 (1).

Apportion-  
ment

(2) Notwithstanding subsections 213 (3) and (4) and notwithstanding any other Act, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation made under this section is applicable shall be apportioned among the municipalities or parts thereof and localities in the school division in accordance with such regulation. 1974, c. 109, s. 207 (2); 1976, c. 50, s. 30 (1).

Where  
estimated  
data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof or a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Application  
of grants

(4) Where the regulations provide for a grant to a divisional board on behalf of a part of a territorial district that in the

year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

(5) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part thereof, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 213 (5) to (12) apply with necessary modifications. 1974, c. 109, s. 207 (3-5).

Request for  
arbitration

**215.**—(1) The council of each municipality in a school division in each year shall levy and collect,

Rates

- (a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and
- (b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

(2) Subject to subsection (3), the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

Payment to  
boards

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default

and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

**Agreement**

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division as determined under subsection 213 (1), provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection (2), which shall be applicable to all municipalities in the school division and otherwise subsection (2) applies with necessary modifications.

**Termination of agreement**

(4) Where an agreement under subsection (3) does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(a) by the chief executive officer of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division as determined under subsection 213 (1),

and where no agreement is in effect under subsection (3), the payments shall be made as provided in subsection (2).

**Where instalment due before requisition received**

(5) Where, in any year, for any reason, the amounts required to be raised under subsection (1) have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection (2) shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

**Application to separate schools**

(6) Where a combined separate school board has requested the municipalities that are in whole or in part within the combined separate school zone to levy and collect the rates or taxes imposed by the board, the provisions of subsections

(1) to (5) apply with necessary modifications to such board and such municipalities except that reference to equalized assessment in the school division shall be deemed to refer to equalized assessment rateable for separate school purposes in the combined zone.

(7) The provisions of this section that apply in respect of the public school purposes of a divisional board apply in respect of a public school board. 1974, c. 109, s. 208. Application to public school board

(8) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply in respect of a secondary school board. 1976, c. 50, s. 31. Application to secondary school board

**216.**—(1) Where taxes are collected by a municipal council for the purposes of a board, the notice of taxes given by the collector under section 379 of the *Municipal Act* shall be given separately in relation to taxes imposed for public, secondary or separate school purposes or in such manner as will clearly indicate the taxes imposed for such school purposes. Tax notices R.S.O. 1980, c. 302

(2) The council of a municipality shall annually account for all moneys collected for school purposes, and any sum collected in excess of the amount required by a board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. Municipality to account for moneys

(3) The council of a municipality shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from, or be compelled to pay more than, its proper proportion of the rate. 1974, c. 109, s. 209. Correction of errors in collection of rates in previous years

**217.**—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time by way of a promissory note, such sums as the board considers necessary to meet the current expenditures of the board until the current revenue has been received, provided that the interest and any other charges connected therewith do not exceed the interest that would be payable at the minimum lending rate of the majority of chartered banks on the date of borrowing. Current borrowing

(2) A board may also borrow, in the manner provided in subsection (1), such sums as the board considers necessary to Debt charges



meet debt charges payable in any year until the current revenue has been received.

Limitation

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections (1) and (2), together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated revenues of the board, as set forth in the estimates adopted for the year.

When limitation calculated on estimated revenue

(4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of resolution authorizing borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the lender, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total amounts borrowed under this section in the current year that have not been repaid.

Estimated revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. 1974, c. 109, s. 210.

When fees payable by boards

**218.** The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and enrolment for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school year. 1974, c. 109, s. 211.

Reduction of requisition or rates

**219.—**(1) Where, in any year, provision is made by regulation for a grant to a board for the purpose of limiting in

such year the amount of the requisition for public or secondary school purposes or the increase in the mill rate for separate school purposes in respect of,

- (a) a municipality or part thereof; or
- (b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality.

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that, Adjustment  
of rates  
where under-  
or over-levy

- (a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality under Part III for public and secondary school purposes or under Part IV for separate school purposes,

differs from

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of this Act after the application of the grant referred to in subsection (1) that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

Levy for  
difference

(3) Notwithstanding subsection (2), a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection (2) is ascertained, a portion of such difference, so as to make up the total thereof.

Interpre-  
tation

**220.** In sections 221, 222 and 223,

(a) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses (a) (i) and (iii), according to the last revised assessment roll. 1974, c. 109, s. 213.

Data  
furnished  
by the  
municipality

**221.** The clerk of a municipality shall in each year furnish to each board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board. 1974, c. 109, s. 214.

Determina-  
tion of rates

**222.—**(1) Rates to be levied for each board in each municipality or part thereof or part of territory without

municipal organization shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment in the municipality or part or part of territory without municipal organization to the commercial assessment thereof.
2. Multiply the amount estimated by the board to be raised by levy on the assessment according to the last revised assessment roll for the municipality or part or part of territory without municipal organization by 1,000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2. 1974, c. 109, s. 215 (1); 1979, c. 99, s. 3.

(2) Subject to subsection (3), the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality. Who to determine rates

(3) A separate school board shall determine the rates to be levied for separate school purposes, and a public or secondary school board shall determine the public or secondary school rates to be levied in respect of territory without municipal organization that is within its area of jurisdiction. 1974, c. 109, s. 215 (2, 3). Idem

**223.** The clerk of each municipality and each secretary of a board in territory without municipal organization, in addition to the particulars required under subsection 13 (1) of the *Assessment Act*, shall prepare the following particulars: Assessments for school purposes R.S.O. 1980, c. 31

1. The commercial assessment for public school purposes.
2. The residential and farm assessment for public school purposes.
3. The commercial assessment for separate school purposes.
4. The residential and farm assessment for separate school purposes.

5. Where two or more school jurisdictions, or parts thereof, are situated in the municipality, the school jurisdiction and the commercial assessment and residential and farm assessment in each jurisdiction. 1974, c. 109, s. 216.

Levying of school rates

**224.** The council of every local municipality, every public school board that has jurisdiction only in territory without municipal organization, every secondary school board that has jurisdiction only in territory without municipal organization, every divisional board that has jurisdiction in any territory without municipal organization that is deemed a district municipality in a school division, and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be. 1974, c. 109, s. 217; 1976, c. 50, s. 32.

This Part to prevail where conflict

**225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other general or special Act, the provision in sections 220 to 224 prevails. 1974, c. 109, s. 218.

Rates for public library in unorganized territory in school division

R.S.O. 1980, c. 414

**226.** Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 52 (3), the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 22 of the *Public Libraries Act*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. 1974, c. 109, s. 219.

Interpretation

**227.**—(1) In this section and in section 228,

- (a) “trailer” means any vehicle, whether self-propelled or so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, that is capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed;

(b) "trailer camp" or "trailer park" means land in or upon which any trailer is placed, located, kept or maintained, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(2) Except as provided in subsection (3), where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

Share of  
licence fees  
for trailers  
to be paid  
to boards

(a) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

(b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes. 1974, c. 109, s. 220 (1, 2).

(3) Where the occupant of a trailer has given to the clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within 4.8 kilometres of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

Idem

(a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within 4.8 kilometres of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and

(b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with

respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within 4.8 kilometres of the separate school. 1974, c. 109, s. 220 (3); 1978, c. 87, s. 15 (13).

Licence fees  
not part of  
annual rates

(4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected.

Application  
to municipally  
operated  
camps

(5) This section does not apply to trailer camps and trailer parks operated by a municipality. 1974, c. 109, s. 220 (4, 5).

Levy on  
trailer  
in public  
school section  
in un-  
organized  
territory

**228.**—(1) Except as provided in subsection (2), the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. 1974, c. 109, s. 221 (1).

Levy on  
trailer  
re separate  
school in  
unorganized  
territory

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the chief executive officer of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within 4.8 kilometres of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. 1974, c. 109, s. 221 (2); 1978, c. 87, s. 15 (14).

Levy on  
trailer  
in secondary  
school  
district in  
unorganized  
territory

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Notice

(4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of the board concerned or the tax collector that he is liable to pay such fee, and upon receipt of such notice the person

shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections (1) to (3).

(5) Every notice under this section shall make reference to this section and shall specify, Content of notice

- (a) the amount of fees for which the person is liable on receipt of the notice;
- (b) the amount of the monthly fee to be paid thereafter;
- (c) the date by which payment is required to be made;
- (d) the place at which payment may be made; and
- (e) the fine provided under this section.

(6) No fees shall be charged in respect of a trailer assessed under the *Assessment Act*. No levy where trailer assessed  
R.S.O. 1980, c. 31

(7) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. Offence

**229.**—(1) Where, in a municipality, a person is entered on the collector's roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. School rate where no public school in municipality

(2) The moneys raised under subsection (1) shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings from such investments shall form part of the reserve account. Reserve account  
R.S.O. 1980, c. 512

(3) Subject to subsection (4), where, in a municipality referred to in subsection (1), a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay over to the board such moneys Use of moneys in account



as are held by the municipality under this section, and such moneys,

- (a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and
- (b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

Application  
in a school  
division

(4) Where a municipality referred to in subsection (1) becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause (3)(b). 1974, c. 109, s. 222.

## PART IX

### TEACHERS

#### *Contracts*

Full-time  
or part-time  
teacher

**230.**—(1) A full-time or part-time teacher who is employed by a board and who is not an occasional teacher shall be employed as a permanent or a probationary teacher.

Memo-  
randum of  
contract

(2) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher. 1974, c. 109, s. 224.

Salary of  
teacher

**231.**—(1) Unless otherwise expressly agreed and subject to subsections (2) to (5), a teacher is entitled to be paid his salary in the proportion that the total number of school days for which he performs his duties in the school year bears to the total number of school days in the school year.

Payment for  
absence due  
to illness  
or dental  
condition

(2) Subject to subsection (3), a permanent, probationary or temporary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his

absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition.

(3) A part-time teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the part-time teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

Part-time  
teacher

(4) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

Absence of  
teacher in  
quarantine

(5) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee, exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness.

Absence by  
reason of  
being a juror  
or witness

(6) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary.

Award of  
salary by  
way of  
penalty

(7) For the purposes of subsection (6), the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by section 230, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. 1974, c. 109, s. 225.

Failure of  
board to pay  
salary when  
no written  
agreement

**232.** A board shall not offer to a teacher, and no teacher shall accept, a contract as a probationary teacher for a period greater than,

- (a) two years where the teacher has less than three years' experience; and
- (b) one year where the teacher has three or more years' experience,

as a teacher in an elementary or secondary school in Ontario before the commencement of the contract. 1974, c. 109, s. 226.

**233.**—(1) Except as otherwise provided in this Act, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations.

(2) Subject to this Act, a certificate of qualification as a teacher may be awarded only to a person of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

(3) All certificates of qualification are valid for such periods as the regulations prescribe. 1974, c. 109, s. 227.

**234.** Notwithstanding the other provisions of this Part and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. 1974, c. 109, s. 228.

#### *Duties*

**235.**—(1) It is the duty of a teacher,

- (a) to teach diligently and faithfully the classes or subjects assigned to him by the principal;

- (b) to encourage the pupils in the pursuit of learning;<sup>learning</sup>
- (c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;<sup>religion and morals</sup>
- (d) to assist in developing co-operation and co-ordination of effort among the members of the staff of the school;<sup>co-operation</sup>
- (e) to maintain, under the direction of the principal, proper order and discipline in his classroom and while on duty in the school and on the school ground;<sup>discipline</sup>
- (f) in instruction and in all communications with the pupils in regard to discipline and the management of the school,<sup>language of instruction</sup>
- (i) to use the English language, except where it is impractical to do so by reason of the pupil not understanding English, and except in respect of instruction in a language other than English when such other language is being taught as one of the subjects in the course of study, or
- (ii) to use the French language in schools or classes in which French is the language of instruction except where it is impractical to do so by reason of the pupil not understanding French, and except in respect of instruction in a language other than French when such other language is being taught as one of the subjects in the course of study;
- (g) to conduct his class in accordance with a timetable which shall be accessible to pupils and to the principal and supervisory officers;<sup>timetable</sup>
- (h) to participate in professional activity days as designated by the board under the regulations;<sup>professional activity days</sup>
- (i) to notify such person as is designated by the board if he is to be absent from school and the reason therefor;<sup>absence from school</sup>

- school property (j) to deliver the register, the school key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his employment has ceased; and
- textbooks (k) to use and permit to be used as a textbook in a class that he teaches in an elementary or a secondary school,
- (i) in a subject area for which textbooks are approved by the Minister, only textbooks that are approved by the Minister, and
- (ii) in all subject areas, only textbooks that are approved by the board.
- Refusal to give up school property (2) A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board.
- Teachers, conferences (3) Teachers may organize themselves for the purpose of conducting professional development conferences and seminars. 1974, c. 109, s. 229.
- Duties of principal, **236.** It is the duty of a principal of a school, in addition to his duties as a teacher,
- discipline (a) to maintain proper order and discipline in the school;
- co-operation (b) to develop co-operation and co-ordination of effort among the members of the staff of the school;
- register pupils and record attendance (c) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;
- pupil records (d) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school;
- timetable (e) to prepare a timetable, to conduct the school according to such timetable and the school year calendar or calendars applicable thereto, to make the calendar or calendars and the timetable accessible to the pupils, teachers and supervisory officers and to assign classes and subjects to the teachers;

- (f) to hold, subject to the approval of the appropriate supervisory officer, such examinations as he considers necessary for the promotion of pupils or for any other purpose and report as required by the board the progress of the pupil to his parent or guardian where the pupil is a minor and otherwise to the pupil; examinations and reports
- (g) subject to revision by the appropriate supervisory officer, to promote such pupils as he considers proper and to issue to each such pupil a statement thereof; promote pupils
- (h) to ensure that all textbooks used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves textbooks, those approved by the Minister; textbooks
- (i) to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board; reports
- (j) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds; care of pupils and property
- (k) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, and of the unsanitary condition of any part of the school building or the school grounds; report to M.O.H.
- (l) to refuse admission to the school of any person who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to the *Public Health Act* until furnished with a certificate of a medical officer of health or of a legally qualified medical practitioner approved by him that all danger from exposure to contact with such person has passed; persons with communicable diseases

access to  
school or  
class

(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in his judgment be detrimental to the physical or mental well-being of the pupils; and

visitor's  
book

(n) to maintain a visitor's book in the school when so determined by the board. 1974, c. 109, s. 230.

### *Pupil Records*

Interpre-  
tation

**237.**—(1) In this section, except in subsection (12), "record" in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records  
privileged

(2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(a) subject to subsections (3) and (5), is not available to any other person; and

(b) except for the purposes of subsection (5), is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil.

Right of  
parent and  
pupil

(3) A pupil, and his parent or guardian where the pupil is a minor, is entitled to examine the record of such pupil.

Idem

(4) Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, information recorded upon the record of the pupil is,

(a) inaccurately recorded; or

(b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

(5) Where the principal refuses to comply with a request under subsection (4), the pupil, parent or guardian who made the request may, in writing, require the principal to refer the request to the appropriate supervisory officer who shall either require the principal to comply with the request or submit the record and the request to a person designated by the Minister, and such person shall hold a hearing at which the principal and the person who made the request are the parties to the proceedings, and the person so designated shall, after the hearing, decide the matter, and his decision is final and binding upon the parties to the proceedings.

Reference where disagreement

(6) Nothing in subsection (2) prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of,

Use re further education or employment

(a) a report required by this Act or the regulations; or

(b) a report,

(i) for an educational institution or for the pupil or former pupil, in respect of an application for further education, or

(ii) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he is an adult, or the parent or guardian of the pupil where the pupil is a minor.

(7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.

Information for Minister or board

(8) No action shall be brought against any person in respect of the content of a record.

No action re content

(9) Except where the record has been introduced in evidence as provided in this section, no person shall be required in any trial or other proceeding to give evidence in respect of the content of a record.

Testimony re content

(10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

Secrecy re contents

(a) as may be required in the performance of his duties; or



(b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

(c) with the written consent of the pupil where the pupil is an adult.

**Interpre-  
tation**

(11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

**Application  
to former  
records**

(12) This section, except subsections (3), (4) and (5), applies with necessary modifications to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972.

**Use of record  
in discipli-  
nary cases**

(13) Nothing in this section prevents the use of a record in respect of a pupil by the principal of the school attended by the pupil or the board that operates the school for the purposes of a disciplinary proceeding instituted by the principal in respect of conduct for which the pupil is responsible to the principal. 1974, c. 109, s. 231.

### *Boards of Reference*

**Interpre-  
tation**

**238.** In sections 239 to 248,

(a) "contract" means a contract of employment between a teacher and a board;

(b) "employed" means employed as a permanent teacher by a board;

(c) "judge" means a judge of a county or district court;

(d) "teacher" means a person qualified to teach in an elementary or secondary school and employed by a board on the terms and conditions contained in the form of contract prescribed for a permanent teacher. 1974, c. 109, s. 232.

**Termination  
of contract  
by board**

**239.**—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract.

**Termination  
of contract  
by teacher**

(2) Where a teacher is employed by a board, the termination of the contract by the teacher shall be by notice in writing in accordance with the terms of the contract.

(3) Where a teacher is dismissed or the contract of a teacher is terminated by the board or the teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within twenty-one days after receiving the notice referred to in subsection (1) or (2), as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. <sup>Application for board</sup>

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. 1974, c. 109, s. 233. <sup>Service of notice</sup>

**240.**—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose contract has been terminated in a manner not agreeable to the teacher until, <sup>Appointment in place of teacher dismissed</sup>

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 239;
- (b) the board has received from the teacher notice in writing that no application will be made under section 239;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 239 has been withdrawn;
- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 239;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 241 (3); or
- (f) the board has received from the Minister a copy of the direction of the Board of Reference under section 244 directing the discontinuance of the contract,

whichever first occurs.

(2) A teacher who terminates a contract in a manner not agreeable to the board shall not enter into a contract with another board after the teacher has received notice of the application of the board for a Board of Reference until, <sup>New contract after termination of contract by teacher</sup>

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 239 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 239;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 241 (3); or
- (d) the teacher has received from the Board of Reference a copy of the direction of the Board of Reference under section 244 directing the discontinuance of the contract,

whichever first occurs. 1974, c. 109, s. 234.

Application  
for Board of  
Reference

**241.**—(1) Upon receipt of an application for a Board of Reference, the Minister shall cause notice of the application to be sent by registered mail to the other party to the disagreement and shall within thirty days of sending the notice inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and appoint a judge to act as chairman thereof.

Appointment

(2) Where, under subsection (1), a judge is appointed after the expiry of thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the appointment within the thirty-day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection (1).

Naming of  
representa-  
tives

(3) Upon appointing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send or cause to be sent by hand or by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister.

Failure to  
name repre-  
sentatives

(4) If the applicant fails to comply with the requirements of subsection (3), the application shall be deemed to be

abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement.

(5) If the respondent fails to comply with the requirements of subsection (3), the Minister shall direct the continuance of the contract. Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. Failure of representatives to appear

(7) Where the Minister grants a Board of Reference, the applicant shall be deemed to have met the conditions precedent to the granting of a Board of Reference. Applicant deemed eligible

(8) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman. Death or withdrawal of representative

(9) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall appoint another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 242 the date of appointment of the chairman is the date of appointment of the chairman appointed to act under this section. Death, etc., of chairman before hearing

(10) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties, New Board of Reference after hearing commences

(a) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman, or is prohibited from acting; or

(b) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and, where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause (a) or (b), the person who applied for the Board of Reference requests the Minister in writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply with necessary modifications except that the representatives named to the new Board of Reference shall not be the representa-

tives named to the Board of Reference terminated under this subsection and the determination and direction of the costs under section 247 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure at  
new Board  
of Reference

(11) Where a new Board of Reference is granted under subsection (10), the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection (10) had not commenced. 1974, c. 109, s. 235.

Place and  
time of  
hearing

**242.** The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. 1974, c. 109, s. 236.

Duty to  
inquire and  
powers of  
judge  
R.S.O. 1980,  
c. 411

**243.** The Board of Reference shall inquire into the matter in dispute and for such purposes the chairman has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act. 1974, c. 109, s. 237.

Direction of  
Board of  
Reference  
to report

**244.—(1)** A board of Reference shall direct the continuance of the contract or the discontinuance of the contract.

Chairman of  
Board of  
Reference  
to report

(2) The chairman of a Board of Reference shall, within seven days after,

- (a) the application for the Board of Reference is withdrawn; or
- (b) the matter in dispute has been settled by the parties to the Board of Reference; or
- (c) the completion of the hearing and the receipt of any written submissions required by him,

report to the Minister and the parties the disposition of the application. 1974, c. 109, s. 238.

New Board  
of Reference  
provided  
R.S.O. 1980,  
c. 224

**245.** Where, pursuant to an application for judicial review under the *Judicial Review Procedure Act*, the report or the direction of a Board of Reference is set aside, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report or direction, and the provisions of sections 238 to 248 apply with necessary modifications in respect of the new Board of Reference. 1974, c. 109, s. 239.

**246.**—(1) The direction of the Board of Reference under section 244 is binding upon the board and the teacher. Direction of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 244, the Minister may direct that any portion of the amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction. Failure to comply with direction of Board

(3) If a teacher fails to comply with the direction of the Board of Reference under section 244, the Minister may suspend the certificate of qualification of the teacher for such period as he considers advisable. 1974, c. 109, s. 240. Idem

**247.** Subject to the regulations made under section 248, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1974, c. 109, s. 241. Payment of costs

**248.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the remuneration of members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 239 to 247. 1974, c. 109, s. 242.

PART X

SUPERVISORY OFFICERS

**249.** Every supervisory officer appointed under this Part shall hold the qualifications required by the regulations for a supervisory officer. 1974, c. 109, s. 243. Qualifications of supervisory officers

**250.** A board of education that had an enrolment in its public and secondary schools of 2,000 or more on the 30th day of September of any year and does not have a director Director of education

of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer who is responsible to the board for the development, implementation, operation and supervision of educational programs in the schools. 1974, c. 109, s. 244.

Director  
of education  
for separate  
school board

**251.** A separate school board that had an enrolment in its schools of 2,000 or more on the 30th day of September of any year and does not have a director of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer who is responsible to the board for the development, implementation, operation and supervision of educational programs in the schools. 1974, c. 109, s. 245.

Supervisory  
officers

**252.** A board of education having an enrolment in its public and secondary schools of fewer than 2,000 and a county or district combined separate school board having an enrolment in its schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. 1974, c. 109, s. 246.

Chief  
executive  
officer

**253.—(1)** A director of education is the chief education officer and the chief executive officer of the board by which he is employed and is a supervisory officer who qualified as such as a teacher.

Idem

**(2)** The chief executive officer of a board shall, within policies established by the board, develop and maintain an effective organization and the programs required to implement such policies. 1974, c. 109, s. 247.

Supervisory  
officers and  
director of  
education

**254.** Every board that is required to appoint a director of education shall, subject to the regulations, employ such other supervisory officers as it considers necessary to supervise adequately all aspects of the programs under its jurisdiction. 1974, c. 109, s. 248.

Appointment  
of super-  
visory  
officers

**255.—(1)** Where a board appoints one or more supervisory officers, the board,

- (a) shall, subject to the regulations, designate the title and area of responsibility of each such officer;
- (b) shall appoint an English-speaking supervisory officer for schools and classes where English is the language of instruction, and a French-speaking supervisory

officer for schools and classes where French is the language of instruction, or shall arrange with another board or with the Minister for the services of an English-speaking supervisory officer or a French-speaking supervisory officer where such officer is not appointed by the board; and

- (c) may assign to a supervisory officer such administrative duties, in addition to those prescribed in section 256 and the regulations, as the board considers expedient.

(2) No person shall be appointed as a supervisory officer by a board until notice in writing of the proposed appointment and the area of responsibility to be assigned has been given to the Minister and the Minister has confirmed that the person to be appointed is eligible for the position. 1974, c. 109, s. 249. Confirmation  
by Minister

**256.**—(1) Subject to the regulations, a board or the Minister shall assign the following duties to its or his supervisory officer or officers, Duties of  
supervisory  
officers:

- (a) to bring about improvement in the quality of education by assisting teachers in their practice; assist  
teachers
- (b) to assist and co-operate with boards to the end that the schools may best serve the needs of the pupils; co-operate  
with boards
- (c) to visit schools and classrooms as the Minister may direct and, where the supervisory officer has been appointed by a board, as the board may direct; visit schools
- (d) to prepare a report of a visit to a school or classroom when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board and to give to a teacher referred to in any such report a copy of the portion of the report that refers to the teacher; prepare  
reports
- (e) to ensure that the schools under his jurisdiction are conducted in accordance with this Act and the regulations; Acts and  
regulations
- (f) to make a general annual report as to the performance of his duties and the condition of the schools in his area of jurisdiction when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board; annual  
report to  
Minister



report to  
M.O.H.

(g) to report to the appropriate medical officer of health any case in which the school buildings or premises are found to be in an unsanitary condition;

report to  
the Minister

(h) to furnish the Minister with information respecting any school in his area of jurisdiction whenever required to do so;

supervise  
business

(i) to supervise the business functions of the board; and

supervise  
buildings and  
property

(j) to supervise the use and maintenance of the buildings and property of the board.

Responsi-  
bility to  
Minister

(2) Every supervisory officer appointed by the Minister is responsible to the Minister for the performance of his duties.

Responsi-  
bility to  
board

(3) Every supervisory officer appointed by a board is responsible to the board through the chief executive officer for the performance of the duties assigned to him by the board.

Full-time  
position

(4) Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his tenure as a supervisory officer. 1974, c. 109, s. 250.

Suspension or  
dismissal of  
supervisory  
officer by  
board

**257.**—(1) A supervisory officer appointed by a board may be suspended or dismissed by the board, in accordance with the regulations, for neglect of duty, misconduct, or inefficiency.

Notice re  
suspension or  
dismissal

(2) Where a board suspends or dismisses a supervisory officer, the board shall forthwith notify in writing the supervisory officer and the Minister of the suspension or dismissal and the reasons therefor. 1974, c. 109, s. 251.

## PART XI

### FRENCH LANGUAGE INSTRUCTION

#### *Elementary*

French-  
language  
elementary  
schools  
and classes

**258.**—(1) A board of education, public school board or separate school board may establish and maintain elementary

schools or classes in elementary schools, including kindergarten and junior kindergarten classes, for the purpose of providing for the use of the French language in instruction of French-speaking pupils. 1974, c. 109, s. 252 (1); 1976, c. 50, s. 33.

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board referred to in subsection (1) that a number of French-speaking pupils resident in the school section or separate school zone have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty-five or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day of the following school year.

French-  
language  
classes

(3) Where the evidence referred to in subsection (2) is presented to the board after the 1st day of April and before the first school day in September next following, the board shall make the determination required under subsection (2) and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty-five or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

Idem

(4) Where a board referred to in subsection (1) provides or is required to provide for the use of the French language in instruction and in the opinion of the board the number of pupils who elect to be taught in the French language so warrants, the board shall provide a French-language elementary school.

French-  
language  
schools

(5) Notwithstanding subsections (1), (2), (3) and (4), English may be a subject of instruction in any grade and shall be a subject of instruction in Grade 5 and all subsequent grades in an elementary school.

English as  
subject of  
instruction

(6) A board, on the request of the parent or guardian of an English-speaking pupil of the board, or of the pupil where he is an adult, may admit the pupil to a class formed under subsection (1), (2) or (3) or to a school provided under subsection (4) if his admission is approved by majority vote of an admissions committee appointed by the board, and composed of the principal

Admission  
of pupils  
other than  
French-  
speaking  
pupils

of the school to which admission is requested, a teacher who uses the French language in instruction in such school and, subject to subsection (7), a French-speaking supervisory officer employed by the board.

Where board has no French-speaking supervisory officer

(7) Where a board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.

English-language schools or classes

(8) Where a board has provided one or more French-language elementary schools under subsection (4) and a number of pupils of the board elect to be taught in the English language, subsections (1), (2) and (3) apply with necessary modifications in respect of provision for the use of the English language in instruction. 1974, c. 109, s. 252 (2-8).

Duties and responsibilities of advisory committee in public schools

**259.** Where a board of education has established a French-language advisory committee under section 262, or an English-language advisory committee under section 272, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the public schools operated by the board of education as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes. 1974, c. 109, s. 253.

### *Secondary*

Interpretation

**260.** In sections 261 to 277,

- (a) "board" means a board of education;
- (b) "committee" means a French-language advisory committee formed under section 262;
- (c) "French-language instructional unit" means a class, group of classes, or school in which French is the language of instruction;
- (d) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1974, c. 109, s. 254.

French-language schools or classes

**261.**—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of providing for the use of the French language in instruction of French-speaking pupils, or may enter into an agreement

with another board to provide for the admission of resident pupils of the first-mentioned board to one or more French-language instructional units operated by such other board. 1974, c. 109, s. 255 (1); 1976, c. 50, s. 34.

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year. French-language schools

(3) Where the evidence referred to in subsection (2) is presented to the board after the 1st day of April and before the first school day in September next following, the board shall make the determination required under subsection (2) and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups. Idem

(4) Where a board provides or is required to provide for the use of the French language in instruction in one or more classes in a secondary school and in the opinion of the board the number of French-speaking pupils who elect to be taught in the French language so warrants, the board shall provide an appropriate unit of a secondary school or, where practicable, a French-language secondary school. French-language secondary schools

(5) Where a board determines that the number of French-speaking pupils who elect to be taught in the French language is not sufficient to justify the establishment of a French-language secondary school, the board shall, in respect of the education of such pupils, consider the possibility of entering into an agreement with another board under section 159 or 163. 1974, c. 109, s. 255 (2-5). Agreement with another board

**262.**—(1) Where,

(a) ten or more French-speaking ratepayers of a secondary school district apply in writing to the board for the

Establishment of committee

establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction of French-speaking pupils; or

- (b) a board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction of French-speaking pupils,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, by resolution, establish a committee and provide for the holding of elections of members thereof, and such elections shall, subject to subsection (7), be held within such period. 1974, c. 109, s. 256 (1); 1976, c. 50, s. 35.

**Composition**

(2) The committee shall consist of nine members and shall be composed of,

- (a) three members of the board appointed by the board; and
- (b) six French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by French-speaking ratepayers of the secondary school district.

**Member of elementary board**

(3) A member of the committee under clause (2) (b) may be a member of an elementary school board.

**Term of office**

(4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

**Apportionment of members**

(5) The board, subject to subsection (8), shall apportion the number of members under clause (2) (b) among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking pupils who elect to be taught in the French language from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

**Meetings of French-speaking ratepayers to elect committee members**

(6) The board shall make provision for a meeting of its French-speaking ratepayers in respect of each area to which one or more members are apportioned under subsection (5) for the purpose of electing such member or members to the

committee, and shall advertise in each of its schools and in the public media serving the local population, the place, date and time of the meeting, and take such additional action to publicize the meeting as it considers expedient.

(7) Where the election of members of a committee under subsection (1) would otherwise be held within three months before the date of the regular election of members of the board, the election required under subsection (1) shall be held in accordance with section 263. 1974, c. 109, s. 256 (2-7). Idem

(8) For the purpose of the second and subsequent elections of members to a committee, the board shall consult with the committee before making the apportionment referred to in subsection (5) and shall make such apportionment on or before the 1st day of November in the year of a regular election of the board. 1974, c. 109, s. 256 (8); 1978, c. 44, s. 22. Consultation with committee re apportionment

**263.** Where a committee has been established and a new board has been elected, a meeting provided under subsection 262 (6) to elect a member or members to the committee shall be held not later than ten days following the first meeting of the newly-elected board commencing at 8 o'clock in the afternoon on such date and at such place as the board may determine, and such meeting may also consider any other matters brought before it, and the provisions of subsection 262 (6) respecting the publicizing of the meeting apply. 1974, c. 109, s. 257; 1978, c. 44, s. 23. French-speaking ratepayers to elect subsequent members to committee

**264.—**(1) The secretary of the board or a person appointed by the board shall call to order each meeting of French-speaking ratepayers under sections 262 and 263 and shall preside thereat for the purpose of electing a chairman of the meeting. Election of chairman of meeting

(2) The chairman of a meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman. Secretary of meeting

(3) The chairman of a meeting shall conduct the election of the member or members of the committee to be elected at such meeting and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion and, in the case of an equality of votes with respect to the election of a member of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected and a motion on which there is an equality of votes is lost. Procedure at meeting

Notice of  
result  
of election

(4) Notice in writing shall be given by the secretary of a meeting to the secretary of the board designating by their names and addresses the person or persons elected as members of the committee. 1974, c. 109, s. 258.

Chairman  
and vice-  
chairman of  
committee

**265.**—(1) At the first meeting of the committee, the members shall elect from among themselves a chairman and a vice-chairman.

Quorum

(2) A majority of the members of the committee constitutes a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.

Vote of  
chairman,  
equality of  
votes

(3) On every motion, the chairman may vote, and a motion on which there is an equality of votes is lost.

Special  
meeting

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting. 1974, c. 109, s. 259.

Vacancies

**266.** Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant. 1974, c. 109, s. 260.

Recommendations

**267.**—(1) A committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,

- (a) the provision of suitable sites, accommodation and equipment;
- (b) the establishment, operation and management of French-language instructional units;
- (c) the use of the French language and of the English language in French-language instructional units;
- (d) the recruitment and appointment of the required teaching, supervisory and administrative personnel;
- (e) the establishment of the course of study and the use of textbooks;

- (f) the development and establishment of special education programs;
- (g) the establishment of attendance areas for French-language instructional units;
- (h) the provision of transportation for pupils;
- (i) the entering into agreements with other boards in respect of the provision of instruction in the French language and supervisory and consultative services;
- (j) the provision of board, lodging, and transportation for pupils;
- (k) the development and establishment of adult education programs;
- (l) the use of any facility and means necessary to meet the educational and cultural needs of the French-speaking community;
- (m) the provision of summer school programs; and
- (n) any other matter pertaining to French-language education for French-speaking pupils.

(2) The committee shall report at each regular meeting of the board. Committee report to board

(3) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of French-language instructional units before any final decision regarding such matters is taken by the board and shall provide adequate accommodation and staff to implement the decision of the board. Board to seek advice of committee

(4) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal. Consideration of recommendations by board

(5) Upon receipt of a refusal and the reasons therefor under subsection (4), the committee may, by motion, refer the matter to the Languages of Instruction Commission of Ontario, in which case it shall send to the Commission and to the board Referral by committee to Languages of Instruction Commission



copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal. 1974, c. 109, s. 261.

Attendance of committee chairman at board committee meeting

**268.**—(1) The chairman of the committee or a member of the committee designated by him may attend any meeting of a committee of the board and shall be given the opportunity to be heard at such meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of such committee of the board.

Distribution of administrative materials

(2) Notices, agendas and minutes in respect of meetings of the board shall be distributed to members of the committee together with such supporting documents as may be agreed upon by the board and the committee.

Formation of sub-committees

(3) The committee may, at its discretion, form sub-committees to assist it in its work.

Committee may hold public meetings

(4) The committee may hold such public meetings to report upon its work as it considers necessary or desirable. 1974, c. 109, s. 262.

Resources and services to be provided by board

**269.**—(1) The board shall make available to the committee the resources and services provided for a committee of the board.

Annual report of committee

(2) The chairman of the committee shall cause to be prepared in French and English an annual report, and the report shall be included in that of the board where the board publishes a report.

Services of professional staff to be provided

(3) The committee may, through the chief executive officer of the board, obtain the advice and assistance of such supervisory officers and teachers employed by the board as the committee may request. 1974, c. 109, s. 263.

Allowance

**270.**—(1) Each member of the committee who is not a member of the board shall receive an allowance in accordance with subsection 167 (1), except that the maximum allowance shall be based upon the enrolment in French-language instructional units and subsection 167 (5) applies with necessary modifications to such member.

Attendance at meetings and conferences

(2) The board may authorize a member of the committee to attend on the same basis as a member of the board such conferences and meetings as the board considers necessary or desirable for the effective functioning of the committee, and subsections 167 (3) and (4) apply with necessary modifications to a member of the committee.

(3) The board shall, on behalf of the members of the committee, pay all or part of a fee required for membership in a provincial association of French-language committees where the committee desires such membership. 1974, c. 109, s. 264.

Provincial association membership fee

**271.** Notwithstanding any other provision in this Part, English or Anglais shall be an obligatory subject of instruction for every pupil of grades 9 to 12 who is enrolled in a French-language school and shall be a required subject for a certificate or diploma issued to such a pupil. 1974, c. 109, s. 265.

English or Anglais as subject required in grades 9 to 12

**272.—(1)** Where a board has provided one or more French-language secondary schools and a number of pupils of the board elect to be taught in the English language, section 261 applies with necessary modifications in respect of provision for the use of the English language in instruction.

English-language classes where French-language school or classes established

(2) Where the number of English-speaking pupils of a board is fewer than the number of pupils of the board for whom French is the language of instruction and,

Establishment of English-language advisory committee

(a) ten or more English-speaking ratepayers of the secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the English language is or is to be used in instruction; or

(b) the board establishes or extends or decides to establish or extend a class, group or program in which the English language is or is to be used in instruction,

the board shall establish an English-language advisory committee, and the provisions of sections 260 to 273 that apply to a committee in respect of the French-speaking ratepayers, pupils and community and in respect of French-language instructional units apply with necessary modifications to an English-language advisory committee in respect of the English-speaking ratepayers, pupils and community and in respect of schools or classes in which English is the language of instruction. 1974, c. 109, s. 266.

**273.—(1)** A board, on the request of an English-speaking pupil of the board or, where the pupil is a minor, of his parent or guardian, may admit the pupil to a French-language instructional unit if his admission is approved by a majority vote of an admissions committee appointed by the board and composed of the principal of the school in which the French-language instructional unit is operated, a French-language teacher of such school and, subject to subsection (2), a French-speaking supervisory officer employed by the board.

Admission of pupils other than French-speaking pupils

Where board has no French-speaking supervisory officer

(2) Where the board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee. 1974, c. 109, s. 267.

*Languages of Instruction Commission of Ontario*

Interpretation

**274.** In this Part,

- (a) "Commission" means the Languages of Instruction Commission of Ontario established under this Part;
- (b) "committee" means a French-language advisory committee or an English-language advisory committee established under section 262;
- (c) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1974, c. 109, s. 268.

Establishment of Commission

**275.**—(1) A commission to be known as the Languages of Instruction Commission of Ontario is hereby established and shall be composed of five members appointed by the Lieutenant Governor in Council at least two of whom shall be French-speaking and at least two of whom shall be English-speaking, and one of the members shall be appointed as chairman.

Term, reappointment and remuneration

(2) Members of the Commission shall hold office for a term of three years, may be reappointed, and shall be paid such remuneration as may be determined by the Lieutenant Governor in Council.

Vacancies

(3) Where a vacancy occurs in the membership of the Commission, the vacancy may be filled for the unexpired portion of the term of the person whose office has become vacant.

Commission is responsible to the Minister

(4) The Commission is responsible to the Minister for its operation and shall be assisted by such employees in the public service of Ontario as the Minister may assign for the purpose and may, as required from time to time, obtain the services of a lawyer.

Quorum

(5) A quorum consists of three members of whom at least one shall be French-speaking and one English-speaking.

Recommendation

(6) A recommendation of the Commission requires the approval of at least a majority of the members of the Commission.

(7) The Commission shall consider matters referred to it by committees and requests for advice and assistance on questions in respect of which a committee may make recommendations, from boards and committees, and where there is no committee, from a group of ratepayers of the board concerned determined by the Commission to be representative of the French-speaking or English-speaking minority, as the case may be, within the jurisdiction of the board. Duties of Commission

(8) A group referred to in subsection (7) shall name one of its members as its spokesman. Spokesman

(9) The Minister may refer to the Commission any matter relating to instruction in the French language or, where the pupils of a board who receive instruction in the English language are a minority of the pupils of a board, any matter relating to instruction in the English language. Referral to Commission by Minister

(10) Where, within the area of jurisdiction of a board, there is doubt as to whether the French-speaking or English-speaking pupils are in the minority, the Commission has the power to determine whether there shall be a French-language advisory committee or an English-language advisory committee, or both, and the board shall establish such committee or committees as the Commission determines. Determination by Commission re establishment of advisory committee

(11) Where, within thirty days of the election of a committee, the board or the committee requests the Commission to investigate an alleged irregularity respecting the election of a member of the committee, the Commission shall investigate such election and give the member an opportunity to make representation to the Commission and shall declare the member to be elected if the Commission finds the election and procedures to be substantially in accordance with this Part or declare his seat vacant if the Commission finds the election and procedures not to be substantially in accordance with this Part and shall send a copy of its decision and reasons therefor to the board or committee and to the member. Investigation of irregularity

(12) When a matter is referred to the Commission, the board concerned shall defer action thereon until the matter has been resolved. Deferral of action by board

(13) When a matter is referred to the Commission it shall, Commission shall request mediation or reject referral

(a) forthwith appoint one or more mediators where it considers that the furtherance of such matter may be conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community; or

(b) except where a matter is referred by the Minister, take no further action where it considers that the furtherance of such matter is not conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community.

Where  
referral  
rejected

(14) Where the Commission takes no further action on a referral it shall forthwith send notice in writing of its decision and of the reasons therefor to the board, the Minister and either the committee or the spokesman referred to in subsection (8).

Notice of  
appointment  
of mediator

(15) Where the Commission makes an appointment under subsection (13) it shall communicate the name and address of each mediator to,

- (a) the Minister;
- (b) the secretary of the board; and
- (c) the chairman of the committee,

and where a committee has not been established by a board, to the spokesman of the group referred to in subsection (8). 1974, c. 109, s. 269.

Remunera-  
tion

**276.**—(1) Mediators shall be paid such remuneration as the Lieutenant Governor in Council may determine.

Who not  
eligible  
as mediator

(2) A mediator shall not be a member of the Commission.

Duties of  
mediator

(3) The mediator or mediators shall, after inquiring into the matter referred for mediation and conferring with the parties involved, endeavour to bring about an agreement and shall, within twenty-one days of being appointed, report to the Commission the agreement that has been reached, or the failure to bring about agreement.

Extension of  
period of  
mediation

(4) The period referred to in subsection (3) may be extended by the Commission or by agreement of the parties to the mediation. 1974, c. 109, s. 270.

Duties of  
Commission

**277.**—(1) Where the report of the mediator or mediators to the Commission indicates failure to bring about an agreement, the Commission shall consider and inquire into all pertinent aspects of the matter referred to mediation and shall, within twenty-one days of its receipt of the report, recommend to the board in writing a course of action that it considers appropriate to settle the matter and shall send

copies of its recommendation to the Minister and either the committee or the spokesman referred to in subsection 275 (8).

(2) Within thirty days of its receipt of a copy of the recommendation of the Commission, the board shall report in writing to the Minister its decision in respect of the recommendation of the Commission and shall forward copies of the decision to the Commission and to the committee or spokesman of the group, as the case may be. 1974, c. 109, s. 271.

Report of  
board to  
Minister

## PART XII

### TRANSITIONAL PROVISIONS

**278.**—(1) Where the Lieutenant Governor in Council designates a date for the purposes of subsections 32 (5) and (6), subsection 39 (3), subsection 47 (1) and subsection 209 (3) or any of them, such designation may have general application or may relate to such board or boards as may be set out in the designation.

Date and  
scope of  
designation

(2) Where the Lieutenant Governor in Council designates a date for the purposes of subsection 32 (5) and subsection 209 (3) in respect of a divisional board, subsection 55 (5) ceases to apply to such divisional board.

Application  
of s. 55 (5)

(3) Effective the date designated by the Lieutenant Governor in Council for the purposes of subsection 39 (3), or the 31st day of December, 1984, whichever occurs first, in relation to The Metropolitan Separate School Board and The Metropolitan Toronto School Board, subsection 39 (4) ceases to operate and the cost of operation of schools for trainable retarded children operated by The Metropolitan Toronto School Board shall be included in the estimates of such board for public elementary school purposes. 1980, c. 61, s. 22.

Application  
and  
operation  
of s. 39 (4)

