

1990

c 24 Education Amendment Act (Miscellaneous), 1990

Ontario

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Bibliographic Citation

Education Amendment Act (Miscellaneous), 1990, SO 1990, c 24

Repository Citation

Ontario (1990) "c 24 Education Amendment Act (Miscellaneous), 1990," *Ontario: Annual Statutes*: Vol. 1990, Article 27.

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CHAPTER 24

An Act to amend the Education Act*Assented to December 20th, 1990*

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

1.—(1) Subsection 1 (1) of the *Education Act* is amended by adding the following paragraph: R.S.O. 1980,
c. 129

1a. “assessment commissioner” means the assessment commissioner appointed under the *Assessment Act* for the region in which the board is situated. R.S.O. 1980,
c. 31

(2) Paragraph 37 of subsection 1 (1) of the Act, as re-enacted by the Statutes of Ontario, 1988, chapter 27, section 1, is repealed and the following substituted:

37. “population” means the population as determined by the assessment commissioner from the last municipal enumeration as updated under the provisions of the *Assessment Act*. R.S.O. 1980,
c. 31

2. Section 10 of the Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 4, 1984, chapter 60, section 4, 1988, chapter 27, section 2, 1989, chapter 1, section 2, 1989, chapter 2, section 2 and 1989, chapter 33, section 1, is further amended by adding the following subsections:

(11a) The Lieutenant Governor in Council may make regulations establishing French-language school boards. French-
language
school
boards

(11b) A regulation under subsection (11a) may include provisions respecting, Idem

- (a) the area of jurisdiction of a French-language school board;
- (b) the structure of a French-language school board and, if the board has more than one component, the jurisdiction of each component;

- (c) the powers and duties of a French-language school board or a component of a French-language school board;
- (d) attendance at schools operated by a French-language school board or a component of a French-language school board;
- (e) the assessment and payment of rates in respect of a French-language school board or a component of a French-language school board;
- (f) the election of members of a French-language school board or a component of a French-language school board, including the qualifications of electors and members;
- (g) the resolution of disputes between the components of a French-language school board and between a French-language school board and other boards;
- (h) the transfer of real property used as school sites to a French-language school board or a component of a French-language school board, and the transfer of personal property used for school purposes to a French-language school board or a component of a French-language school board;
- (i) the transfer of employees of other boards to a French-language school board or a component of a French-language school board, including the rights of transferred employees;
- (j) the dissolution of another board or a section of another board; and
- (k) the adjustment of assets and liabilities of a board affected by the establishment of a French-language school board.

Idem

(11c) A regulation under subsection (11a) may,

- (a) deem a French-language school board or a component of a French-language school board to be a board for the purpose of any provision of this Act;
- (b) modify or exclude the application of any provision of this Act, the *Assessment Act* or the *Municipal Elections Act*;

- (c) deem a French-language school board or a component of a French-language school board to be a board for the purpose of the *School Boards and Teachers Collective Negotiations Act*, and deem classes of persons who are members of the Association des enseignantes et des enseignants franco-ontariens or The Ontario Secondary School Teachers' Federation to be branch affiliates for the purpose of that Act; and

R.S.O. 1980,
c. 464

- (d) deem classes of transferred employees to have been intermingled for the purpose of section 63 of the *Labour Relations Act* and make any provision of that section applicable to the affected boards and their employees.

R.S.O. 1980,
c. 228

(11d) A regulation may not be made under subsection (11a) unless there has been consultation with boards and employee groups that will be directly or indirectly affected by the creation of a French-language school board under the regulation.

Consultation
before
regulation
under subs.
(11a)

(11e) Subsections (11a), (11b), (11c) and (11d) are repealed on the 1st day of January, 1994 or on such earlier date as may be named by proclamation of the Lieutenant Governor.

Repeal of
subs. (11a)
to (11d)

3. Section 70 of the Act is amended by adding the following subsection:

(6) If an order under subsection (1) or (2) is to be revoked on the 1st day of January next following a regular election under the *Municipal Elections Act*, the order shall, for the purpose of the election, be deemed to have been revoked.

Revocation
of order

R.S.O. 1980,
c. 308

4.—(1) Subsection 105 (2) of the Act, as amended by the Statutes of Ontario, 1989, chapter 65, section 19, is further amended by adding the following clause:

- (f) providing for the initial composition of a board to which subsection (4b) applies and for the initial appointment or election of members of the board to hold office until the next regular election under the *Municipal Elections Act*.

R.S.O. 1980,
c. 308

(2) Subsection 105 (4) of the Act, as amended by the Statutes of Ontario, 1988, chapter 27, section 16, is repealed and the following substituted:

(4) A separate school board shall be established for each county and district combined separate school zone and, except

Establishment
of boards

as otherwise provided under section 106 or a regulation made under subsection (2), the trustees of the board shall be elected and the board organized in accordance with sections 115 and 206a.

Idem

(4a) If a county or district combined separate school zone is to be designated by a regulation under subsection (2) on the 1st day of January next following a regular election under the *Municipal Elections Act*, the county or district combined separate school zone shall, for the purpose of the election, be deemed to have been designated.

R.S.O. 1980,
c. 308

Idem

(4b) If a county or district combined separate school zone is designated by a regulation under subsection (2) and subsection (4a) does not apply, the composition of the board and the appointment or election of members of the board shall be in accordance with the regulations.

5. Section 136g of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, is amended by adding the following subsections:

All services
provided by
agreement

(4) Despite subsections (1) to (3), for the first school year in which an election is effective and for every subsequent year, the entitlement of a Roman Catholic school board under section 136e applies in respect of all secondary school grades if, in the first school year, the board provides instruction in all secondary school grades and the instruction is provided in accordance with the board's first annual implementation plan in a school operated by another board by means of an agreement with the other board.

Restriction
when
subs. (1)
applies

(5) A Roman Catholic school board to which subsection (4) applies may provide instruction in a secondary school grade only if,

(a) the instruction is provided in a school operated by another board by means of an agreement referred to in subsection (4); or

(b) after the first school year in which the election under section 136a is effective,

(i) the Roman Catholic school board to which subsection (4) applies files with the Planning and Implementation Commission a plan to provide instruction in all secondary school grades in a school operated by the board, and

- (ii) the Minister approves the provision of instruction in a school operated by the board after receiving the advice of the Planning and Implementation Commission that the Commission is of the opinion that the plan will permit the board to provide instruction in all secondary school grades and will promote the best interests of public education in Ontario.

6.—(1) Subsection 136-1 (1) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, is repealed and the following substituted:

(1) A public board that has jurisdiction in an area that is also part or all of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations or by agreement between the boards, the persons on its supervisory officers staff, elementary teaching staff, secondary teaching staff and support staff whose services will not be required by the public board consequent on,

Teaching and other staff

- (a) the election of the Roman Catholic school board to perform the duties of a secondary school board; or
- (b) the provision of instruction by the Roman Catholic school board under clause 136g (5) (b).

(2) Subsections 136-1 (6) to (20) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, are repealed and the following substituted:

(6) The public board shall make the designations referred to in subsection (1) in each of the first ten school years during which the Roman Catholic school board performs the duties of a secondary school board.

Yearly designations for ten years

(7) Subject to subsection (8), the public board shall make the designations referred to in subsection (1) in each of the first ten school years during which the Roman Catholic school board provides instruction under clause 136g (5) (b).

Idem

(8) No designations shall be made under subsection (1) after the twentieth school year during which the Roman Catholic school board performs the duties of a secondary school board.

Maximum limit

(9) Designations shall be made under subsection (1) not later than the date prescribed by the regulations for each year.

Date for designations

Transfer of employment if subs. 136g (4) does not apply

(10) If subsection 136g (4) does not apply to the Roman Catholic school board referred to in subsection (1), the teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to, and assumed by, the Roman Catholic school board referred to in subsection (1), effective on the 1st day of September next following the date on which the public board makes the designation or on such earlier date as the boards concerned may agree on.

Transfer of employment if cl. 136g (5) (a) applies

(11) If subsection 136g (4) applies to the Roman Catholic school board referred to in subsection (1) and the board provides instruction in accordance with clause 136g (5) (a), the teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to, and assumed by, the board that operates the school in which the instruction is provided under the agreement referred to in clause 136g (5) (a), effective the 1st day of September next following the date on which the public board makes the designation or on such earlier date as the boards concerned may agree on.

Idem

(12) If more than one board operates schools in which instruction is provided under an agreement referred to in clause 136g (5) (a), the board to which a contract or relationship shall be transferred under subsection (11) shall be,

- (a) one of the boards that operates the schools, as determined by agreement of those boards; or
- (b) in the absence of an agreement, the Roman Catholic school board referred to in subsection (1).

Objectors

(13) If a designated person objects for reasons of conscience to the transfer of employment to a Roman Catholic school board under subsection (10) or (11), he or she may so advise the public board and, unless it is of the opinion that the objection is not made in good faith, the public board shall designate another person in place of the person making the objection.

Second transfer of employment if cl. 136g (5) (b) applies

(14) If subsection 136g (4) applies to the Roman Catholic school board referred to in subsection (1) and the Minister approves the provision of instruction in a school operated by the board under clause 136g (5) (b), a teaching contract, employment contract or employment relationship transferred under subsection (11) to another board is transferred to, and assumed by, the Roman Catholic school board referred to in subsection (1), effective on the date the board begins to pro-

vide instruction under clause 136g (5) (b) or on such earlier date as the boards concerned may agree on.

(15) A board to which the teaching contract, employment contract or employment relationship of a person is transferred under subsection (10), (11) or (14) shall employ the person in a position substantially similar to the position in which the person was employed immediately before the transfer. Similar employment

(16) If the board to which the teaching contract, employment contract or employment relationship of a person is transferred under subsection (10), (11) or (14) has no position as provided under subsection (15) for the person on the appropriate staff of the board, the person is entitled to receive training assistance, as prescribed by the regulations, for an alternate position on the appropriate staff, and the board to which the contract or relationship is transferred shall maintain the person in its employ, provide the assistance and offer to the person employment in a position appropriate to either his or her previous or newly acquired qualifications. Training assistance

(17) Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board consequent on, Seniority

- (a) the election of the Roman Catholic school board to perform the duties of a secondary school board; or
- (b) the provision of instruction by the Roman Catholic school board under clause 136g (5) (b).

(18) Each public board that designates persons under this section shall transmit to the Planning and Implementation Commission in each year, not later than the date for each year fixed by the Commission, a list of the names and positions of persons that it has designated. Transmittal of lists

(19) A designated person employed by a board to which the person's teaching contract, employment contract or employment relationship is transferred under subsection (10), (11) or (14) has the right in the first year that the person is employed by the board to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the contract or relationship had not been transferred, but if the annual rate of salary of the position in which the person is employed by the board to which the contract or relationship is transferred is lower than such first-mentioned annual rate of salary, the person is not entitled to any increase in annual rate of salary until the annual rate of salary of the Compensation rate

position becomes equal to such first-mentioned annual rate of salary.

Seniority and
employment
status

(20) A designated person employed by a board to which the person's teaching contract, employment contract or employment relationship is transferred under subsection (10), (11) or (14) has the right to commence the employment with seniority and with probationary and permanent status with the board equal to the seniority and the probationary or permanent status the person would have had if the contract or relationship had not been transferred.

Sick leave
credits

(20a) Sick leave credits standing to a designated person's credit immediately before the person's teaching contract, employment contract or employment relationship is transferred under subsection (10), (11) or (14) shall be transferred to the plan maintained by the board to which the contract or relationship is transferred at the time the contract or relationship is transferred.

Credit for
total accumu-
lation

(20b) If the number of sick leave credits transferred exceeds the total number of sick leave credits that may be accumulated under the plan to which they are transferred, the designated person shall be given credit in the plan for the number transferred but is not entitled to accumulate further sick leave credits under the plan unless the plan is amended to permit greater accumulation.

Accumulation
and use of
sick leave
credits

(20c) Subject to subsection (20b), a designated person employed by a board to which the person's teaching contract, employment contract or employment relationship is transferred under subsection (10), (11) or (14) is entitled to accumulate and to use sick leave credits in accordance with the plan maintained by the board to which the contract or relationship is transferred.

Gratuity

(20d) On termination of employment with the board to which a designated person's teaching contract, employment contract or employment relationship is transferred under subsection (10), (11) or (14), the person is entitled to payment of an amount calculated in accordance with,

- (a) the collective agreement that applied on the last date the person was employed by the public board that designated the person, as though the person had been in the continuous employ of the public board, if a collective agreement applied in respect of the person on that date; or

- (b) the policy of the public board that designated the person as of the last date he or she was employed by the public board, as though the person had been in the continuous employ of the public board, if no collective agreement applied in respect of the person on that date.

(20e) In lieu of the payment under subsection (20d), the designated person is entitled to require payment of an amount calculated in accordance with, Idem

- (a) the collective agreement that applies in respect of the person on the last date the person is employed before the termination of employment, if a collective agreement applies in respect of the person on that date; or
- (b) the policy of the board with which the person is employed as of the last date he or she is employed by that board, if no collective agreement applies in respect of the person on that date.

(20f) The amount of the payment under subsection (20d) or (20e) shall be shared by the public board that designated the person and the board or boards to which the person's employment was transferred under this section in the ratio that the number of years of service of the person with each board bears to the total number of years of service of the person with such boards. Idem

(20g) Subsections (20d) to (20f) do not apply to a termination of employment with a board that occurs when the teaching contract, employment contract or employment relationship of the person is transferred to another board under subsection (10), (11) or (14). Non-application of subss. (20d) to (20f)

7. Subsections 136m (1) and (2) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, are repealed and the following substituted:

(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board, or in respect of any matter arising under section 136-1 in the employment relationship between a designated person and a board to which the person's teaching contract, employment contract or employment relationship was transferred under that section, may be resolved by a grievance arbitration procedure in accordance with this section. Staff dispute resolution

Parties

(2) The parties to the arbitration are the public board or the board to which the contract or relationship was transferred, as the case requires, and the person or, if the person is employed in accordance with the terms of a collective agreement, the organization that represents the person under the collective agreement.

8. Section 136md of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, is amended by striking out “public board or Roman Catholic school board” in the fifth and sixth lines and substituting “board”.

9. Subsections 136o (1) and (2) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, are repealed and the following substituted:

Right to receive secondary school instruction from Roman Catholic school board

(1) A person who is qualified to be a resident pupil of a public board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a Roman Catholic school board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic school board.

Right to receive secondary school instruction from public board

(2) A person who is qualified to be a resident pupil of a Roman Catholic school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a public board if the area of jurisdiction of the Roman Catholic school board is in whole or in part the same as the area of jurisdiction of the public board.

10. Section 198 of the Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 54, is repealed and the following substituted:

Definition

198.—(1) In this section, “electoral group” means,

- (a) in respect of a board of education or a county or district combined separate school board, an electoral group as defined in Part VII-A; and
- (b) in respect of any other board, the persons qualified to be electors of the board.

Vacancies

(2) Subject to section 202, if the office of a member of a board elected by an electoral group becomes vacant before the end of the member’s term,

- (a) the remaining members elected by the electoral group shall appoint a qualified person to fill the vacancy within sixty days after the office becomes vacant, if a majority of the members elected by the electoral group remain in office; or
- (b) a new election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the members elected by the electoral group do not remain in office.

(3) Despite clause (2) (a), if elections of the board are held under the *Municipal Elections Act* and the vacancy occurs in a year in which no regular election is held under that Act or before the 1st day of April in the year of a regular election, the remaining members elected by the electoral group may by resolution require that an election be held in accordance with the *Municipal Elections Act* to fill the vacancy.

Optional election
R.S.O. 1980,
c. 308

(4) The secretary of the board shall forthwith send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (3).

Idem

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office.

Term of office

11. Sections 199, 200 and 201 of the Act are repealed and the following substituted:

199.—(1) If an election is required to fill a vacancy on a board that is composed of three members and there are fewer than two remaining members of the board, a meeting of the electors may be called by any two electors of the board or by the appropriate supervisory officer.

Elections for three member boards

(2) The meeting shall take place within sixty days of the date on which the last office became vacant.

Time of meeting

(3) At least six days before the meeting, the person or persons calling the meeting shall post a notice of the meeting in at least three public places within the area of jurisdiction of the board.

Notice of meeting

(4) The electors at the meeting shall elect the required number of board members to fill the vacancies.

Election at meeting

200.—(1) If a vacancy occurs in the office of a trustee of a rural separate school before the trustees become a body corporate, the remaining trustees shall forthwith take steps to

Vacancy in rural separate school board before incorporation

hold a new election to fill the vacancy, and the person elected shall hold office for the remainder of the term of the trustee who vacated the office.

Manner of election

(2) The new election shall be conducted in the same manner as an election of the whole board.

12. Section 203 of the Act is amended by adding the following subsection:

Extension of time limits

(2) The remaining members of the board may extend the time for the nomination and the polling under subsection (1), but the polling shall be held no later than sixty days after the office becomes vacant.

13. Section 205 of the Act is repealed and the following substituted:

Tie vote

205. If two or more candidates receive an equal number of votes at a meeting held under clause 198 (2) (a) to appoint a person to fill a vacancy or at a meeting to elect a person to fill a vacancy, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates shall be appointed or elected.

14.—(1) Section 206a of the Act, as enacted by the Statutes of Ontario, 1988, chapter 27, section 24 and amended by 1989, chapter 65, section 33, is further amended by adding the following subsections:

Determination of population of electoral groups
R.S.O. 1980, c. 308
Idem

(4a) The assessment commissioner shall determine the populations of the electoral groups for the purposes of this Part on the 1st day of January in the year of a regular election under the *Municipal Elections Act*.

(4b) The assessment commissioner shall provide the results of the determination of the population of a board's electoral groups made under subsection (4a) to the secretary of the board and to the clerk of each municipality in the jurisdiction of the assessment commissioner by the 15th day of February in the year of a regular election.

(2) Rule 6 of subsection 206a (6) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 27, section 24, is repealed and the following substituted:

6. If a board approves an increase or decrease of either one or two in the number of members of the board by resolution passed by three-quarters of the

members of the board before the date mentioned in rule 7, the number of members of the board shall be deemed to be increased or decreased in accordance with the resolution for the next regular election.

7. Rule 6 applies if the resolution is passed before the 31st day of March in the year of the regular election or, if the determination of the calculated enrolment and the total calculated enrolment of the board is referred to the Languages of Instruction Commission of Ontario under subsection 277q (4), before the 30th day of April in the year of the regular election.

(3) Rules 5, 6, 7, 8, 9 and 10 of subsection 206a (8) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 27, section 24, are repealed and the following substituted:

5. The number of members to be elected by the total French-language electoral group shall be calculated in accordance with the formula set out in subsection (9).
6. The number of members to be elected by the electors of the public school English-language electoral group shall be calculated in accordance with subsection (9a) or (9b), as the case requires.
7. The number of members to be elected by the electors of the separate school English-language electoral group shall be calculated in accordance with subsection (9a) or (9b), as the case requires.

(4) Subsection 206a (9) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 27, section 24, is repealed and the following substituted:

(9) For the purpose of rule 5 of subsection (8), the number of members shall be calculated using the following formula:

$$\text{number of members} = \frac{a \times b}{c}$$

Calculation of members for the purpose of rule 5 of subs. (8)

where a = the total number of members of the board determined by the rules in subsection (6)

b = the calculated enrolment of the board as determined under section 277q

c = the total calculated enrolment of the board as determined under section 277q.

Calculation of members for the purposes of rules 6 and 7 of subs. (8)

(9a) For the purposes of rules 6 and 7 of subsection (8), if there is only one English-language electoral group, the number of members of that electoral group is calculated by subtracting from the total number of members of the board determined by the rules in subsection (6), the number of members calculated in subsection (9).

Idem

(9b) For the purposes of rules 6 and 7 of subsection (8), if there are two English-language electoral groups, the number of members shall be calculated using the following formula:

$$\text{number of members} = \frac{(a-b) \times e}{(c-d)}$$

where a = the total number of members of the board determined by the rules in subsection (6)

b = the number of members calculated under subsection (9)

c = the total population of all electoral groups of the board determined under rule 3 of subsection (6)

d = the population of the total French-language electoral group

e = the population of the electoral group to which rule 6 or 7 applies.

(5) Subsections 206a (13), (14), (15), (16) and (17) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 27, section 24, are repealed and the following substituted:

Alternative distribution

(13) The members of the board who represent an electoral group may by resolution passed by an affirmative vote of three-quarters of those members,

(a) designate one or more municipalities within the board's jurisdiction as low population municipalities; and

(b) direct an alternative distribution of those members that represent the electors of the electoral group.

(14) If an alternative distribution is directed under clause (13) (b), the resolution shall provide that the sum of the electoral quotients for the municipality or municipalities designated under clause (13) (a) shall be increased by either one or two. Idem

(15) A resolution passed under subsection (13) shall be effective only for the next regular election. Effect of resolution

(16) A resolution under subsection (13) has no effect unless it is passed before the 31st day of March in the year of the next regular election or, if the determination of the calculated enrolment and the total calculated enrolment of the board is referred to the Languages of Instruction Commission of Ontario under subsection 277q (4), before the 30th day of April in the year of the next regular election. Idem

(17) If a resolution is passed under subsection (13), an alternative distribution of those members that represent the electors of the electoral group shall be made in accordance with subsection (18) by the person prescribed by the regulations to, Distribution of members

- (a) the municipalities or combination of municipalities that comprise the area of jurisdiction of a board; or
- (b) the electoral areas established under subsection (21) or combination of such electoral areas in a municipality.

(6) Rule 3 of subsection 206a (18) of the Act is amended by striking out “subsection (14)” in the last line and substituting “subsection (13)”.

15.—(1) The definition of “calculated enrolment” set out in section 277c of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted:

“calculated enrolment” means a number of pupils enrolled in French-language instructional units, calculated in accordance with the regulations.

(2) The definition of “resident pupil” set out in section 277c of the Act, as enacted by Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted:

“resident pupil”, in respect of a board, means a pupil who is registered on a register or registers prescribed by the Minis-

ter for the purposes of this Part and who is qualified to be a resident pupil of the board and is enrolled in a school,

- (a) operated by the board, or
- (b) operated by another board to which the first-mentioned board pays fees in respect of the pupil.

(3) The definition of “total calculated enrolment” set out in section 277c of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted:

“total calculated enrolment” means a number of pupils calculated in accordance with the regulations.

16. The Act is amended by adding the following section:

Regulations

277ca. The Lieutenant Governor in Council may by regulation prescribe the method of calculation of calculated enrolment and total calculated enrolment.

17. Section 277i of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11 and amended by 1988, chapter 27, section 27, is further amended by adding the following subsection:

Application
of section
206a

(14) Despite subsections (1) to (13), the French-language section of a board may by resolution approved by a majority of the members of the section direct that an election of members to the section shall be subject to subsections 206a (11) to (24).

18. Section 277-l of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.

19. Section 277q of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11 and amended by 1988, chapter 27, section 28, is repealed and the following substituted:

Calculated
enrolment

277q.—(1) A determination of the calculated enrolment of a board and the total calculated enrolment of a board shall be made by the appropriate supervisory officer of the board.

When
calculation
made

(2) The calculated enrolment and the total calculated enrolment shall be determined on or before the 1st day of February in the year in which a regular election will be held under the *Municipal Elections Act*.

(3) On or before the 1st day of March in a year in which a regular election will be held under the *Municipal Elections Act*, the determination of the calculated enrolment and the total calculated enrolment made under subsection (1) shall be confirmed by resolution by,

Approval of calculation

- (a) a majority of the members of the board who are members of the French-language section; and
- (b) a majority of the members of the board who are not members of the French-language section.

(4) If no determination is made under subsection (1) or a determination is not confirmed under subsection (3), the appropriate supervisory officer shall refer the matter to the Languages of Instruction Commission of Ontario on or before the 15th day of March in a year in which a regular election will be held under the *Municipal Elections Act*.

Referral to the Languages of Instruction Commission of Ontario

(5) The Languages of Instruction Commission of Ontario shall determine the calculated enrolment and the total calculated enrolment of the board and shall notify the appropriate supervisory officer of its determination not later than twenty days after the referral under subsection (4).

Idem

(6) If a determination is made under subsection (5), it shall be used in place of any other determination.

Idem

20. Clauses 277t (2) (a) and (b) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, are repealed and the following substituted:

- (a) a reference in this Part or in a regulation under this Part to French, other than in this subsection and subsection (3), shall be deemed to be a reference to English;
- (b) a reference in this Part or in a regulation under this Part to French language shall be deemed to be a reference to English language; and

21. An increase or a decrease in the number of the members of a board approved under rule 6 of subsection 206a (6) of the Act prior to the regular election in 1988 shall be void for the purpose of the regular election in 1991.

Transition

22. By-law SS1/89 of The Haldimand-Norfolk Roman Catholic Separate School Board, passed under section 136a of

Approval of by-law under R.S.O. 1980, c. 129, s. 136a

the Act on the 18th day of December, 1989 and amended on the 26th day of February, 1990, shall be deemed to have been approved by the Minister of Education on the 30th day of June, 1990.

Commence-
ment

23. This Act comes into force on the day it receives Royal Assent.

Short title

24. The short title of this Act is the *Education Amendment Act (Miscellaneous), 1990*.

