CHAPTER 424

The Schools Administration Act

INTERPRETATION

1.—(1) In this Act, "board" means a public school board, separate school board, secondary school board or board of education. R.S.O. 1960, c. 361, s. 1 (1); 1965, c. 118, s. 1; 1968, c. 121, s. 1 (1), amended.

(2) In this Act and in The Department of Education Act, The Public Schools Act, The Separate Schools Act and The Secondary Schools and Boards of Education Act and the regulations under any of such Acts, unless otherwise provided in the Act or regulations,

1. "adjoining" means touching at any point.

2. "board of education" includes a divisional board of education;

3. "capital fund" means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;

4. "cost of operation" means the total of the current expenditure and debt charges paid in the year by a board or on its behalf;

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the board concerned has jurisdiction and, where the board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the board is the greatest according to the last revised assessment rolls;

6. "current expenditure" means an expenditure for maintenance 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;
7. "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;

8. "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;

9. "Department" means the Department of Education;

10. "elementary school" means a public or separate school;

11. "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;

12. "itinerant teacher" means a teacher employed on a part-time basis by one board or more to teach one subject and who is normally required to travel from one school to another in the performance of his duties;

13. "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;

14. "Minister" means the Minister of Education;

15. "municipality" means a city, town, village or township, but does not include a county;

16. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher;

17. "perfect aggregate attendance" for a calendar year means the number of pupil-days obtained by adding,
   i. the product of,
      a. the number of teaching days in the calendar year; and
      b. the sum of the number of pupils registered for full-day attendance, and one-half of the number of pupils registered for half-day attendance, at the school during the calendar year, and
   ii. the sum of the products of,
      a. the number of pupils enrolled in each summer-
school course or each evening course of study operated by the board, and

b. one-fifth of the number of hours in the length of such summer-school course or such evening course of study,

and subtracting therefrom,

iii. the number of full pupil-days of non-attendance or the equivalent of full pupil-days of non-attendance (a full pupil-day being two days of non-attendance in the case of a pupil registered for half-day attendance, and five hours of non-attendance in the case of a pupil registered in a summer-school course or an evening course of study) caused by,

a. deaths,
b. late registrations,
c. termination of registrations,
d. expulsions, and
e. exclusions;

18. "permanent improvement" includes,

i. the acquisition of a school site and an addition or an improvement to a school site,

ii. the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto,

iii. the acquisition or erection of 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. the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,

v. the acquisition of a bus, or other vehicle, used for the transportation of pupils,

vi. the obtaining of a water supply on the school property or conveyed 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;

19. "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
20. "population" of a municipality or a portion thereof means the population determined by reference to the last municipal census of the municipality, less the number of inmates in public institutions in the municipality or the portion thereof, as certified by the clerk of the municipality;

21. "prescribed" means prescribed by the regulations;

22. "probationary teacher" means a teacher employed for a probationary period,
   i. of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
   ii. of not more than one year for a teacher with three or more years experience before the commencement of the contract,
   leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

23. "provincial supervisory officer" means a teacher employed as a supervisory officer by the Province.

24. "regulations" means the regulations made under The Department of Education Act;

25. "reserve fund" means a reserve fund established under section 308 of The Municipal Act or paragraph 17 of section 34 of this Act;

26. "rural school section" means a school section that comprises only territory without municipal organization;

27. "school division" means the area in which a divisional board of education has jurisdiction;

28. "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas;

29. "school site" means any land or building required for a schoolhouse, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas, offices of a board or for any other school purposes;
30. "secondary school" means a school under the jurisdiction of a secondary school board;

31. "secondary school district" means the area in which a secondary school board has jurisdiction;

32. "secretary" and "treasurer" include a secretary-treasurer;

33. "separated town" means a town separated for municipal purposes from the county in which it is situated;

34. "supervisory officer" means a teacher employed as a supervisory officer by the Province or a board and includes a director of education and a superintendent of separate schools;

35. "teacher" means a person holding a legal certificate of qualification;

36. "temporary teacher" means a person employed to teach under the authority of a letter of permission;

37. "township" includes union of townships;

38. "urban municipality" means a city, town or village;

39. "urban school section" means a township school area or a school section that includes an urban municipality. R.S.O. 1960, c. 361, s. 1 (2); 1961-62, c. 130, s. 1; 1965, c. 118, s. 1; 1966, c. 140, s. 1; 1967, c. 90, s. 1; 1968, c. 121, s. 1; 1968-69, c. 114, s. 1, amended.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

2. In this Part, "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. R.S.O. 1960, c. 361, s. 2.

3. (1) The school year for elementary and secondary schools consists of three terms.

(2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when
the 22nd day of December is a Monday, the first term ends on the preceding Friday.

(3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday.

(4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday. 1966, c. 140, s. 2, part.

4. The following days are school holidays:

1. Every Saturday and Sunday.

2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.

3. Every day upon which the school is closed under *The Emergency Measures Act*, *The Public Health Act* or *The Department of Education Act* or the regulations.

4. A day approved by the appropriate supervisory officer for a teachers' institute or conference.

5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.

6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.

7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.

8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day. 1966, c. 140, s. 2, part.

5.—(1) With the approval of the appropriate provincial supervisory officer, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year. R.S.O. 1960, c. 361, s. 5 (1); 1966, c. 140, s. 3.

(2) In a territorial district, the appropriate supervisory officer, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an
elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1960, c. 361, s. 5 (2).

6.—(1) Unless excused under this section,

(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 the last school day in June in the year in which 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. R.S.O. 1960, c. 361, s. 6 (1).

(2) A child is excused from attendance at school,

(a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;

(b) if he is unable to attend school by reason of sickness or other unavoidable cause;

(c) if 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 one mile from his residence measured by the nearest highway 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 two miles from his residence measured by the nearest highway 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 three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;

(d) if he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;

(e) if 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) if he is excluded from attendance at school under any Act or under the regulations;

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

(h) if he is absent temporarily as authorized under the regulations. R.S.O. 1960, c. 361, s. 6 (2); 1960-61, c. 92, s. 1; 1968, c. 121, s. 2.

(3) The fact that a child is blind or deaf is not an unavoidable cause under clause b of subsection 2 if the child is eligible for admission to the Ontario School for the Blind or an Ontario School for the Deaf.

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

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1960, c. 361, s. 6 (3-6).

7.—(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 and subject to the regulations, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1960, c. 361, s. 7 (1); 1967, c. 90, s. 2 (1).

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause a of subsection 2 of section 6, the Minister may inquire as to the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he considers that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school. R.S.O. 1960, c. 361, s. 7 (2).

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses b to h of subsection 2 of section 6, the provincial school attendance counsellor may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child
is excused under the clause and, if he considers that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school. R.S.O. 1960, c. 361, s. 7 (3); 1967, c. 90, s. 2 (2).

(4) The provincial school attendance counsellor has all the powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1960, c. 361, s. 7 (4); 1967, c. 90, s. 2 (3).

8.—(1) Every board shall appoint one or more school attendance counsellors.

(2) Two or more boards may appoint the same school attendance counsellor or counsellors.

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the board.

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the provincial school attendance counsellor and to the supervisory officers concerned. 1967, c. 90, s. 3, part, amended.

9.—(1) A school attendance counsellor appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age in the area in which the board that appointed him has jurisdiction or who are not resident pupils of the school section but are or have been enrolled during the current school year in a public school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary or separate school board.

(2) A school attendance counsellor appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age and whose parents or guardians are supporters of a school operated by the board or who are not resident pupils of the separate school zone but are or have been enrolled during the current school year in a separate school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary school board.

(3) A school attendance counsellor appointed by a secondary school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the secondary school district or who are not resident pupils of a secondary school.
district but are or have been enrolled during the current school year in a secondary school operated by the board.

(4) A school attendance counsellor appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age in the area in which the board has jurisdiction or who are not resident pupils of the public school section or secondary school district but are or have been enrolled during the current school year in a public or secondary school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a separate school board. 1967, c. 90, s. 3, *part.*

10.—(1) A school attendance counsellor may,

(a) enter without warrant any place where children may be employed or congregated;

(b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school. R.S.O. 1960, c. 361, s. 10 (1); 1967, c. 90, s. 4 (1).

(2) A school attendance counsellor shall report monthly to the body that appointed him, and annually to the provincial school attendance counsellor, on the prescribed forms. R.S.O. 1960, c. 361, s. 10 (2); 1967, c. 90, s. 4 (2).

(3) A school attendance counsellor shall perform his duties under the direction of the appropriate supervisory officer, and shall carry out the instructions and directions of the provincial school attendance counsellor. R.S.O. 1960, c. 361, s. 10 (3); 1967, c. 90, s. 4 (3), *amended.*

(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 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. R.S.O. 1960, c. 361, s. 10 (4); 1967, c. 90, s. 4 (4), *amended.*

11. A board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1960, c. 361, s. 11.

12.—(1) The principal of every elementary or secondary school shall,
(a) report in accordance with the regulations to the appropriate school attendance counsellor, and in the case of an elementary school also to the appropriate 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;

(c) report to the school attendance counsellor every case of suspension or expulsion. R.S.O. 1960, c. 361, s. 12 (1); 1967, c. 90, s. 5 (1-3), amended.

(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 concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1960, c. 361, s. 12 (2); 1967, c. 90, s. 5 (4), amended.

13. Where it appears to the Minister that a public school board in territory without municipal organization is not providing accommodation for the children entitled to attend public school, or has neglected or failed to raise the necessary funds for the establishment and maintenance of a public school, or has in other respects failed to comply with The Public Schools Act, this Act and the regulations, or that the election of trustees 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 establishment and maintenance of a public school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the levying of all sums of money required for public school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a public school in accordance with The Public Schools Act, this Act and the regulations, and thereupon the provincial school attendance counsellor has and may exercise and perform, as authorized by the Minister, all the authority, powers and duties vested in, and to be performed by, a public school board under The Public Schools Act, this Act and the regulations. R.S.O. 1960, c. 361, s. 14; 1967, c. 90, s. 7, amended.

14.—(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 summary conviction is liable to a fine of not more than $25. R.S.O. 1960, c. 361, s. 15 (1).
(2) The provincial judge may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of $100, with one or more sureties to be approved by the provincial judge, conditioned that the person shall cause the child to attend school as required by this Part. R.S.O. 1960, c. 361, s. 15 (2); 1961-62, c. 130, s. 2 (1), amended.

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a fine of not more than $25. 1968, c. 121, s. 4.

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1960, c. 361, s. 15 (4).

(5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary 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 a provincial judge in the Provincial Court (Family Division), and the provincial judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada). 1961-62, c. 130, s. 2 (2) amended.

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. 1961-62, c. 130, s. 2 (2).

15.—(1) Prosecutions under section 14 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 1 of section 14 shall be instituted in the Provincial Court (Family Division). R.S.O. 1960, c. 361, s. 16 (1); 1967, c. 90, s. 8, amended.

(2) In prosecutions under section 14, 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.

(3) Where a person is charged under section 14 in respect of a child who is alleged to be of compulsory school age and the child appears to the provincial judge 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. R.S.O. 1960, c. 361, s. 16 (2, 3), amended.

PART II

TEACHERS

16.—(1) 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, and the teacher’s salary shall be payable in ten monthly payments in the manner provided therein. R.S.O. 1960, c. 361, s. 17 (1); 1968-69, c. 114, s. 2.

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging.

(3) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the total number of days during which he teaches bears to the whole number of teaching days in the year. R.S.O. 1960, c. 361, s. 17 (2-3).

(4) Subject to subsection 6, a permanent or probationary 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. R.S.O. 1960, c. 361, s. 17 (4); 1964, c. 105, s. 2 (1).

(5) Subject to subsection 6, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any 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 such two days absence from duty on account of such sickness or such tooth or gum condition. 1964, c. 105, s. 2 (2).

(6) An itinerant 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 itinerant 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.

(7) 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.

(8) Every teacher is entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged.

(9) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the small claims court of the division in which the cause of action arose, subject to appeal as provided in section 17.

(10) 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.

(11) For the purposes of subsection 10, 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 subsection 1, 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. R.S.O. 1960, c. 361, s. 17 (5-10).

17.—(1) In an action between a teacher and a board under section 16, the judge of the small claims court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the small claims court appealed from, which appeal may be
entitled "The Minister of Education of Ontario, Appellant, in the matter between (naming the parties)."

(3) The judge shall thereupon transmit to the office of the Registrar of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith.

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office.

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than $100 has the same right of appeal as in an action in the small claims court.

R.S.O. 1960, c. 361, s. 18, amended.

18.—(1) Subject to The Department of Education 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. R.S.O. 1960, c. 361, s. 19 (1).

(2) Subject to The Department of Education Act, a certificate of qualification as a teacher may be awarded only to a British subject 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 are valid for such periods as the regulations prescribe. R.S.O. 1960, c. 361, s. 19, (3, 4).

19.—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the supervisory officer concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.
(2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the supervisory officer of the school, may suspend the teacher and the board that operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion. R.S.O. 1960, c. 361, s. 20 (1, 2), amended.

(3) Subject to the written approval of the board that operates the school, a teacher may replace any approved text-book that is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1960, c. 361, s. 20 (3).

20. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession is not a qualified teacher until restitution is made and he also forfeits any claim that he may have against the board. R.S.O. 1960, c. 361, s. 21.

21.—(1) It is the duty of a teacher,

(a) to teach diligently and faithfully the subjects in the course of study as prescribed by the regulations;

(b) to encourage the pupils in the pursuit of learning;

(c) to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

(d) to maintain proper order and discipline in his classroom and while on duty in the school and on the playground under the direction of the principal;

(e) in instruction and in all communications with the pupils in regard to discipline and the management of the school,

(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;

(f) to see that the classroom is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon;

(g) to conduct his class in accordance with a timetable which shall be accessible to pupils and to the principal and supervisory officer;

(h) to attend regularly the teachers' institute of which he is a member;

(i) to notify the board and the supervisory officer of his absence from school and the reason therefor; and

(j) to deliver the register, the schoolhouse 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 engagement has ceased. R.S.O. 1960, c. 361, s. 22 (1); 1966, c. 140, s. 4 (1); 1968, c. 121, s. 5, amended.

(2) It is the duty of a principal, in addition to his duties as a teacher,

(a) to maintain proper order and discipline in the school;

(b) to register the pupils, classify them according to the courses of study prescribed, and record their progress through school;

(c) to ensure that the attendance of pupils for every school day is recorded 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;

(d) to prepare and conduct the school according to a timetable which shall be accessible to pupils, teachers and the supervisory officers;

(e) to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the supervisory officer may direct and report the progress of the pupil to his parent or guardian at least for each school term;

(f) subject to revision by the supervisory officer, to make at the end of each school term such promotions from one grade to another as he considers expedient;
(g) to prevent the use by pupils of text-books that are not approved under the regulations;

(h) to furnish to the Minister and to the 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 regulations;

(i) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds;

(j) 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, or the unsanitary condition of the schoolhouse, outhouses or surroundings;

(k) to refuse admission to the school of any pupil 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 duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;

(l) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board and the supervisory officer of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the principal to the board which has power to remove, confirm or modify the suspension; and

(m) to keep a visitors book and make it available for visitors to sign.  R.S.O. 1960, c. 361, s. 22 (2); 1964, c. 105, s. 4; 1966, c. 140, s. 4 (2), amended.

22. Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.  R.S.O. 1960, c. 361, s. 23 (1).
PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

23. In this Part,

(a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;

(b) "employed" means engaged 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 as a permanent teacher by a board, in accordance with Part II and the regulations. R.S.O. 1960, c. 361, s. 24.

24.—(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.

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract.

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen 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.

(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. R.S.O. 1960, c. 361, s. 25.

25.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until,

(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 24;
(b) the board has received from the teacher notice in writing that no application will be made under section 24;

(c) the board has received from the Minister notice in writing that an application made by the teacher under section 24 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 24;

(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 3 of section 26; or

(f) the board has received from the Minister a direction under section 29 directing the discontinuance of the contract,

whichever first occurs.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

(a) the teacher has received from the Minister notice in writing that an application made by the board under section 24 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 24;

(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 3 of section 26; or

(d) the teacher has received from the Minister a direction under section 29 directing the discontinuance of the contract,


26.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered mail to the other party to the disagreement and shall within thirty days thereof 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 direct a judge to act as chairman thereof.
(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he considers advisable. R.S.O. 1960, c. 361, s. 27 (1, 2).

(3) Upon directing 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 by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister. 1968-69, c. 114, s. 3.

(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.

(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. R.S.O. 1960, c. 361, s. 27 (4-6).

27. 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. R.S.O. 1960, c. 361, s. 28.

28.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman has all the powers that may be conferred upon a commissioner under The Public Inquiries Act.

(2) The meetings of the Board of Reference shall be held in camera. R.S.O. 1960, c. 361, s. 29.

29.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it considers advisable.

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered mail to the board and the teacher
within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. R.S.O. 1960, c. 361, s. 30.

30.—(1) The direction of the Board of Reference under section 29 is binding upon the board and the teacher.

(2) If a board fails to comply with the direction of the Board of Reference under section 29, any 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.

(3) If a teacher fails to comply with the direction of the Board of Reference under section 29, the Minister shall suspend the certificate of qualification of the teacher for such period as he considers advisable. R.S.O. 1960, c. 361, s. 31.

31. Subject to the regulations made under section 32, 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. R.S.O. 1960, c. 361, s. 32.

32. The Lieutenant Governor in Council may make 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 this Part. R.S.O. 1960, c. 361, s. 33, amended.

PART IV

BOARDS AND TRUSTEES

33. Every board shall,

1. ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations;

2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board;
3. 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;

4. transmit to the Minister all reports and returns required by the regulations;

5. provide adequate accommodation during each school year for the children who have a right to attend a school under the jurisdiction of the board;

6. make provision for insuring adequately the school buildings and equipment;

7. take proper security from the treasurer or secretary-treasurer;

8. keep the school buildings, fences 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;

9. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises;

10. appoint for each school that it operates a principal and an adequate number of teachers all of whom shall be qualified according to the Acts and regulations administered by the Minister;

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board. R.S.O. 1960, c. 361, s. 34; 1964, c. 105, s. 6; 1966, c. 140, s. 5; 1968, c. 121, s. 7.

34. A board may,

1. appoint such committees as it considers expedient;

2. subject to Part III, appoint and remove such teachers, officers and servants as it considers expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties; R.S.O. 1960, c. 361, s. 35, pars. 1, 2.

3. appoint a psychiatrist who is 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 or a psychologist who is a legally qualified medical practitioner or holds a certificate of registration under The Psychologists Registration Act, who shall perform his duties in accordance with this Act and the regulations; 1960-61, c. 92, s. 2.
1. dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy;

2. attendance areas

3. determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained;

4. sites

5. acquire or rent school sites;

6. build schools

7. build school buildings on property owned by the board within its jurisdiction;

8. playgrounds, parks, rinks

9. operate the playground as a park or playground and rink during the school term 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;

10. gymnasiuims

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; R.S.O. 1960, c. 361, s. 35, pars. 3-9.

12. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 33, for the use of pupils and collect from their parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof; 1965, c. 118, s. 4 (1).

13. provide registers, maps, globes, apparatus and prize books, and establish and maintain school libraries,

14. provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board considers proper, but only where provision for such medical and dental inspection was inaugurated by the board before the 31st day of July, 1924, in the case of an elementary school board and
before the 31st day of December, 1941, in the case of a secondary school board;

15. 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 the Ontario Educational Association or other similar association of teachers or trustees and may make grants and pay membership fees to any such association; R.S.O. 1960, c. 361, s. 35, pars. 11-14.

16. 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; 1967, c. 90, s. 9 (1).

17. 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; R.S.O. 1960, c. 361, s. 35, par. 16.

18. invest moneys not required immediately by the board in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank or lend such moneys to any municipality by way of promissory note of the municipality, provided that the treasury bills, short-term bonds, deposit certificates or promissory notes become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys were invested; 1968, c. 121, s. 8 (1); 1968-69, c. 114, s. 4 (1).

19. make provision for insuring the board, its employees or any group thereof, against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; R.S.O. 1960, c. 361, s. 35, par. 17; 1968, c. 121, s. 8 (2).

20. 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; R.S.O. 1960, c. 361, s. 35, par. 18, amended.
21. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof; R.S.O. 1960, c. 361, s. 35, par. 19; 1965, c. 118, s. 4 (2).

22. 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 Act under which the board is established or the regulations and by the board; R.S.O. 1960, c. 361, s. 35, par. 20.

23. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purposes that it considers proper, provided the proper conduct of the school is not interfered with; R.S.O. 1960, c. 361, s. 35, par. 21; 1967, c. 90, s. 9 (2).

24. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils, and exclude any pupil by or on behalf of whom fees are legally required to be paid if such fees are not paid after reasonable notice;

25. establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;

26. provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1960, 361, s. 35, pars. 22-24.

27. 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; 1968-69, c. 114, s. 4 (2).

28. 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; 1965, c. 118, s. 4 (3).

29. subject to the regulations, establish, conduct and maintain free lectures open to the public and include in the estimates for the current year the expense thereof;

30. establish summer schools in subjects of the course of study; R.S.O. 1960, c. 361, s. 35, pars. 26, 27.
31. establish and conduct during the school year courses for teachers; 1967, c. 90, s. 9 (3), *part.*

32. establish evening classes; 1968-69, c. 114, s. 4 (3).

33. authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils; R.S.O. 1960, c. 361, s. 35, par. 28.

34. 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 programs; 1968-69, c. 114, s. 4 (4).

35. operate a cafeteria for the use of the staff and students; R.S.O. 1960, c. 361, s. 35, par. 30.

36. 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 committee appointed by a board or his estate against loss in case he is accidentally killed or injured, 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; 1968, c. 121, s. 8 (3).

37. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven years old as of the 1st day of January of the current year, except school registers, records of pupils’ standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector’s rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest; 1962-63, c. 129, s. 2, *part.*
38. 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, and any children being so educated are subject to this Act, The Public Schools Act, The Separate Schools Act, The Secondary Schools and Boards of Education Act and the regulations;

39. where, in co-operation with business and industry, 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; 1964, c. 105, s. 7.

40. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

41. 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; 1965, c. 118, s. 4 (4).

42. subject to the approval of the Minister, establish, as provided by the regulations, special education programs to provide special education services for children who require such services;

43. when requested by the board of a cerebral palsy treatment centre school or a crippled children's treatment centre 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; 1967, c. 90, s. 9 (3), part.

44. enter into an agreement with the council of a municipality, including a regional municipality or a county, or a local board thereof except a school board, in respect of the joint use of educational and municipal facilities; 1968-69, c. 114, s. 4 (5).

45. 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 municipal 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. 1968-69, c. 114, s. 4 (6).

35. 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 The Public Schools Act, The Separate Schools Act or The Secondary Schools and Boards of Education Act, the board, with the approval in writing of the appropriate supervisory officer, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. 1967, c. 90, s. 10, amended.

36. A public school board or a secondary school board may enter into an agreement with any other board to provide for the other board,

(a) accommodation for administrative purposes; or

(b) the services of a psychiatrist, psychologist or teacher. 1966, c. 140, s. 6.

37.—(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 as provided in section 72.

(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 as provided in section 72, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto.

(3) Where a board has entered into an agreement under this section, the board, on the recommendation of the council of the Indian band concerned, may appoint as a member of the board such person as it considers proper to represent the interests of the Indian pupils served by the board, and the person so appointed has all the powers and duties of a member of the board as though he were eligible and duly elected as a member of the board. 1967, c. 90, s. 11.
Agreements re pupils in federal establishments

38. 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. 1968-69, c. 114, s. 5.

39.—(1) A divisional board of education, public school board or separate school board may establish and maintain elementary schools or classes in elementary schools, including kindergarten classes, for the purpose of providing for the use of the French language in instruction of French-speaking pupils.

(2) Where ten or more French-speaking ratepayers of a school division, school section or separate school zone apply in writing to the board thereof for the use of the French language in instruction of French-speaking pupils, and,

(a) the parents or guardians of thirty or more French-speaking pupils in the primary, junior or intermediate division elect to have such pupils taught in the French language, and such pupils can be assembled for this purpose in a class or classes as part of a school, the board shall provide for the use of the French language in instruction in such class or classes; and

(b) in the opinion of the board the number of such French-speaking pupils so warrants, the board shall provide for the use of the French language in instruction in a French-language elementary school.

(3) Where French is the language of instruction in a public or separate school and ten or more English-speaking ratepayers of the school division, school section or separate school zone apply in writing to the board thereof for the use of the English language in instruction of English-speaking pupils, and,

(a) the parents or guardians of thirty or more English-speaking pupils in the primary, junior or intermediate division elect to have such pupils taught in the English language, and such pupils can be assembled for this purpose in a class or classes as part of a school, the board shall provide for the use of the English language in instruction in such class or classes; and

(b) in the opinion of the board the number of such English-speaking pupils so warrants, the board shall provide for the use of the English language in instruction in an English-language elementary school.

(4) Notwithstanding subsections 1 and 2, English may be a subject of instruction in any grade and in any case shall be a subject of instruction in Grades 5, 6, 7 and 8.
(5) On the request of a parent or guardian of a pupil, a board may admit such pupils to classes formed by it under subsection 1 or 2 if such pupil has a right to attend a school operated by the board and the principal is satisfied that the attendance of such pupil will not delay the progress of the French-speaking pupils. 1968, c. 121, s. 9.

40.—(1) A board may pay to each trustee, except members of a board of education who are not entitled to vote on a motion that affects public schools exclusively, for each month an honorarium 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:

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<tr>
<th>Enrolment</th>
<th>Maximum Monthly Honorarium</th>
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<tr>
<td>Fewer than 100</td>
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<td>100 or more but fewer than 500</td>
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<td>60,000 or more</td>
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1968, c. 121, s. 10 (1); 1968-69, c. 114, s. 6 (1).

(2) A board of education may pay to each trustee who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding the amount provided in subsection 1 based on the enrolment on the 30th day of September in the preceding year in all secondary schools which, on the 1st day of January of the current year, are operated by the board. 1968, c. 121, s. 10 (2).

(3) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional honorarium not exceeding one-third of the honorarium that may be paid to him as trustee. 1966, c. 140, s. 7 (2); 1968, c. 121, s. 10 (3).

(4) A board of education may pay to each member of an advisory vocational committee who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the enrolment on the 30th day of September in the preceding year in all secondary schools which, on the 1st day of January of the current year, are operated by the board. 1968, c. 121, s. 10 (4); 1968-69, c. 114, s. 6 (2).

(5) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction. 1964, c. 105, s. 8, part.
Expenses for authorized travel on board business

(6) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official for his actual expenses incurred on business of the board, or such lesser amount as may be determined by the board. 1964, c. 105, s. 8, part; 1968, c. 121, s. 10 (5).

Deduction because of absence

(7) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board. 1964, c. 105, s. 8, part.

Advisory committee members

(8) Subsections 5, 6 and 7 apply mutatis mutandis to members of,

(a) an advisory vocational committee;

(b) an advisory committee on schools for trainable retarded children; and

(c) a French-language committee for secondary school purposes,

who are not members of the board. 1968, c. 121, s. 10 (6).

Business administrator

41.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

(2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

(3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators. 1961-62, c. 130, s. 3.

Transportation of pupils

42.—(1) A board may provide transportation for its resident pupils to and from a school that the board operates or for its pupils for whom it pays fees in a school operated by another board.

(2) An elementary school board may provide transportation to a secondary school for pupils whose parents or guardians are supporters of the elementary school and who do not reside in a secondary school district. R.S.O. 1960, c. 361, s. 37 (1, 2).

(3) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school. 1964, c. 105, s. 9, part; 1965, c. 118, s. 6 (1).

(4) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but
not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. 1964, c. 105, s. 9, part; 1965, c. 118, s. 6 (2).

(5) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose.

(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. R.S.O. 1960, c. 361, s. 37 (3, 4).

(7) 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. 1965, c. 118, s. 6 (3).

(8) 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 fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, 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. 1968, c. 121, s. 11 (1).

(9) 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 fifteen miles 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. 1968, c. 121, s. 11 (2).

(10) Where a pupil resides with his parent or guardian in a school division in a residence that,

(a) in a territorial district is fifteen miles or more; or

(b) in a county is thirty miles or more,

by road or rail from a secondary school that he attends under section 6 or 60 or that he has a right to attend under section 62 or 43 of The Secondary Schools and Boards of Education Act, or where R.S.O. 1970, c. 425
a pupil resides with his parent or guardian on an island in a school division, the board of the school division of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, 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. 1968, c. 121, s. 11 (3).

(11) Where a secondary school pupil resides in a territorial district in a school division with his parent or guardian in a residence that is fifteen miles 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. 1968, c. 121, s. 11 (4).

(12) 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 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. 1968, c. 121, s. 11 (5), amended.

(13) 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.
(14) For the purpose of certifying attendance under subsections 8 to 13, 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 sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. 1968-69, c. 114, s. 7.

43.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the Government Annuities Act (Canada) or with an insurer licensed under The Insurance Act or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 64 of section 352 of The Municipal Act and the provisions of the said paragraph 64 apply mutatis mutandis. R.S.O. 1960, c. 361, s. 38 (1); 1965, c. 118, s. 7 (1).

(2) 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. R.S.O. 1960, c. 361, s. 38 (2), amended.

(3) An employee of a divisional board of education 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.

(4) A divisional board of education that is required to make the contribution of a former board to an approved pension plan, as defined in section 250 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. 1968, c. 121, s. 12.

44.—(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.

(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 4, 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.

(3) Where an employee of a municipality or a local board as defined in The Department of 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 4, 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.

(4) The amount of sick leave credits placed to the credit of an employee under subsection 2 or 3 shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.

(5) Subsections 2 and 3 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. 1967, c. 90, s. 13.

(6) Notwithstanding subsection 5, intervening employment with the Department of Education does not preclude the application of subsections 2 and 3. 1968, c. 121, s. 13.

45.—(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. 1960, c. 361, s. 40
(1); 1960-61, c. 92, s. 3; 1968-69, c. 114, s. 8 (1).

(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. 1968-69, c. 114, s. 8 (2).

(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 are 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. R.S.O. 1960, c. 361, s. 40 (2, 3).

46.—(1) A board may by resolution provide, by contract
either with an insurer licensed under The Insurance Act or with an
association registered under The Prepaid Hospital and Medical
Services Act,

(a) group life insurance for employees or any class thereof;

(b) group accident insurance or group sickness insurance for
employees or any class thereof and their wives and
children; and

(c) hospital, medical, surgical, nursing or dental services or
payment therefor for employees or any class thereof and
their wives and children,

and may provide for contributing toward the cost thereof.

(2) A board may by resolution provide for contributing toward
the cost to employees of the plan of hospital care insurance
provided for under The Hospital Services Commission Act.
R.S.O. 1960, c. 361, s. 41 (1, 2).

(3) No resolution under this section authorizes contributions
by the board in excess of twice the total of those made by the
employees. R.S.O. 1960, c. 361, s. 41 (3); 1968, c. 121, s. 14.
47.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1960, c. 361, s. 42.

48.—(1) Except as otherwise provided in any Act,

(a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and

(b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

(2) Notwithstanding subsection 1, on the petition of a majority of the trustees 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.

(3) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed. 1961-62, c. 130, s. 4.

(4) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member.

(5) At the first meeting in 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.

(6) 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.

(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.

(8) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. R.S.O. 1960, c. 361, s. 43, (2-6).

(9) 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. R.S.O. 1960, c. 361, s. 43 (8).

(10) 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. 1968-69, c. 114, s. 9 (1).

(11) Subject to subsection 7 of section 29 of The Secondary Schools and Boards of Education Act, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1960, c. 361, s. 43 (10); 1965, c. 118, s. 8; 1968-69, c. 114, s. 9 (2).

(12) Subsequent meetings of the board shall be held at such time and place as the board considers expedient.

(13) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1960, c. 361, s. 43 (11, 12).

49.—(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, 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:

**Declaration**

I, A.B., 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...

(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 and in default he shall be deemed to have resigned.
(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.

(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. R.S.O. 1960, c. 361, s. 44.

50.—(1) A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum. 1966, c. 140, s. 9.

(2) Notwithstanding subsection 1, where it is necessary for a trustee 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 31st day of December after it is so filed. 1967, c. 90, s. 14.

51. Every secretary of a board shall,

(a) keep 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 ensure that the minutes, when confirmed, are signed by the chairman or presiding member;

(b) transmit to the appropriate supervisory officer copies of reports requested by the supervisory officer or the Minister;

(c) perform such other duties as may be required of him by the regulations, by any other Act or by the board. R.S.O. 1960, c. 361, s. 45, amended.

52.—(1) 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 safe keeping as directed by the board.
(2) 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. R.S.O. 1960, c. 361, s. 46.

53. Every treasurer of a board shall,

(a) receive and account for all school moneys;

(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 not other moneys, to the credit of such account or accounts;

(d) disburse all moneys as directed by the board;

(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. R.S.O. 1960, c. 361, s. 47.

54. Any person may, at all reasonable hours, inspect the minute book, the audited annual financial report and the current accounts of a board, and the secretary, 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, shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1960, c. 361, s. 48.

55.—(1) A school trustee is not eligible for appointment as a supervisory officer or as a teacher by the board of which he is a member.

(2) A teacher is not eligible to be a member of the board by which he is employed.

(3) A supervisory officer is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of supervisory officer. R.S.O. 1960, c. 361, s. 49, amended.

56.—(1) A person is not qualified to be elected as a trustee of a board or to act as a trustee of a board,

(a) who, either himself or by or with or through another, has an interest in any contract with the board or with any person acting for the board or in any contract for the supply of goods or materials to a contractor for work for which the board pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the board or of an officer of the board, or who has an unsatisfied claim for such goods or materials; or

(b) who, either himself or by or with or through another, has any claim, action or proceeding against the board.
(2) Subsection 1 does not apply to a person by reason only,

(a) of his being a shareholder in a corporation having dealings or a contract with the board, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such corporation and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse;

(b) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement or notice is inserted in the regular course of business, if the subscription, advertisement or notice is paid for at the usual rate;

(c) of his being related by blood or marriage to a person employed by the board;

(d) of his being entitled to or receiving, on or after his retirement from employment or service with a board, a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with the board; or

(e) of his having an interest in a contract or proposed contract or other matter that he may have as a ratepayer or elector or as a user of any service supplied to him by the board in like manner and subject to the like conditions as are applicable in the case of persons who are not trustees.

(3) If a trustee of a board in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the board, the contract, purchase or sale as against the board is voidable at the instance of the board or a ratepayer assessed to the support of the school or schools under the jurisdiction of the board. 1967, c. 90, s. 15.

(4) Nothing in this section,

(a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 40;

(b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or

(c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be
approved at, and entered in the minutes of, the annual meeting or at a special meeting of the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board. R.S.O. 1960, c. 361, s. 50 (5); 1961-62, c. 130, s. 5.

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 50 (6).

57.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he ipso facto vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. 1965, c. 118, s. 9.

(2) Notwithstanding subsection 1, where a trustee 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. R.S.O. 1960, c. 361, s. 51 (2).

58. Where a complaint is made in writing to the appropriate supervisory officer by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the supervisory officer may file the complaint with the judge and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1960, c. 361, s. 52, amended.

59. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school money is 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.  R.S.O. 1960, c. 361, s. 53.

60.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.  1966, c. 140, s. 1; 1968-69, c. 114, s. 10 (1).

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end of that year.  1966, c. 140, s. 10, part.

PART V

SCHOOL SITES

61.—(1) Subject to the provisions of The Separate Schools Act as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site.  R.S.O. 1960, c. 361, s. 65 (1); 1967, c. 90, s. 18.

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

(3) Where a board of education expropriates land under subsection 2, the land is not exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge.  R.S.O. 1960, c. 361, s. 65 (2, 3).

62. A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein.  1965, c. 118, s. 13; 1967, c. 90, s. 19.
63.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality that the board considers desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

(2) All land acquired under subsection 1, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated.

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

(4) So long as land acquired by a board of a city or town under subsection 1 is held by the board, no school building or other permanent improvement shall be constructed on such land until the land is included within the limits of the school section under the jurisdiction of the board.

(5) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it considers expedient. R.S.O. 1960, c. 361, s. 66.

64.—(1) A board that had an average daily enrolment of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality for the purpose of erecting a natural science school, and may build and operate such a school thereon. 1965, c. 118, s. 14, part; 1967, c. 90, s. 20; 1968, c. 121, s. 16.

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation program in co-operation with a conservation authority. 1965, c. 118, s. 14, part.

65.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other persons, seized,
posessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made is valid and effectual to all intents and purposes.

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings that may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1960, c. 361, s. 68.

PART VI

SUPERVISORY OFFICERS

66.—(1) The Minister shall determine the number of provincial supervisory officers to be appointed.

(2) Provincial supervisory officers shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister. 1966, c. 140, s. 12, amended.

67.—(1) Every divisional board that is required to appoint a director of education, every combined separate school board that is required to appoint a superintendent of separate schools, every board of education for an area municipality as defined in The Municipality of Metropolitan Toronto Act and the board of every school section or separate school zone that was a municipal inspectorate on the 31st day of December, 1968 and that is not dissolved on the 1st day of January, 1969, shall employ such supervisory officers as it considers necessary to supervise adequately all aspects of the programs under its jurisdiction, and the persons so employed shall hold the qualifications required by the regulations.

(2) A board other than a board referred to in subsection 1 may, with the approval of the Minister, appoint one or more supervisory officers who shall hold the qualifications required by the regulations. 1968, c. 121, s. 17 (1, 3).

68.—(1) Where a board appoints one or more supervisory officers, the board,

(a) shall designate the title and the 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 the regulations, as the board considers expedient.

(2) The appointment or removal of a supervisory officer is not effective until approved by the Minister.

(3) Where a board appoints a director of education or a superintendent of separate schools, in addition to being the chief education officer, he shall be the chief executive officer of the board. 1968, c. 121, s. 18.

69.—(1) A supervisory officer may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

(2) A supervisory officer appointed by the board may be suspended by the board for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the person from office and the decision of the Minister is final.

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the supervisory officer for the period of suspension, as he considers just.

(4) No person who has been removed from office as a supervisory officer by the Minister shall be appointed or act as a supervisory officer.

(5) A supervisory officer shall hold the qualifications prescribed by the regulations and shall be required to take such courses of training as may be required by the regulations.

(6) A supervisory officer shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as a supervisory officer, without the approval of the Minister.

(7) The salary and travelling and other expenses of a supervisory officer appointed by a board shall be fixed by the board and are payable by the board. R.S.O. 1960, c. 361, s. 83, amended.

70.—(1) Subject to the regulations, it is the duty of a supervisory officer,
inspire teachers and pupils  
(a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;

co-operate with boards  
(b) to assist and co-operate with school boards to the end that the schools may best serve the needs of the children;

visit schools  
(c) to visit each school in his jurisdiction during the school year and visit each classroom in operation in his jurisdiction as often and for such length of time on each occasion as the Minister may direct;

prepare reports  
(d) to prepare a report of each school based on the visits made during the year in the form prescribed by the Minister;

report to boards  
(e) in the case of a supervisory officer of an elementary school, to forward to each board in his jurisdiction a copy of a report on its schools at least once a year;

annual report to Minister  
(f) on request, to make a general annual report as to the performance of his duties and the condition of the schools in his jurisdiction to the Minister and also to the board in the case of a supervisory officer appointed by the board;

report to M.O.H.  
(g) to report to the medical officer of health of the municipality 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 jurisdiction whenever required to do so;

recommend withholding of grants  
(i) to recommend the withholding of any portion of the legislative grant,

(i) where the school board has failed to operate its schools or to provide education in a school that is accessible to the pupils for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease,

(ii) where the board fails to transmit promptly the annual or other school returns properly completed,

(iii) where the board fails to comply with this Act or the regulations,

(iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations,

and in every case to report to the board and to the Minister his reasons for so doing;
(j) to discharge such other duties as may be required by the Minister or the regulations;

(k) to deliver to his successor on retiring from office, his official correspondence and all school papers in his custody on the order of the Minister.

(2) Every supervisory officer is directly responsible to the Minister for the performance of his duties under subsection 1.

(3) Every supervisory officer appointed by a board is also responsible to the board for the administrative duties delegated to him by the board.

(4) Where a supervisory officer requires the testimony of a witness as to any alleged fact in any complaint or appeal made to him or to the Minister, he may administer an oath to the witness and he has the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1960, c. 361, s. 84, amended.

PART VII

FINANCE

71.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the chairman and secretary-treasurer to borrow from time to time from a chartered bank 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.

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board considers necessary to meet debt charges payable in any year until the current revenue has been received.

(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 current revenues of the board, as set forth in the estimates adopted for the year.

(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.

(5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he
has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year nor 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 of any amounts borrowed under this section in the current year that have not been repaid.

(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. 1962-63, c. 129, s. 4.

72.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,

(a) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging and transportation once a week to school and return;

(b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;

(c) by deducting the amount determined under clause b from the amount determined under clause a;

(d) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;

(e) by dividing the amount determined under clause c by the average daily enrolment as adjusted under clause d;

(f) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,

(i) the amount determined under clause e, and

(ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided.
(2) For the purposes of subsection 1, "average daily enrolment" in respect of elementary schools or secondary schools, as the case may be, means the quotient obtained by dividing the perfect aggregate attendance for a calendar year in respect of such schools by the number of school days in the year. 1968-69, c. 114, s. 13 (1).

(3) Notwithstanding subsection 1, where a board provides instruction in a special education class for a pupil,

(a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations;

(b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled and under clause b of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations. 1968-69, c. 114, s. 13 (2).

(4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause b of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

(5) 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 attendance 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 term. 1968-69, c. 114, s. 13 (3).

73.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting 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, after the audited financial data in respect of a board for a year have been determined, the sum that was required for the actual expenditures for elementary or secondary school purposes of the board from a municipality or part, or district municipality, when reduced by the amount of the grant that is receivable by the board in respect of such municipality or part, or district municipality, pursuant to regulations referred to in subsection 1 differs from the sum that was requisitioned from, or levied in, such municipality or part, or district municipality, the difference shall be added to or subtracted from the sum that is estimated to be required from, or levied in, such municipality or part, or district municipality, for elementary or secondary school purposes in the next following year. 1968-69, c. 114, s. 14.

PART VIII

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND FARM ASSESSMENT

74. In this Part,

(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
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(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 sub-clauses i and iii of clause a, according to the last revised assessment roll. 1964, c. 105, s. 11, part.

75.—(1) The clerk of a municipality shall in each year furnish to each school 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.

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures. 1964, c. 105, s. 11, part.

76.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board.

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions of the Act under which the board operates. 1964, c. 105, s. 11, part.

77.—(1) Every public and secondary school board, except a divisional board of education under Part IV of The Secondary Schools and Boards of Education Act, shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 76. 1964, c. 105, s. 11, part; 1968-69, c. 114, s. 15.

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. 1964, c. 105, s. 11, part.
78.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner:

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.

2. Multiply the amount estimated by the board under section 76 to be raised by taxation in the municipality or territory without municipal organization by 1000 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 90 per cent of the rate determined under paragraph 2.

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in territory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality. 1964, c. 105, s. 11, part.

79.—(1) The council of each municipality shall withhold from the amount levied and collected for a school 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.

(2) Where the debt charges payable by a municipality 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. 1964, c. 105, s. 11, part.

80. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 1 of section 17 of The Assessment Act, shall set down in separate columns the following particulars:

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 secondary school districts, or parts thereof, are situated in the municipality, the secondary school districts and the commercial assessment and residential and farm assessment in each secondary school district. 1964, c. 105, s. 11, part.

81. The council of every local municipality, every public 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. 1968, c. 121, s. 22.

82. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails. 1964, c. 105, s. 11, part.

PART IX
SCHOOL BOARD ADVISORY COMMITTEES

83. In this Part,

(a) "board" means a board of education or a board to which any provision of Part III of The Separate Schools Act applies and includes the Metropolitan Separate School Board;

(b) "committee" means a school board advisory committee formed under this Part. 1968-69, c. 114, s. 16, part.

84. A board may establish a school board advisory committee. 1968-69, c. 114, s. 16, part.

85.—(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.

(2) In the case of a separate school board, 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 two persons selected by the Council or Councils.

(3) In the case of a 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; 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.

(4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause c of subsection 1.

(5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year.

(6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.

(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.

(8) For the year 1970, the dates referred to in this Part do not apply, but any person appointed to a committee after the 31st day of January in the year 1970 shall hold office until the 31st day of January, 1971. 1968-69, c. 114, s. 16, part.
86.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

(2) The chairman of the committee shall be elected by the committee at its first meeting in each year.

(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.

(4) The committee may establish such sub-committees as it considers necessary. 1968-69, c. 114, s. 16, part.

87.—(1) The board shall provide a recording secretary for the committee.

(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.

(3) The board shall pay such expenditures of the committee as are approved by the board. 1968-69, c. 114, s. 16, part.

88.—(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.

(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. 1968-69, c. 114, s. 16, part.

PART X

OFFENCES AND PENALTIES

89. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a fine of not more than $25. R.S.O. 1960, c. 361, s. 85.

90. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the
meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a fine of not more than $25.  R.S.O. 1960, c. 361, s. 86.

91.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a fine of not more than $25.

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a fine of not more than $25.

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a fine of not more than $25 for every meeting at which he so sits or votes.  R.S.O. 1960, c. 361, s. 87.

92. The chairman of a rural school meeting who neglects to transmit to the supervisory officer concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a fine of not more than $25.  R.S.O. 1960, c. 361, s. 88, amended.

93. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power that may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a fine of not more than $25, but no member is liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information.  R.S.O. 1960, c. 361, s. 89.

94. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a fine of not more than $25.  R.S.O. 1960, c. 361, s. 90.

95. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a fine of not more than $25.  R.S.O. 1960, c. 361, s. 91.

96.—(1) A treasurer, secretary or secretary-treasurer, or a person having been a treasurer, secretary or secretary-treasurer,
and a trustee 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, trustee 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.

(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, trustee or person to appear before him at a time and place appointed by him. R.S.O. 1960, c. 361, s. 93 (1, 2).

(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 grown-up person at his residence. R.S.O. 1960, c. 361, s. 93 (3), amended.

(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. R.S.O. 1960, c. 361, s. 93 (4).

(5) In the event of non-compliance with the order, the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to a correctional institution in the county, district or judicial district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority. R.S.O. 1960, c. 361, s. 93 (5), amended.

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he considers just.

(8) 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. R.S.O. 1960, c. 361, s. 93 (7, 8).
97.—(1) Section 96 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 to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 96, and that section mutatis mutandis applies.

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1960, c. 361, s. 94.

98.—(1) No teacher, trustee, supervisory officer or other person officially connected with the Department or with any elementary or secondary school or with any teachers’ college or other institution that is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers’ college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable, if he is a teacher to a fine of not more than $50, if he is a trustee to a fine of not more than $100, if he is a supervisory officer to a fine of not more than $500 and if he is any other person so officially connected to a fine of not more than $100.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, supervisory officer or any other person officially connected with the Department or with any elementary or secondary school or with any teachers’ college or other institution that is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers’ college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, supervisory officer or other person compensation or remuneration or the
equivalent thereof is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

(4) Any gift or payment made to a teacher, trustee, supervisory officer or other person so officially connected by any person firm or corporation interested either as principal or agent in any such sale is *prima facie* evidence of a contravention of this section.

(5) No prosecution under this section shall be instituted without the written consent of the Minister of Justice and Attorney General or the Deputy Minister of Justice and Deputy Attorney General.

(6) This section does not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1960, c. 361, s. 95, amended.

(7) This section does not apply to a teacher, trustee, supervisory officer or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon. 1960-61, c. 92, s. 4, amended.

**PART XI**

**MISCELLANEOUS**

99.—(1) Nothing in section 43 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*. R.S.O. 1950, cc. 165, 316, 356

(2) Nothing in section 44 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*.

(3) Nothing in section 45 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*. R.S.O. 1960, c. 361, s. 96.

100.—(1) Except as provided in subsection 2, 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,

(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, including township grants, 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.

Idem

(2) 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 three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

(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 three miles 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 three miles of the separate school.

(3) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1960, c. 361, s. 97.

101.—(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 $3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

(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 secretary of the public school
board that he is a Roman Catholic and wishes to be a supporter of
the separate school that is within three miles 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 $3 in
respect of such trailer for each month or part thereof, except July
and August, that the trailer is so located.

(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 $2 in respect of
such trailer for each month or part thereof, except July and
August, that the trailer is so located.

(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,

(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) 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 summary 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. R.S.O. 1960, c. 361, s. 98.

102.—(1) Arbitrators acting under The Public Schools Act,
The Separate Schools Act, The Secondary Schools and Boards of
Education Act or this Act shall send a copy of their award
forthwith after the making thereof to the secretary of the school
board and to the clerk of each municipality affected. R.S.O.
1960, c. 361, s. 99 (1).

(2) Such arbitrators shall determine the costs of the arbitra-
tion and shall direct to whom and by whom and in what manner
Arbitrators
Liability
to send copy
of parties
of award to
for costs
board, etc.
R.S.O. 1970,
cc. 385, 430,
425
R.S.O. 1960,
c. 361, s. 99 (1).

Arbitrators
Content
of notice
Notice
Trailer fee
in secondary
school
district in
unorganized
territory
Sec. 102 (2) SCHOOLS ADMINISTRATION Chap. 424 193
such costs or any part thereof, and the fees under subsection 4, shall be paid, and such determination and direction is final.

Expenses

(3) An arbitrator is entitled to an allowance of 10 cents for each mile 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. 1968, c. 121, s. 19.

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 $10 for each sitting of a half-day or fraction thereof. R.S.O. 1960, c. 361, s. 99 (3), amended.

Application

(5) This section does not apply to a Board of Reference or the members thereof. R.S.O. 1960, c. 361, s. 99 (4).