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c 361 Schools Administration Act

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CHAPTER 361

The Schools Administration Act

INTERPRETATION

1.-(1) In this Act, "board", except in Parts VI and VII, means a public school board, separate school board, continuation school board, high school board or board of education. 1954, c. 86, s. 1, cl. (a).

(2) In this Act and in The Department of Education Act, and the regulations thereunder, The Public Schools Act, The Separate Schools Act and The Secondary Schools and Boards of Education Act, unless otherwise provided in the Act or regulations, 1960, c. 107, s. 1, part.

1. "adjoining" means touching at any point; 1954, c. 87, s. 1 (1), cl. (a).

2. "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; 1960, c. 107, s. 1, part.

3. "continuation school district" means the property liable to assessment and taxation for the purposes of a continuation school; 1954, c. 87, s. 1 (1), cl. (b).

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; 1960, c. 107, s. 1, part.

5. "county judge" or "judge" means the judge of the county or district court of the county or district in which a secondary school district is situated, and where the secondary school district is situated in two or more counties or districts, the judge of the county or district court of the county or district having the largest population within the secondary school district; 1954, c. 87, s. 1 (1), cl. (c), amended.

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; 1960, c. 107, s. 1, part.

9. "Department" means the Department of Education; 1954, c. 86, s. 1, cl. (b); 1954, c. 87, s. 1, cl. (d).

10. "elementary school" means a public or separate school; 1954, c. 86, s. 1, cl. (c).

11. "equalized assessment" means the total assessment of real property and business assessment of a municipality as equalized by the county council under The Assessment Act; 1955, c. 76, s. 1.

12. "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; 1960, c. 107, s. 1, part.

13. "high school" includes a collegiate institute; 1954, c. 86, s. 1, cl. (d); 1954, c. 87, s. 1 (1), cl. (f).

14. "high school district" means the area in which a high school board has jurisdiction; 1954, c. 87 (1), cl. (g).

15. "inspector" means a school inspector;

16. "inspectorate" means the territory for which an inspector is appointed; R.S.O. 1950, c. 316, s. 1, cls. (e, f).

17. "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; 1958, c. 97, s. 1.

18. "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge; 1960, c. 107, s. 1, part.

19. "Minister" means the Minister of Education; R.S.O. 1950, c. 316, s. 1, cl. (g); 1954, c. 86, s. 1, cl. (e); 1954, c. 87, s. 1 (1), cl. (i).

20. "municipal inspector" means a person who is qualified and is employed with the approval of the Min-
ister by a school board to inspect schools in a munici-
pal inspectorate;

21. "municipal inspectorate" means an inspectorate for
which a school board employs the inspectors; 1960,
c. 107, s. 1, part.

22. "municipality" means a city, town, village or town-
ship, but does not include a county; 1954, c. 86,
s. 1, cl. (f); 1954, c. 87, s. 1 (1), cl. (j).

23. "occasional teacher" means a teacher employed to
teach on a daily basis as a substitute for a permanent,
probationary or temporary teacher; 1953, c. 90, s. 1,
part; 1954, c. 86, s. 1, cl. (g).

24. "perfect aggregate attendance" of pupils for a cal-
dendar year is the number calculated by multiplying
the number representing the number of teaching
days in the calendar year by the number representing
the number of pupils registered at the school during
the calendar year and deducting therefrom the num-
ber representing the number of pupil-days' non-
attendance caused by,

i. deaths,

ii. late registrations owing to transfer or age of
pupils,

iii. termination of registrations owing to transfer
or age of pupils,

iv. expulsion, and

v. exclusions; 1954, c. 87, s. 1 (1), cl. (k).

25. "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 administra-
tion office, a residence for teachers or care-
takers and a storage building for equipment
and supplies, and any addition, alteration or
improvement thereto;

iv. the acquisition of furniture, furnishings, li-
brary books, instructional equipment and
apparatus, and equipment required for main-
tenance 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; 1957, c. 101, s. 1, amended; 1960, c. 107, s. 1, part.

26. "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher; 1953, c. 90, s. 1, part; 1954, c. 86, s. 1, cl. (ii).

27. "prescribed" means prescribed by the regulations; 1954, c. 86, s. 1, cl. (v).

28. "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; 1953, c. 90, s. 1; 1954, c. 86, s. 1, cl. (j).

29. "provincial inspector" means a person who is employed by the Province as a school inspector responsible to the Minister; 1960, c. 107, s. 1, part.

30. "regulations" means the regulations made under The Department of Education Act; R.S.O. 1950, c. 316, s. 1, cl. (i); 1954, c. 86, s. 1, cl. (k); 1954, c. 87, s. 1 (1), cl. (m).

31. "reserve fund" means a reserve fund established under section 298 of The Municipal Act or paragraph 16 of section 35 of this Act;

32. "rural school section" means a school section in territory without municipal organization or in one or more townships;

33. "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; R.S.O. 1950, c. 316, s. 1, cl. (j), amended; 1960, c. 107, s. 1, part.

34. "school site" means the land necessary for a schoolhouse, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas and other land required for school purposes or for the offices of a board; 1958, c. 88, s. 1; 1958, c. 97, s. 7.

35. "secondary school" means a continuation, high or vocational school; 1954, c. 86, s. 1, cl. (l); 1954, c. 87, s. 1 (l), cl. (n).

36. "secondary school district" means a continuation or high school district; 1954, c. 86, s. 1, cl. (m); 1954, c. 87, s. 1 (1), cl. (o).

37. "secretary" and "treasurer" include a secretary-treasurer; R.S.O. 1950, c. 316, s. 1, cl. (l); 1954, c. 86, s. 1, cl. (n); 1954, c. 87, s. 1 (1), cl. (p).

38. "separated town" means a town separated for municipal purposes from the county in which it is situated; R.S.O. 1950, c. 316, s. 1, cl. (p), amended; 1954, c. 87, s. 1 (1), cl. (q).

39. "teacher" means a person holding a legal certificate of qualification; R.S.O. 1950, c. 316, s. 1, cl. (n).

40. "temporary teacher" means a teacher employed to teach on a monthly basis for a period not exceeding one year; 1954, c. 86, s. 1, cl. (o).

41. "township" includes union of townships; R.S.O. 1950, c. 316, s. 1, cl. (o).

42. "urban municipality" means a city, town or village. R.S.O. 1950, c. 316, s. 1, cl. (q); 1954, c. 86, s. 1, cl. (p); 1954, c. 87, s. 1 (1), cl. (r).

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. 1954, c. 86, s. 2.
3. — (1) The school year for elementary and secondary schools consists of two terms.

First term

(2) The first term begins on the day next 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 19th day of December.

Second term

(3) The second term begins on the 3rd day of January and ends on the 29th day of June, but when the 3rd day of January is a Friday, the second term begins on the 6th day of January, and when the 29th day of June is a Monday, the second term ends on the 26th day of June. 1954, c. 86, s. 3.

4. The following are school holidays:

1. Every Saturday and Sunday.
2. Good Friday.
3. The week next following Good Friday.
5. The birthday or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning Sovereign.
6. Dominion Day.
7. Labour Day.
8. Any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday or for a general fast or thanksgiving.
10. Every day proclaimed a holiday by the authorities of the municipality in which the school is situated.
11. Every day upon which the school is closed under The Public Health Act or under The Department of Education Act or the regulations. 1954, c. 86, s. 4.

5. — (1) With the approval of the inspector, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for Easter and summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year.

(2) In a territorial district, the inspector, 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. 1954, c. 86, s. 5.

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.

(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, in the case of a child who has attained the age of fourteen years, his parent or guardian resides on and operates a farm and the child's services are required in the farm household or on the farm;

(d) if he is employed under the authority of a home permit or an employment certificate;

(e) 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;

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

(g) 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;

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

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

(j) if he is absent temporarily as authorized under the regulations.

(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 The 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. 1954, c. 86, s. 6.

7.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the provincial school attendance officer, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance.

(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 circum-
stances 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 deems that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

(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 j of subsection 2 of section 6, the provincial school attendance officer 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 deems 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.

(4) The provincial school attendance officer has all the powers of a school attendance officer and may exercise such powers anywhere in Ontario. 1954, c. 86, s. 7.

8.—(1) Every elementary school board in an urban municipality and every board of education and high school board shall appoint one or more school attendance officers.

(2) The council of every township shall appoint one or more school attendance officers, except where all the children in the township are subject to the jurisdiction of one or more school attendance officers appointed by one or more school boards.

(3) If an elementary school board in a township employs five or more teachers, the board may appoint one or more school attendance officers.

(4) Every elementary and secondary school board in territorial without municipal organization shall appoint one or more school attendance officers.

(5) Two or more boards or councils may appoint the same attendance officer or officers.

(6) Where the office of a school attendance officer becomes vacant, it shall be filled by the appointing body forthwith.

(7) Notice of the appointment of a school attendance officer by a school board shall be given in writing by the board to the provincial school attendance officer and to the elementary school inspector or inspectors concerned and, if the board has jurisdiction in a township, to the council of the township.
(8) Notice of the appointment of a school attendance officer by the council of a township shall be given in writing by the council to the provincial school attendance officer, to each elementary school board in the township, and to the elementary school inspectors concerned. 1954, c. 86, s. 8.

9.—(1) A school attendance officer appointed by the council of a township has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the township, except children who are subject to the jurisdiction of a school attendance officer appointed by a school board.

(2) A school attendance officer appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board that appointed him has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a high or separate school board.

(3) A school attendance officer appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age whose parents or guardians are supporters of a school operated by the board, except children who are subject to the jurisdiction of a school attendance officer appointed by a high school board.

(4) A school attendance officer appointed by a high 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 high school district and are or have been enrolled in a secondary school.

(5) A school attendance officer appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age in the area in which the board has jurisdiction, except children who are subject to the jurisdiction of a school attendance officer appointed by a separate school board. 1954, c. 86, s. 9.

10.—(1) A school attendance officer 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.

(2) A school attendance officer shall report monthly to the body that appointed him, and annually to the provincial school attendance officer, on the prescribed forms.

(3) A school attendance officer shall perform his duties under the direction of the inspector or inspectors concerned, and shall carry out the instructions and directions of the provincial school attendance officer.

(4) A school attendance officer shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the inspector 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. 1954, c. 86, s. 10.

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. 1954, c. 86, s. 11.

12.—(1) The principal of every elementary or secondary school shall,

(a) report in accordance with the regulations to the proper school attendance officer, and in the case of an elementary school also to the inspector concerned, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;

(b) furnish the school attendance officer with such other information as the officer requires for the enforcement of compulsory school attendance;

(c) report to the school attendance officer every case of suspension or expulsion.

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance officer having jurisdiction in respect of the child, the inspector concerned shall notify the parent or guardian of the child of the requirements of section 6. 1954, c. 86, s. 12.

13.—(1) Where, in the opinion of the school attendance officer, the services of a child under fourteen years of age are required,
Sec. 13 (1) (a)

(a) in farm work on a farm operated by his parent or guardian;

(b) in some occupation in or about the home of his parent or guardian; or

(c) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the written application of the parent or guardian, a home permit or employment certificate, as the case requires, exempting the child from attendance at school for a period of not more than six weeks in a term and permitting him to engage in such occupation during such period.

(2) Where, in the opinion of the school attendance officer, the services of a child of compulsory school age who has attained the age of fourteen years are required,

(a) in some occupation in or about the home of his parent or guardian; or

(b) in some gainful occupation for the child's own maintenance or the maintenance of some person who is dependent upon him,

the school attendance officer may issue, on the application of the parent or guardian, a home permit or an employment certificate, as the case requires, exempting the child from attendance at school and permitting him to engage in such occupation.

(3) A school attendance officer may revoke any home permit or employment certificate issued by him if in his opinion the conditions under which he issued the permit have ceased to exist. 1954, c. 86, s. 13.

14. Where it appears to the Minister that in any territory without municipal organization school trustees are not providing accommodation for the children entitled to attend school, or have neglected or failed to raise the necessary funds for the establishment and maintenance of a school, or have in other respects failed to comply with The Public Schools Act and the regulations, or that the election of trustees has been neglected and no regular board of trustees is in existence, the Minister may by commission under his hand authorize and direct the provincial school attendance officer to do all things and exercise all powers that may be necessary for the establishment and maintenance of a school, the erection of school buildings and providing accommodations, the opening and conducting
of a school, the assessing and levying of all sums of money required for school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a school in accordance with *The Public Schools Act* and the regulations, and thereupon the provincial school attendance officer has and may exercise and perform, with regard to all matters set forth in the commission, all the authority, powers and duties vested in, and to be performed by, a board of school trustees under *The Public School Act* and the regulations. 1954, c. 86, s. 14.

15.—(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.

(2) The judge or magistrate 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 judge or magistrate, conditioned that the person shall, after the expiration of five days, cause the child to attend school as required.

(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 unless the child,

(a) holds a home permit or employment certificate authorizing the employment; or

(b) is excused from attendance at school under clause c of subsection 2 of section 6.

(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. 1954, c. 86, s. 15.

16.—(1) Prosecutions under section 15 shall be instituted by the school attendance officer concerned and, where there is a juvenile and family court with jurisdiction, such prosecutions shall be tried in that court.

(2) In prosecutions under section 15, 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 15 in respect of a child who is alleged to be of compulsory school age and the child appears to the judge or magistrate 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. 1954, c. 86, s. 16.

PART II
TEACHERS

17.—(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, 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.

(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. 1954, c. 86, s. 17 (1-3).

(4) Subject to subsection 5, a 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. 1954, c. 86, s. 17 (4); 1958, c. 97, s. 2 (1), amended.

(5) 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. 1958, c. 97, s. 2 (2), amended.

(6) 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.

(7) 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.

(8) 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 division court of the division in which the cause of action arose, subject to appeal as provided in section 18.

(9) 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.

(10) For the purposes of subsection 9, 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. 1954, c. 86, s. 17 (5-9).

18.—(1) In an action between a teacher and a board under section 17, the judge of the division 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 division 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 division court.

19.—(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.

(2) Subject to the provisions of An Act respecting the Qualifications of Certain Teachers, being chapter 52 of the Statutes of Ontario, 1907, and amendments thereto, separate school teachers are subject to the same examinations and shall receive their certificates of qualification in the same manner as public school teachers.

(3) 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.

(4) All certificates are valid for such periods as the regulations prescribe. 1954, c. 86, s. 19.

20.—(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 inspector concerned, may withhold the whole or any part of the legis-
SCHOOLS ADMINISTRATION  

(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) to use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

(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 record the attendance of the pupils every school
day in the register supplied by the Minister and in
accordance with the instructions contained therein;

(h) to conduct his class in accordance with a timetable
which shall be accessible to pupils, principal and
inspector;

(i) to attend regularly the teachers' institutes of the
inspectorate;

(j) to notify the board and the inspector of his absence
from school and the reason therefor; and

(k) 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.

(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 prepare and conduct the school according to a
timetable which shall be accessible to pupils, teachers
and the inspectors;

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

(e) subject to revision by the inspector, to make at the
end of each school term such promotions from one
grade to another as he may deem expedient;

(f) to prevent the use by pupils of text-books that are
not authorized by the regulations or prescribed by
the Minister;

(g) to furnish to the Minister and to the inspector 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;

\( h \) 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;

\( i \) 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;

\( j \) 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 R.S.O. 1900, c. 321 and 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;

\( k \) 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 inspector 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

\( l \) to keep a visitors’ book and make it available for visitors to sign. R.S.O. 1950, c. 316, s. 108, c. 356, s. 49; 1956, c. 83, s. 2.

23.—(1) 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.

(2) The Minister may out of any money appropriated for that purpose apportion $25 to each teachers’ institute so organized and conducted according to the regulations where the number of teachers in an inspectorate or united inspectorate is 100 or less and, where it is more than 100, $25 for each additional 100 or portion thereof, and the council of each
county, city or separated town, or town in the territorial districts shall pay annually to the president of each teachers' institute established within such county, city or town a sum at least equal to the amount so apportioned.

(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

(4) In the territorial districts, the Minister may apportion $50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1950, c. 316, s. 113.

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

24. 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. 1954, c. 86, s. 22.

25.—(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. 1954, c. 86, s. 23 (1, 2).

(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. 1954, c. 86, s. 23 (3); 1960, c. 107, s. 2.

(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. 1954, c. 86, s. 23 (4).

26.—(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 25;

(b) the board has received from the teacher notice in writing that no application will be made under section 25;

(c) the board has received from the Minister notice in writing that an application made by the teacher under section 25 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 25;

(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 27; or

(f) the board has received from the Minister a direction under section 30 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 25 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 25;
(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 27; or

(d) the teacher has received from the Minister a direction under section 30 directing the discontinuance of the contract,

whichever first occurs. 1954, c. 86, s. 24.

27.—(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 may deem advisable.

(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 a representative to the Board of Reference and to notify the Minister of such nomination by registered mail within ten days of the sending of the notice by the Minister.

(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. 1954, c. 86, s. 25.

28. 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
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school building and at such time as he may appoint. 1954, c. 86, s. 26.

29.—(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. 1954, c. 86, s. 27.

30.—(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 deems 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. 1954, c. 86, s. 28.

31.—(1) The direction of the Board of Reference under section 30 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 30, 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 30, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. 1954, c. 86, s. 29.

32. Subject to the regulations made under section 33, 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. 1954, c. 86, s. 30.

33. The Lieutenant Governor in Council may make regulations,

(a) fixing the remuneration of chairmen and 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. 1954, c. 86, s. 31.

PART IV

BOARDS AND TRUSTEES

34. 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 an 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; 1954, c. 86, s. 32, cls. (a-d).

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; 1957, c. 101, s. 14, amended.

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; 1954, c. 86, s. 32, cls. (e-g).

9. erect and maintain any wall or fence deemed necessary by the board or required by the regulations for enclosure of the school premises; 1957, c. 110, s. 1.
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. 1958, c. 97, s. 3.

35. A board may,

1. appoint such committees as it may deem expedient;
2. subject to Part III, appoint and remove such teachers, officers and servants as it may deem expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties;
3. dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy;
4. determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained; 1954, c. 86, s. 33, cls. (a-d).
5. acquire or rent school sites;
6. build school buildings on property owned by the board within its jurisdiction; 1954, c. 79, s. 7 (2), amended.
7. 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 deems advisable, and provide such supervision as it deems proper, provided the proper conduct of the school is not interfered with;
8. organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with;
9. 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; 1954, c. 86, s. 33, cls. (e-g).
10. provide for the use of pupils text-books and other school supplies, and either furnish them to the pupils free of charge or collect for the use thereof from their parents or guardians a sum not exceeding 25 cents per pupil in each month of the school year to assist in
defraying the cost thereof; 1954, c. 86, s. 33, cl. (h); R.S.O. 1950, c. 316, s. 93, cl. (p).

11. procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries;

12. provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving;

13. 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 may deem 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;

14. 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;

15. 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 for libel or slander in respect of any statements published at a meeting of the board or of a committee thereof, relating to the employment, suspension or dismissal of any person by the board; 1954, c. 86, s. 33, cls. (i-m).

16. 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; 1960, c. 107, s. 3.

17. make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board; 1954, c. 86, s. 33, cl. (o).

18. appoint supervisory officers 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; 1958, c. 97, s. 4. amended.

19. 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 or payment thereof, and when necessary enforce payment thereof;

20. 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;

21. permit the school buildings and premises to be used for any educational or other lawful purposes that it deems proper, provided the proper conduct of the school is not interfered with;

22. 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;

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

24. provide for the promotion and encouragement of athletics and for the holding of school games;

25. with the approval of the Minister,

i. appoint one or more officers qualified 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, or

ii. enter into an agreement with one or more other boards for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement; 1954, c. 86, s. 33, cls. (q-w).
public lectures

26. 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; R.S.O. 1950, c. 316, s. 93, cl. (y).

summer schools

27. establish summer schools in subjects of the course of study; R.S.O. 1950, c. 316, s. 93, cl. (j), part; 1954, c. 87, s. 34 (1), amended.

student activities

28. authorize and exercise jurisdiction over such other school activities as pertain to the welfare of the pupils; 1955, c. 75, s. 1.

board for courses in conservation

29. provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he attends a school for a course in conservation or natural science with the consent of his parent or guardian and with the permission of the board;

cafeterias

30. operate a cafeteria for the use of the staff and students. 1960, c. 107, s. 3.

Honourarium and mileage allowance for trustees

36. A board of a township school area or of a high school district that comprises two or more municipalities or parts thereof may pay to a trustee,

(a) an honourarium not exceeding $5 for each of not more than twelve meetings attended by him in any year; and

(b) a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going from his residence to the meetings of the board and returning to his residence. R.S.O. 1950, c. 316, s. 15 (25); 1954, c. 87, s. 34 (2), cl. (b).

Transportation of pupils

37.—(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.

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

(4) 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.

(5) Where a secondary school 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. R.S.O. 1950, c. 316, ss. 99, 100; 1954, c. 87, s. 76, amended.

38.—(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 59 of section 377 of *The Municipal Act* and the provisions of the said paragraph 59, except clause b, apply *mutatis mutandis*. 1954, c. 86, s. 34 (1).

(2) In this section, "employee" does not include a teacher or inspector or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund. 1954, c. 86, s. 34 (2); 1955, c. 75, s. 2.

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. 1954, c. 86, s. 34 (3).

39. A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 60 of section 377 of *The Municipal Act* and the provisions of the said paragraph 60 apply *mutatis mutandis*. 1954, c. 86, s. 35.

40.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life, 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 pen-
sion 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, or $2,500.

(2) "Pension payments" in subsection 1 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.

(3) 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 an employee who enters the service of the board after the 1st day of July, 1956. 1954, c. 86, s. 36.

41.—(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. 1954, c. 86, s. 37 (1).

(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. 1959, c. 92, s. 1.

(3) No resolution under this section authorizes contributions by the board in excess of the total of those made by the employees. 1954, c. 86, s. 37 (2).

42.—(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. 1960, c. 107, s. 4.

43.—(1) Unless all the members of the new board have been appointed or elected and a date for the first meeting has been decided upon by the old board, the first meeting of a board in each year shall be held at the hour of 7 o'clock in the evening of the second Wednesday in January or at such other hour of the same day and at such place as may have been determined by resolution of the old board.

(2) 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.

(3) 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. 1954, c. 86, s. 38 (1-3).

(4) 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. 1959, c. 92, s. 2.

(5) 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.

(6) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting.

(7) At the first meeting of a newly established board and as often as a vacancy occurs, the board shall also appoint a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

(8) 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.

(9) The presence of a majority of all the members constituting the board is necessary to form a quorum, and the vote of a majority of such quorum is necessary to bind the board.

(10) 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.

(11) Subsequent meetings of the board shall be held at such time and place as the board may deem expedient.

(12) 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. 1954, c. 86, s. 38 (5-12).

44.—(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..

A.B.

(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. 1957, c. 110, s. 2.

45. 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; 1954, c. 86, s. 39, cl. (a).

(b) transmit to the inspector copies of reports requested by the inspector or the Minister; R.S.O. 1950, c. 316, s. 102, cl. (e), amended.

(c) perform such other duties as may be required of him by the regulations, by any other Act or by the board. 1954, c. 86, s. 39, cl. (b).

46.—(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. 1954, c. 86, s. 40.

47. 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 no 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. 1954, c. 86, s. 41.

48. 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. 1958, c. 97, s. 5.

49.-(1) A school trustee is not eligible for appointment as an inspector or as a teacher by the board of which he is a member. 1954, c. 86, s. 42 (1), amended.

(2) A teacher is not eligible to be a member of the board by which he is employed. 1954, c. 86, s. 42 (2); 1959, c. 92, s. 3.

(3) An inspector 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 inspector. 1954, c. 86, s. 42 (3).

50.-(1) A school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a trustee violating the provisions of this subsection ipso facto vacates his seat.

(2) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if the subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question. 1954, c. 86, s. 43 (1, 2).

(3) No person is disqualified from being a member of a board, or from sitting and voting on such board, by reason only of his being related by blood or marriage to a person employed by the board. 1959, c. 92, s. 4.

(4) A trustee who is a shareholder or an officer, director or other employee of a corporation shall not vote on any question affecting the corporation with respect to any dealings or contract between the corporation and the board.

(5) Nothing in this section,

(a) prevents a trustee from receiving or being allowed such allowances for attendance at meetings and
otherwise as are permitted by the Act under which he is elected or appointed;

(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.

(6) 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. 1954, c. 86, s. 43 (3-5).

51.—(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 municipality in the case of an urban separate school board or within three miles of the school in the case of a rural 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.

(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. 1954, c. 86, s. 44.

52. Where a complaint is made in writing to the inspector concerned 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 inspector may file the complaint with the judge of the county or district court 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. 1954, c. 86, s. 45.

53. 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. 1954, c. 86, s. 46.

54.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board and biennial elections have been provided for members of council, the trustees shall be elected biennially in the same year as the members of council and shall hold office for two years.

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial election of trustees cease to hold office at the end of that year.

(3) Where a board has jurisdiction in more than one municipality and the election of members of council of the municipality that is responsible for conducting the nominations and elections of trustees has annual elections and one or more of the other municipalities has biennial elections for members of council, each municipality having biennial elections shall make provision for the nomination and election of trustees in the municipality for the year in which elections are not held for members of council of that municipality. 1958, c. 97, s. 6.

(4) Where a council is elected biennially and a new board is established after the election of council to be organized for the second year of the term of council, the council shall provide for the election of trustees to hold office for one year from the 1st day of January of such year and the election shall be held in the same manner as the election of trustees is held at municipal elections. 1960, c. 107, s. 5.
PART V
AUXILIARY CLASSES

55.—(1) Subject to the regulations, a board may establish and conduct classes for children who, not being persons whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, are from any physical or mental cause unable to take proper advantage of the elementary or secondary school courses.

(2) Subject to the regulations, a board may establish classes in oral speech and lip-reading to accommodate deaf children within its jurisdiction. 1954, c. 86, s. 47.

56.—(1) For the purposes of section 55, the board may, subject to the approval of the Minister,

(a) acquire a site and erect thereon such buildings as may be suitable for the education and training of the pupils;

(b) establish such courses of instruction and training as may be best adapted to secure the mental and physical development of the pupils;

(c) appoint such teachers and special instructors in ordinary learning or in any useful and beneficial occupation as the board may think proper.

(2) With the approval of the Minister, a site may be acquired and buildings erected thereon for the purposes of this Part in an adjoining municipality. 1954, c. 86, s. 48.

57.—(1) Subject to the regulations, pupils may be admitted to auxiliary classes upon the report and recommendation of a board consisting of,

(a) the principal of the school;

(b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the school board; and

(c) the school inspector. 1954, c. 86, s. 49 (1); 1955, c. 75, s. 3.

(2) The principal of the school shall be the chairman of the board and where there is more than one inspector in the inspectorate the senior inspector, or an inspector nominated by him, shall be the school inspector on the board.

(3) Subject to the regulations, a resident pupil,

(a) who is required to attend school under Part I; and
(b) in respect of whom a report recommending his admission to an auxiliary class established by the school board has been made and approved under subsection 1,

may be required by the school board to attend such auxiliary class.

(4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of such fees for instruction as may be fixed by the board and approved by the Minister. 1954, c. 86, s. 49 (2-4).

58. Where a board has established auxiliary classes under this Part, it may provide for the proper supervision of the health and treatment of pupils attending the classes and for proper medical treatment of pupils who appear to the principal or inspector to require the same. 1954, c. 86, s. 50.

59. The board may direct such officers as it may appoint to visit pupils' homes and to consult with and advise their parents as to the conditions that will be most conducive to the pupils' development. 1954, c. 86, s. 51.

60. Subject to the regulations, the board may provide for the transportation of pupils to and from the classes, and may pay for the same out of the funds provided under section 61. 1954, c. 86, s. 52.

61. The moneys required by a board for carrying out the objects of this Part shall be raised and levied in the same manner as for the erection, establishment, improvement or maintenance of the schools under the control of the board. 1954, c. 86, s. 53.

PART VI

SCHOOL SITES

62. In this Part,

(a) "board" means a public school board, separate school board, continuation school board, board of education, high school board or advisory committee appointed under Part III of The Secondary Schools and Boards of Education Act;

(b) "judge" means a judge or junior or acting judge of the county or district court of the county or district in which lands to be acquired for a school site under this Part are situated;
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(c) "owner" includes a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. 1954, c. 86, s. 54, cls. (a-c).

63. A judge who is a member of a board shall not act in any matter under this Part in which the board is interested. 1954, c. 86, s. 55.

64. The powers and duties conferred and imposed upon a board by this Part are subject to the regulations. 1954, c. 86, s. 56.

65.—(1) Subject to the provisions of The Public Schools Act and 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.

(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. 1954, c. 86, s. 57.

66.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality that the board deems it 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. 1954, c. 86, s. 58 (1); 1957, c. 110, s. 3.

(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. 1954, c. 86, s. 58 (2, 3).

(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. 1959, c. 92, s. 5, amended.

(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 may deem expedient. 1954, c. 86, s. 58 (4).

67. At any time after a board passes a resolution declaring that any land is required for a school site, or for the enlargement of a school site, and that immediate possession thereof is required by it, the board, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon and take possession of the land, and if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the board in possession and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do. 1954, c. 86, s. 59.

68.—(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 person, seized, possessed 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. 1954, c. 86, s. 60.

69.—(1) Where the owner and the board are unable to agree on the compensation to be paid to the owner, the amount to be paid shall be fixed and determined by the judge upon oral evidence at such time and place as he may upon notice to all concerned appoint.

(2) The hearing shall be conducted in the same manner as nearly as may be as in the case of a trial before the judge in...
an action in the county court and a subpoena may issue from the county court to command the attendance of witnesses.

(3) The sheriff and the clerk of the county court shall perform the same duties and are entitled to the same fees as in the case of a trial in the county court.

(4) An appeal lies from the decision of the judge to the Court of Appeal. 1954, c. 86, s. 61.

70. The judge shall determine what interest, if any, shall be paid to the owner. 1954, c. 86, s. 62.

71.—(1) On the filing with the county judge of the certificate of an Ontario land surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the judge, if satisfied by affidavit or other evidence, that diligent inquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the judge may direct.

(2) The notice shall contain a short description of the land and a statement of the readiness of the board to pay the sum so certified, shall give the name of the judge who is to determine the compensation under this Part and shall state the time within which the offer is to be accepted, and such other particulars as the judge may direct.

(3) If within the time stated the owner does not notify the board of his acceptance of the sum offered, the judge may proceed ex parte on oral evidence to determine the compensation to be paid. 1954, c. 86, s. 63.

72. The judge may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect of the land, provided that in such case the claimant or other person has first received ten clear days notice of the intention to determine his claim or right. 1954, c. 86, s. 64.

73. Where part only of the lot or parcel of land of the owner is required, the judge shall include in the compensation the amount that will, in his opinion, compensate the owner for any damage directly resulting from severance. 1954, c. 86, s. 65.
74. — (1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the amount has been determined by the judge by giving written notice to the owner and filing the same with the clerk of the county or district court, but the board shall in that case pay the whole cost of the proceedings and all damages sustained by the owner in consequence of the taking and abandonment and such costs shall be ascertained in a summary way by the judge.

(2) The right of desistment shall not be exercised more than once with respect to a parcel of land. 1954, c. 86, s. 66.

75. The costs of the proceedings are in the discretion of the judge, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and he may award any costs to be paid as between solicitor and client. 1954, c. 86, s. 67.

76. If the amount determined by the judge and any costs awarded have been paid in the manner and to the person directed by the judge, he may make a vesting order vesting the land taken in the board and the order may be registered and confers upon the board a good title to the land taken. 1954, c. 86, s. 68.

77. — (1) Every sum to be paid as compensation shall be paid within thirty days after the determination of the amount to be paid.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the board deems it advisable, the board may pay the sum awarded or any part thereof into the Supreme Court with six months interest thereon. 1954, c. 86, s. 69.

78. The compensation for any land that is taken without the consent of the owner stands in the stead of the land, and any claim to or encumbrance upon the land, or any part thereof, is, as against the board, converted into a claim to or upon the compensation or to or upon a like proportion thereof and it is responsible accordingly, whenever it has paid the compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person. 1954, c. 86, s. 70.
79. In the case of a municipality for which an official arbitrator has been appointed under The Municipal Arbitrations Act, the compensation to be paid to the owner shall be determined by the award of the official arbitrator instead of by the judge as hereinbefore provided, and the provisions of that Act mutatis mutandis apply. 1954, c. 86, s. 71.

PART VII

INSPECTORS

80.—(1) The Minister shall determine the number of inspectorates in Ontario, the limits of each inspectorate and the number of provincial inspectors to be appointed. R.S.O. 1950, c. 316, s. 119 (1), amended.

(2) Provincial inspectors shall be appointed by the Lieutenant Governor, upon the recommendation of the Minister. R.S.O. 1950, c. 316, s. 120 (2), amended.

81.—(1) Where the average attendance of pupils in the public schools operated by a board in any year is 2,000 or more but less than 3,000, the board may request the Minister to designate the school section as a municipal inspectorate and if the request is granted the school section shall become a municipal inspectorate on the date designated by the Minister and the board shall employ a public school inspector whose appointment or removal is not effective until approved by the Minister.

(2) Where the average attendance of pupils in the public schools operated by a board in any year is 3,000 or more, the school section shall on the 1st day of July of the following year become a municipal inspectorate and the board shall employ an adequate staff of public school inspectors whose appointment or removal is not effective until approved by the Minister. 1960, c. 96, s. 21 (1).

(3) Where the number of teachers employed in the public and secondary schools operated by a board of education becomes 100, the board may request the Minister to designate the school section as a municipal inspectorate and the board shall appoint one or more public school inspectors, one of whom shall be designated as the chief inspector and superintendent of public schools.

(4) Where a municipal inspectorate has been established for a board of education and the board appoints a director of education who is qualified to be a public school inspector, the board shall designate him as the chief inspector of public schools and may appoint one or more public school inspectors,
one of whom may be designated as superintendent of public schools.

(5) Where a municipal inspectorate has been established for a board of education and the board appoints a director of education who is not qualified to be a public school inspector, the board shall appoint a chief inspector of public schools who shall also be the superintendent of public schools. 1959, c. 83, s. 10 (1), amended.

(6) Where a high school board or board of education employs 150 or more secondary school teachers, the board may request the Minister to designate the high school district as a municipal inspectorate for secondary school purposes and, if the request is granted, the board shall appoint one or more secondary school inspectors approved by the Minister. 1954, c. 87, s. 36 (1), amended.

82.—(1) Where the Minister directs the appointment of an additional municipal inspector, or where a vacancy occurs in the office of municipal inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving the direction or after the vacancy occurs, and the secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered mail.

(2) Where a board neglects to appoint a municipal inspector within one month after a directive from the Minister has been received, or after a vacancy has occurred, the Minister may make the appointment.

(3) Every appointment of a municipal inspector is subject to ratification by the Minister, and if the appointment is not so ratified within one year after the date on which the inspector assumes office, it then terminates and the board shall appoint another inspector as provided for by this Act.

(4) Where a board appoints more than one inspector, the board, with the approval of the Minister,

(a) may designate one of the inspectors as chief inspector;

(b) shall designate a district for each inspector; and

(c) may assign administrative duties, in addition to those prescribed in the regulations, to the chief inspector and to each inspector as the board deems expedient. R.S.O. 1950, c. 316, ss. 119 (2), 120 (1, 3-7); 1954, c. 87, s. 36 (2, 3), amended.

83.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.
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(2) A board may suspend a municipal inspector, appointed 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 inspector for the period of suspension, as he deems just. R.S.O. 1950, c. 316, s. 121; 1954, c. 87, s. 36 (4-6).

(4) No person who has been removed from the office of inspector by the Minister shall be appointed or act as an inspector.

(5) A municipal inspector shall hold the qualifications prescribed by the regulations for a provincial inspector and shall be required to take such courses of training as may be required under the regulations.

(6) An inspector shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as an inspector, without the approval of the Minister. R.S.O. 1950, c. 316, s. 122 (2-4); 1954, c. 87, s. 36 (7, 8), amended.

(7) The salary and travelling and other expenses of a municipal inspector shall be fixed by the board and are payable by the treasurer of the board. R.S.O. 1950, c. 316, s. 124 (2).

84.—(1) Subject to the regulations, it is the duty of an inspector,

(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;

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

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

(d) to prepare a report of each school based on the visits made during the year in the form prescribed by the Minister;
(e) in the case of an elementary school inspector, to forward to each board in his inspectorate a copy of a report on its schools at least once a year;

(f) on request, to make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister and also to the school board in the case of a municipal inspectorate;

(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;

(h) to furnish the Minister with information respecting any school in his inspectorate whenever required to do so;

(i) to recommend the withholding or 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 inspector is directly responsible to the Minister for the performance of his duties under subsection 1.
(3) Every municipal inspector is also responsible to the board by which he was appointed for the administrative duties delegated to him by the board.

(4) Where an inspector 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. 1950, c. 316, s. 123, amended.

PART VIII

OFFENCES AND PENALTIES

85. 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. 1954, c. 86, s. 72.

86. 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. 1954, c. 86, s. 73.

87.—(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 $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. 1954, c. 86, s. 74.

88. The chairman of a rural school meeting who neglects to transmit to the inspector 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. 1954, c. 86, s. 75.
89. 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. 1954, c. 86, s. 76.

90. 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. 1954, c. 86, s. 77.

91. 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. 1954, c. 86, s. 78.

92.—(1) If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by The Public Schools Act, or if he neglects for one month to make any return required by that Act, he is guilty of an offence and on summary conviction is liable to a fine of not more than $25.

(2) If a county clerk neglects or refuses to prepare the map of the county showing the boundaries of the high school districts therein as required by The Secondary Schools and Boards of Education Act, he is guilty of an offence and on summary conviction is liable to a fine of not more than $25. 1954, c. 86, s. 79.

93.—(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 of the county or district court 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.
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(3) A bailiff of a division 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.

(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.

(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 the jail of the county or 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.

(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 may deem 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. 1954, c. 86, s. 80.

94.—(1) Section 93 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 93, 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. 1954, c. 86, s. 81.

95.—(1) No teacher, trustee, inspector 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 the sale of books, maps, etc.

(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 an inspector 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, inspector 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 for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

(4) Any gift or payment made to a teacher, trustee, inspector 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 for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney General or the 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. 1954, c. 86, s. 82.

PART IX
MISCELLANEOUS

96.—(1) Nothing in section 38 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, R.S.O. 1950, c. 163, section 129 of The Public Schools Act or section 83 of The Separate Schools Act.

(2) Nothing in section 39 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 40 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. 1954, c. 86, s. 83.

97.—(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 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.

(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. 1957, c. 110, s. 4.

98.—(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. 1958, c. 97, s. 8.

99.—(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.

(2) Such arbitrators shall determine the liabilities of the parties concerned for the cost of the arbitration and such determination is final and conclusive.

(3) Each arbitrator, except an arbitrator under Part VI, shall be paid a fee,

(a) in the case of the Ontario Municipal Board, as determined by the Board;
(b) in the case of a judge, at the rate of $15 for each sitting of a half-day or fraction thereof;
(c) In the case of an arbitrator other than a school inspector, judge or member of the Ontario Municipal Board, at the rate of $10 for each sitting of a half-day or fraction thereof.

Application

(4) This section does not apply to a Board of Reference or the members thereof. 1958, c. 97, s. 9.

Application to assessors

(5) This section applies also to assessors who meet to apportion costs between parts of a union school section, parts of a township school area or parts of a secondary school district. 1960, c. 107, s. 6.