Ontario: Revised Statutes

1960

c 362 Secondary Schools and Boards of Education Act

Ontario

© Queen's Printer for Ontario, 1960
Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/rso

Bibliographic Citation
Secondary Schools and Boards of Education Act, SO 1966, c 362
Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/rso/vol1960/iss4/58

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Revised Statutes by an authorized administrator of Osgoode Digital Commons.
CHAPTER 362

The Secondary Schools and Boards of Education Act

1.—(1) Where reference is made in this Act to the population of a county or municipality or a portion thereof, the population shall be determined by reference to the last revised assessment roll of the municipality or municipalities concerned, and the certificate of the clerk of a municipality with respect to such population or number is conclusive. 1954, c. 87, s. 1 (2).

(2) A person is a resident pupil with respect to a secondary school district,

(a) if he resides with his parent or guardian in the secondary school district; or  

(b) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment of the property taxable for secondary school purposes in the secondary school district divided by the number of names that are designated on the assessment rolls as owners of such property,

but a person is not a resident pupil under clause a if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. 1954, c. 87, s. 1 (3); 1959, c. 93, s. 1 (1).

(3) A person is a county pupil of a county,

(a) if he resides with his parent or guardian in that part of the county that is not within a secondary school district; or  

(b) if he or his parent or guardian is assessed in the part of the county that is not within a secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment of the taxable property in such part of the county divided by the number of names that are designated on the assessment rolls as owners of such property,
but a person is not a county pupil under clause a if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in a municipality in the county. 1954, c. 87, s. 1 (4); 1959, c. 93, s. 1 (2).

PART I

CONTINUATION SCHOOLS

2.—(1) Subject to the approval of the Minister first being obtained, a public or separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers.

(2) A continuation school established under subsection 1 shall be under the control and management of a board composed of the members of the board by which it is established, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of..............".

(3) Subject to the approval of the Minister first being obtained, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards.

(4) An agreement under subsection 3 shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be levied on the property liable to assessment and taxation for the purposes of each of the boards concerned or shall provide for the manner in which such proportion shall be determined.

(5) A continuation school established under subsection 3 shall be under the control and management of a board composed of such number of the members of each of the boards by which it is established, not exceeding two-thirds of the members of any such board, as the agreement provides, and the board is a corporation by the name of "The Board of Trustees of the Continuation School of.............." (inserting a name selected by the board and approved by the Minister).

(6) Each of the boards by which a continuation school is established under subsection 3 shall make its appointments to the continuation school board at its first regular meeting in each year.

(7) An agreement under subsection 3 may be amended from time to time by further agreements among the boards concerned with respect to,
(a) the apportionment of the cost of the establishment and maintenance of the continuation school or the manner in which the apportionment shall be determined; and

(b) the number of members of each of the boards concerned who shall be members of the continuation school board.

(8) In addition to the members of the continuation school board provided for under subsection 2 or 5,

(a) where the whole of a continuation school district is within one county, the council of the county may appoint one member who shall hold office for one year; and

(b) where the continuation school district comprises parts of two or more counties, the council of each such county may appoint one member who shall hold office for one year.

(9) Any ratepayer of a municipality in a county who,

(a) resides in the county, whether or not he resides in the continuation school district;

(b) is a British subject;

(c) has attained the age of twenty-one years; and

(d) is not a member of a municipal council or an officer of a municipality or county or otherwise disqualified,
is qualified to be appointed as a member of the continuation school board by the council of the county. 1954, c. 7, s. 2.

3.—(1) A continuation school shall not be established or maintained in any part of a high school district.

(2) Where a high school district includes within its limits any property within a continuation school district, such property shall not be assessed for the purposes of the continuation school. 1954, c. 87, s. 3.

4.—(1) Subject to section 5, all sums required for the support of a continuation school, after deducting the revenues derived from legislative grants, any county or other municipality, fees, and from all other sources, shall be provided for by levies,

(a) where the school is established by one or more public school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections;
(b) where the school is established by a separate school board, on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board;

(c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the school section or sections and on the property liable to assessment and taxation for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

(2) Where the board of a union school section establishes a continuation school by itself or by agreement with another board or boards, the council of each municipality which, or part of which, is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining the continuation school according to the equalized assessment, as provided by The Public Schools Act, of the part of the union school section situated in the municipality.

(3) A continuation school board shall prepare and submit to the municipal council or councils liable under this Act, on or before the date prescribed by the council or councils, estimates for the current year of all sums required to be provided by the council or councils to meet expenditures for the continuation school and for the payment of fees of resident pupils attending secondary schools outside the continuation school district that they have the right to attend as resident pupils, and such estimates shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees, and from all other sources. 1954, c. 87, s. 4.

5.—(1) Where a township school area absorbs a former school section in which a continuation school has been established under subsection 1 of section 2, or two or more former school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, then at the option of the township council and subject to the approval of the Minister,

(a) the members of the township school area board shall constitute the continuation school board, and the cost of maintaining the continuation school
shall be provided by levies on the property liable to assessment for public school purposes in the township school area; or

(b) trustees shall be elected annually for the continuation school board by the electors of the former school section or sections in the manner provided in The R.S.O. 1960, Public Schools Act for the election of rural school trustees and the continuation school board shall be composed of,

(i) where only one former school section is absorbed, three trustees, and

(ii) where two or more former school sections are absorbed, two trustees from each such former school section,

and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections.

(2) Where a township school area absorbs a former school section or sections the board or boards of which have established a continuation school by agreement under subsection 3 of section 2 in conjunction with one or more separate school boards, then at the option of the township council and subject to the approval of the Minister,

(a) the members of the township school area board and two members appointed by each separate school board that is a party to the agreement shall constitute the continuation school board, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the township school area and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards; or

(b) trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in The Public Schools Act for the election of rural school trustees and shall be appointed by the separate school board or boards, and the continuation school board shall be composed of,

(i) two trustees to be elected annually from each former school section so absorbed, and

(ii) two trustees to be appointed annually from
among its members by each separate school board that is a party to the agreement, and the cost of maintaining the continuation school shall be provided by levies on the property liable to assessment for public school purposes in the former school section or sections and on the property liable to assessment for the purposes of the separate school or schools under the jurisdiction of the separate school board or boards.

Where all school sections not absorbed

(3) Where a township school area absorbs some but not all of the school sections the boards of which have established a continuation school by agreement under subsection 3 of section 2, whether in conjunction with one or more separate school boards or not, trustees shall be elected for the continuation school board by the electors of the former school section or sections in the manner provided in The Public Schools Act for the election of rural school trustees and shall be appointed by each separate school board that is a party to the agreement, and the continuation school board shall be composed of,

(a) two trustees to be elected annually from each former school section so absorbed;

(b) two trustees to be appointed annually from among its members by the board of each other school section that is a party to the agreement and is not absorbed in the township school area; and

(c) two trustees to be appointed annually from among its members by each separate school board that is a party to the agreement.

Where section in which school established not absorbed

(4) Notwithstanding subsection 3, where the school section in which the continuation school was established by agreement under subsection 3 of section 2 is not absorbed in the township school area, the township council may, subject to the approval of the Minister, provide that the continuation school board shall be composed of,

(a) one trustee to be elected annually by the electors of each former school section that is a party to the agreement and is absorbed in the township school area, in the manner provided in The Public Schools Act for the election of rural school trustees;

(b) two trustees to be appointed annually from among its members by the board of the school section that is a party to the agreement and in which the continuation school is situated;
(c) one trustee to be appointed annually from among
its members by the board of each other school section
that is a party to the agreement and is not absorbed
in the township school area; and

(d) one trustee to be appointed annually from among
its members by each separate school board, if any,
that is a party to the agreement.

(5) Where the continuation school board is constituted as
provided in subsection 3 or 4, the cost of maintaining the
continuation school shall be provided by levies,

(a) on the property liable to assessment for public
school purposes in each school section that is a
party to the agreement and is not absorbed in the
township school area;

(b) on the property liable to assessment for public school
purposes in each former school section that is a
party to the agreement and is absorbed in the
township school area; and

(c) on the property liable to assessment for the purposes
of the separate school or schools under the juris-
diction of each separate school board, if any, that
is a party to the agreement.

(6) Where the township council decides that the con-

continuation school board shall be composed as provided in
clause b of subsection 1, clause b of subsection 2, or subsection
3 or 4,

(a) it shall notify the secretary of the continuation
school board who shall call meetings of the electors
of each former school section absorbed in the town-
ship school area for the purpose of electing one or
more trustees, as the case requires, from each such
former school section who shall hold office for one
year;

(b) the cost of such elections shall be borne by the con-

continuation school board; and

(c) upon a trustee being elected under clause a, the
chairman of the meeting at which the trustee was
elected shall notify the secretary of the continuation
school board of the name of the trustee. 1954, c. 87,
s. 5.

6.—(1) Subject to the approval of the Minister, the board
of a continuation school established under subsection 1 of
section 2 may by resolution dissolve the continuation school,
whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the board by which it was established.

(2) Subject to the approval of the Minister, the board of a continuation school established by agreement under subsection 3 of section 2 may by resolution dissolve the continuation school, whereupon all the assets and liabilities of the board, subject to subsection 4, become assets and liabilities of the respective boards by which it was established according to the terms of the agreement or as may be agreed upon among the boards concerned.

(3) Where the board of a continuation school ceases to operate the school but does not pass a resolution dissolving the school under subsection 1 or 2, the Minister on the report of the inspector concerned may direct the dissolution of the school as of the 31st day of December in the year in which the school is closed, and the board shall be deemed to have passed a resolution under subsection 1 or 2, as the case may be, with the approval of the Minister, dissolving the school as of that date.

(4) Where a continuation school district is absorbed into a high school district, the continuation school shall be dissolved as of the date of the absorption, and the high school board and the board or boards by which the continuation school was maintained shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of the boards and municipalities with respect to,

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board.

(5) The secretary of the high school board of the district in which the former continuation school was located shall, within thirty days of such absorption, call a meeting of the arbitrators designated under subsection 4, who shall forthwith proceed to determine the rights and obligations of the respective boards and municipalities and report their findings to the secretary of the high school board and to the Minister.

(6) If the high school board, or any board by which the continuation school was maintained, or any municipality concerned, disputes the award of the arbitrators, the board or municipality shall refer the matter to the county judge whose decision is final.
(7) For the purpose of this section, the members of the continuation school board in office at the date of the dissolution shall continue to function as a continuation school board until,

(a) the assets and liabilities of the board have been distributed as provided in subsection 1 or 2; or

(b) the award of the arbitrators, or the decision of the judge on appeal therefrom, has been made under subsection 4 and the assets, liabilities and property of the board have been disposed of in accordance with the award or decision.

(8) Where a board continues to function under subsection Audit 7, the accounts of the board are subject to audit in the same manner as before the dissolution. 1954, c. 87, s. 6.

7.—(1) A continuation school board has, in respect of the continuation school, all the powers conferred on public or separate school boards as to acquiring school sites, erecting buildings and additions to buildings, and providing equipment for and paying the cost of permanent improvements and of the maintenance of such continuation schools.

(2) Such of the provisions of The Public Schools Act as are applicable and are not inconsistent with this Part shall be read as part of this Part. 1954, c. 87, s. 7.

PART II  
HIGH SCHOOLS

8.—(1) No high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island or in a territorial district.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a
county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than thirty days after the passing of the by-law, to,

(a) the Minister;
(b) the secretary of the board of the new district or of the district of which the boundaries are altered; and
(c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. 1954, c. 87, s. 8, amended.

9. Whenever a high school district has existed in fact for three months or more before the 1st day of May, 1954, and whether it has been formed in accordance with the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. 1954, c. 87, s. 9.

10. In sections 8 and 11 to 15, “adjoining” means touching at any point, and,

(a) where more than two counties are concerned, they shall be deemed to be adjoining if each county adjoins one of the other counties; and
(b) for the purposes of a high school district comprising more than two municipalities or parts of municipalities, the municipalities or parts shall be deemed to be adjoining if each municipality, and each part of a municipality, included in the district adjoins some other municipality, or part of a municipality, included in the district. 1954, c. 87, s. 10.

11.—(1) Subject to subsection 2, every city and separated town is a high school district.

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and,

(a) provide for the inclusion of the city or separated town in a new high school district; or
Sec. 12 (5)  SECONDARY SCHOOLS  Chap. 362  667

(b) provide for the addition of the city or separated town to an existing high school district.

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town be added to the high school district of the city or separated town. 1954, c. 87, s. 11.

12.—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties may by by-law establish the whole or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts. 1954, c. 87, s. 12 (1).

(2) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year. 1956, c. 80, s. 1.

(3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district. 1954, c. 87, s. 12 (2).

(4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and an adjoining municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. 1958, c. 98, s. 1.

(5) Where, in the opinion of the Minister, it is desirable to establish and maintain a high school on lands held by the
Chap. 362  SECONDARY SCHOOLS  Sec. 12 (5)

Crown in right of Canada or Ontario, or an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a high school district, and may appoint as members of the board such persons as he may deem proper, and the board so appointed is a corporation by the name indicated in the order establishing the high school district, and has all the authority of a board of high school trustees for the purposes of this Act.

(6) The clerk of the municipality shall call the first meeting of a new board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district shall call the first meeting. 1954, c. 87, s. 12 (4, 5).

13. — (1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situated within the county or counties and adjoining the high school district shall be added to the high school district.

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities. 1954, c. 87, s. 13 (1, 2).

(3) Notwithstanding subsection 2, the council of a town in a territorial district in which town a high school district has been established, and the council of an adjoining municipality that has a population of 2,000 or more in which a high school district has not been established, shall, upon the request of the council of either the town or the municipality, pass by-laws providing that the adjoining municipality shall be added to the high school district of the town that it adjoins. 1955, c. 76, s. 2.

14. Where a high school district is enlarged, the assets of the board of the district and of any high school district added thereto are forthwith vested in and the liabilities thereof forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. 1960, c. 108, s. 3.
15.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties that has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality that forms part thereof and shall add the municipality or part to another high school district or establish a new high school district including the municipality or part that has been detached. 1954, c. 87, s. 14 (1).

(2) Subject to the approval of the Minister, where a high school district has been established in a territorial district, the whole or any part of a municipality that forms part of the high school district may be detached from the high school district by a by-law passed by each municipality the whole or part of which is included in the high school district, provided that the municipality or part detached is added to another high school district or established into a new high school district by a by-law passed by each municipality the whole or part of which is to be included in the high school district as enlarged by the proposed addition or in the proposed new high school district. 1957, c. 111, s. 1 (1).

(3) Where a municipality or part of a municipality is detached from a high school district under subsection 1 or 2, such municipality or part is not relieved from any rates imposed for the payment of debentures or other debts incurred while it formed part of the district unless otherwise provided by the by-law or by-laws or by a by-law or by-laws subsequently passed with the approval of the Minister. 1954, c. 87, s. 14 (2); 1957, c. 111, s. 1 (2).

16.—(1) No by-law,

(a) passed under subsection 1 of section 12 establishing a new high school district, by which a city or separated town is included in the high school district; or

(b) passed under subsection 1 of section 13 adding a city or separated town to an existing high school district, is effectual unless the council of the city or separated town passes a by-law under subsection 2 of section 11.

(2) No by-law passed under subsection 3 of section 11 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town is effectual unless the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 12 or subsection 1 of section 13. 1954, c. 87, s. 15.
17. No by-law discontinuing, or detaching the whole or any part of a municipality from, a high school district that includes a city or separated town is effectual unless it is approved by a by-law passed before the 1st day of July in the same year by the council of each city and separated town in the high school district. 1959, c. 93, s. 2.

18. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district or are included in an enlarged high school district, the assets of the board of the discontinued district forthwith vest in and the liabilities thereof forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided by the by-law or by-laws discontinuing the high school district or by a by-law or by-laws subsequently passed with the approval of the Minister. 1954, c. 87, s. 16.

19. Where a high school district is discontinued, enlarged or decreased, the members of the board in office at the date of the discontinuance, enlargement or decrease shall continue to function as a high school board for the purpose of the disposition of assets and liabilities until such assets and liabilities have been disposed of as provided by the by-law or by-laws discontinuing, enlarging or decreasing the district or by a subsequent by-law or by-laws passed with the approval of the Minister, and the accounts of the board are subject to audit in the same manner as before the discontinuance, enlargement or decrease. 1954, c. 87, s. 17.

20. A by-law under section 11, 12, 13 or 15 shall be passed on or before the 1st day of July in any year, and shall take effect on the first day of January next following its passing unless otherwise provided therein. 1954, c. 87, s. 18.

21.—(1) Any ratepayer of a municipality which, or any part of which, is included in a high school district who,

(a) is assessed in the high school district;
(b) is a British subject;
(c) has attained the age of twenty-one years;
(d) resides in the high school district or within five miles of the boundaries thereof; and

(e) is not a member of a municipal council or the clerk or treasurer of a municipality or county or a member of any other school board or otherwise disqualified,
is qualified to be a member of the high school board of the district. 1954, c. 87, s. 19 (1); 1958, c. 98, s. 2.

(2) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is qualified under clauses b, c and e of subsection 1 is qualified to be a member of the high school board.

(3) A person is not eligible to be appointed as a trustee or to sit or vote as a member of the high school board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which he qualifies is overdue or unpaid at the time of his appointment, but this subsection does not disqualify a person who is a tenant of such property if the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1954, c. 87, s. 19 (2, 3).

(4) In this section, "ratepayer" means a person whose name is entered on the last revised assessment roll. 1956, c. 80, s. 2.

22.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district,

(a) where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year;

(b) where the district comprises two municipalities,

(i) the council of a municipality having a population within the district of 3,000 or more shall appoint three trustees, and

(ii) the council of a municipality having a population within the district of less than 3,000 shall appoint two trustees, one of whom in each case shall retire each year;

(c) where the district comprises more than two municipalities,

(i) the council of a municipality having a population within the district of 6,000 or more shall appoint three trustees, one of whom shall retire each year,
(ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 shall appoint two trustees, one of whom shall retire each year, and

(iii) the council of a municipality having a population within the district of less than 3,000 shall appoint one trustee who shall hold office for two years.

(2) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

(3) A part of a municipality that is assessed for school purposes in the high school district for less than $50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2.

(4) Where a high school district comprises only a city or separated town, the council of the city or separated town shall appoint six trustees, two of whom shall retire each year.

(5) The council that has the power and duty of appointing high school trustees shall provide for the order of their retirement. 1954, c. 87, s. 20.

23.—(1) Where the whole of a high school district is within one county, the council of the county may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year.

(2) Where a high school district comprises two or more counties or parts thereof,

(a) the council of the county having the largest population within the district may appoint one trustee who shall hold office for one year or, at the request of the board, may appoint three trustees, one of whom shall retire each year; and

(b) the council of any other county within or partly within the district may, at the request of the board, appoint one trustee who shall hold office for one year.
(3) Upon the appointment of three trustees by a county council, the council shall provide for the order of their retirement, and upon the withdrawal of a request for the appointment of three trustees, the council shall determine which one of the three trustees appointed by it, other than the one whose term of office expires at the end of the year in which the request is withdrawn, shall remain in office for the succeeding year. 1954, c. 87, s. 21.

24.—(1) Where one separate school board operates a separate school situated in a high school district, the separate school board may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year.

(2) Where two or more separate school boards operate separate schools situated in a high school district, the separate school board having the highest average attendance of pupils below grade 9 for the preceding year, as certified by the separate school inspector, may appoint to the high school board one trustee who shall not be a member of the separate school board and who shall hold office for one year. 1954, c. 87, s. 22.

25.—(1) Where one public school board operates a public school situated in a high school district, the public school board may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. 1954, c. 87, s. 23 (1).

(2) Where two or more public school boards operate public schools situated in a high school district, the public school board having the highest average attendance for the preceding year of pupils below grade 9 who are resident in the high school district, as certified by the public school inspector, may appoint to the high school board one trustee who shall not be a member of the public school board and who shall hold office for one year. 1958, c. 98, s. 3.

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where,

(a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and

(b) the average attendance of pupils below grade 9 for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,
the board of education may appoint to the high school board one trustee who shall not be a member of the board of education and who shall hold office for one year. 1954, c. 87, s. 23 (3).

**26.**—(1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council may provide for the formation of a board.

(2) The board may borrow money as provided in section 37 and shall exercise the powers and duties of a municipal council for that part of the high school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, assessing, court of revision, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

(3) In apportioning the costs within the high school district, the portion of the high school district that comprises territory without municipal organization shall be treated as one municipality.

(4) The assessor and tax collector appointed by the board for the territory without municipal organization have the same powers as an assessor and tax collector in a municipality.

(5) In the first year that any territory without municipal organization is included in a high school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year. 1958, c. 98, s. 4.

**27.**—(1) Where a high school district is enlarged or the population of the portion of a municipality within a district has increased and as a result the number of trustees should be increased, the council of the municipality entitled to appoint the additional trustee or trustees shall make such appointments.

(2) Where a high school district is decreased or the population of the portion of a municipality within a district has decreased and as a result the number of trustees appointed by the council of the municipality should be decreased, the council of the municipality shall not fill the vacancy arising at the end of the year and, where necessary to further decrease the number of appointments to the required number, shall provide for the retirement at the end of the year of any trustee. 1960, c. 108, s. 4.

**28.**—(1) Where a high school district comprises one municipality, the trustees are a corporation by the name of "The High School Board of the ............... of ..............." or "The Collegiate Institute Board of the ............... of ..............." (inserting the classification and name of the municipality).
(2) Where a high school district comprises more than one municipality, the trustees are a corporation by the name of "The District High School Board" or "The District Collegiate Institute Board" (inserting a name selected by the board and approved by the Minister). 1954, c. 87, s. 26.

29.—(1) High school trustees shall hold office until their successors are appointed and a new board is organized.

(2) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the calendar year before the board is to be organized and the trustees shall take office on the 1st day of January in the following year.

(3) Vacancies arising from the annual retirement of trustees shall be filled at the last regular meeting of the appointing body in the calendar year and the trustees shall take office on the 1st day of January in the following year.

(4) Where an appointing body fails to appoint a trustee as provided in subsection 2 or 3, it shall make the appointment at its next regular meeting.

(5) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

(6) A trustee may resign by giving written notice thereof to the secretary of the board. 1954, c. 87, s. 27.

30.—(1) Every high school board shall provide adequate accommodation for its pupils and shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional high or vocational schools as the board may deem necessary and, subject to section 31, may provide for the location, erection, maintenance and management of the schools so established.

(2) Notwithstanding subsection 1, the board of a high school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils.

(3) If the board of a high school district in a county fails to operate a school for a period of two years and has not entered into an agreement under subsection 2, the county
council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. 1954, c. 87, s. 28.

31.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a high school board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof and of any territory without municipal organization comprising the high school district. 1954, c. 87, s. 29 (1); 1958, c. 98, s. 5.

(2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the high school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided by The Municipal Act, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, in the manner provided by The Municipal Act in the case of a money by-law. 1954, c. 87, s. 29 (2-5).

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board. 1957, c. 111, s. 2.
Sec. 32 (1) SECONDARY SCHOOLS Chap. 362 677

(7) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situated shall raise the required sum by the issue of debentures in the manner provided by The Municipal Act, but without submitting the by-law to the electors.

(8) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

(9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by The Municipal Act.

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 9. 1954, c. 87, s. 29 (6-9).

(11) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. 1960, c. 108, s. 5.

32.—(1) Where a high school district comprises more than one municipality or parts of municipalities, and an application made under subsection 2 of section 31 has been approved under subsection 4 thereof, or a majority of the votes is in favour of the application under subsection 7 thereof, and the councils of a majority of the municipalities which or part of which are included in the district by resolution request the council of the county in which the school is or is to be situated to raise the entire sum required by the issue of its debentures, such county council may without the assent of the electors issue the debentures in the manner provided by The Municipal Act, and the provisions of section 35 apply except that each municipality shall pay its proportion to the county council.
(2) The county council shall consider the request at its next meeting following the receipt thereof, and if the county council refuses the request, or neglects to make a decision at such meeting, the provisions of section 31 apply.

(3) Notwithstanding subsections 1 and 2, where a request is made under subsection 1 and the high school district comprises more than one-half of the equalized assessment, or more than one-half of the municipalities, of the county in which the school is or is to be situated, the council of the county shall issue the debentures. 1954, c. 87, s. 30.

33. Where a municipality has raised money for the purposes of a high school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. 1954, c. 87, s. 31.

34.—(1) Every high school board shall prepare and submit to each municipal council liable under this Act, on or before such times as the council prescribes, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils attending secondary schools outside the high school district that they have the right to attend as resident pupils, and such estimates,

(a) shall include and make due allowance for the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources; and

(b) may include such additional sum as may be deemed expedient for permanent improvements to be made during the year,

but the board of a high school district that includes a municipality that is subject to Part III of The Department of Municipal Affairs Act, or a part thereof, and that is unable to obtain the approval of the Ontario Municipal Board to the issue of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned. 1954, c. 87, s. 32 (1).

(2) The council or councils of the municipality or municipalities which or part of which is or are included in a high school district shall levy and collect each year and transfer
to the high school board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,

(a) maintenance of the school or schools under the jurisdiction of the board;

(b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and

(c) expenditures for permanent improvements out of current funds not exceeding a sum calculated at one mill in the dollar upon the total assessment of the high school district according to the last revised assessment roll and a further sum if such further sum is approved in the manner provided for approving debentures for permanent improvements,

and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt. 1954, c. 87, s. 32 (2); 1958, c. 98, s. 6.

35.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

(3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses
connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

(4) The payments required to be made by a municipality to the municipality or county that has issued the debentures shall be made on or before the date or dates in each year upon which the payments in respect of the debentures fall due, and where a municipality defaults in paying its proportion when due, the municipality or county that has issued the debentures may charge the defaulting municipality interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1954, c. 87, s. 33 (1-4).

(5) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3 and may issue its own debentures therefor, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be. 1954, c. 87, s. 33 (5); 1955, c. 76, s. 3.

(6) Subject to subsection 12, where the council of one of the municipalities is of the opinion that the division of liability in accordance with subsections 1 to 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year. 1960, c. 108, s. 6 (1).

(7) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear.

(8) For the purpose of subsection 7, where there is more than one assessor in any municipality, the council thereof
shall name one of them to be the arbitrator for the municipality.

(9) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail. 1954, c. 87, s. 33 (7-9).

(10) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision is final.

(11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability. 1954, c. 87, s. 33 (11, 12).

(12) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for a period of three years or until the boundaries of the high school district are changed or until the assessment of the portion of a municipality included in the high school district is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators. 1958, c. 98, s. 7; 1960, c. 108, s. 6 (2).

(13) For the purposes of this section, “equalized assessment” means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable. 1960, c. 108, s. 6 (3).

(14) Nothing in section 31 or in this section prevents the municipality in which the high school is situated from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. 1954, c. 87, s. 33 (15).

36.—(1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the assessors of the municipalities and the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected there-
36. SECONDARY SCHOOLS

with that shall be raised commencing in the following year by
assessment on the ratepayers of each municipality and the
territory without municipal organization.

(2) Subsections 9 to 14 of section 35 apply mutatis mutandis
to an arbitration under this section.

(3) Five ratepayers of the territory without municipal
organization representing the ratepayers of the territory with­
out municipal organization may file a written objection to the
decision of the arbitrators under subsection 10 of section 35.
1958, c. 98, s. 8.

37. The board of a high school district that comprises
two or more municipalities or parts thereof may, if necessary
to provide for the payment of current operating costs, borrow
on the promissory note of the board under its corporate seal,
at interest not exceeding 8 per cent per annum, such moneys
as may be required for that purpose until the current year's
taxes and legislative grants have been received. 1954, c. 87,
s. 34, part.

38.—(1) All property heretofore granted or devised to,
aquired by or vested in any person or corporation for the
high school purposes of any locality, or that may hereafter
be so granted, devised, acquired or vested is vested in the
board having jurisdiction in such locality.

(2) Subject to the approval of the Minister, the board has
power to sell, convey, transfer or lease such property, or any
part thereof, or any property otherwise acquired by the board,
upon the adoption of a resolution by the board that the
property is no longer required for high school purposes, and
the proceeds of such sale, transfer or lease shall be applied for
high school purposes.

(3) Where a board sells, conveys, transfers or leases any
such property, the secretary of the board shall immediately
advise the Minister as to the disposition of the proceeds.
1954, c. 87, s. 35.

PART III

VOCATIONAL SCHOOLS

39. In this Part, "board" means a high school board or
board of education. 1954, c. 87, s. 37.

40.—(1) Subject to the approval of the Minister, a board
may establish and maintain a vocational school.
(2) Subject to the approval of the Minister, a vocational school under this Part may provide,

(a) full-time day courses of study;
(b) part-time day courses of study;
(c) evening courses of study.

(3) A board that has established a vocational school may establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in auxiliary classes or who are eligible for admission to such classes. 1954, c. 87, s. 38.

41.—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school.

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes.

(3) Subject to the regulations, a resident pupil, who is required to attend school under The Schools R.S.O. 1960, c. 361 Administration Act; and

(b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,

may be required by the school board to attend any such special vocational school or class.

(4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,

(a) to a special full-time day course of study;
(b) to a part-time day course of study; or
(c) to an evening course of study.

(5) Where a pupil has, attended pre-vocational school classes in a vocational school for at least one year; and
(b) made progress in his course of study satisfactory to the principal,

he may, with the approval of the principal, transfer to any other course of study in the vocational school. 1954, c. 87, s. 39.

### 4-2. — (1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of an advisory vocational committee appointed by the board.

#### Composition

(2) The committee shall be composed of eight or twelve persons, as the board may direct, the members of which shall be appointed by the board.

(3) When the number of members is eight, the committee shall be composed of,

(a) the chairman and three other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and three other members of the board, including a representative, if any, appointed by the separate school board and one of the representatives, if any, appointed by the county council or councils;

(b) two persons, not members of the board, who are engaged as employees in the manufacturing, agricultural, commercial or other industries carried on in the high school district; and

(c) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries carried on in the high school district.

(4) When the number of members is twelve, the committee shall be composed of,

(a) the chairman and five other members of the board, including the representative, if any, appointed by the public school board, the representative, if any, appointed by the separate school board, and one of the representatives, if any, appointed by the county council or councils, or where a board of education is established, the chairman and five other members of the board, including a representative, if any,
appointed by the separate school board and one of
the representatives, if any, appointed by the county
council or councils;

(b) three persons, not members of the board, who are
engaged as employees in the manufacturing, agricul-
tural, commercial or other industries carried on
in the high school district; and

(c) three other persons, not members of the board, who
are employers of labour or directors of companies
employing labour in manufacturing, agricultural,
commercial or other industries carried on in the
high school district.

(5) Where,

(a) a public school board, a separate school board or a
county, that has the right to appoint a representative
to a high school board, fails to make its appoint-
ment for any year before the 1st day of February in
that year; or

(b) a separate school board or a county, that has the
right to appoint a representative to a board of
education, fails to make its appointment for any year
before the 1st day of February in that year,

the high school board or board of education shall appoint
from among its members a representative or representatives
to complete the number of representatives of the board on the
committee and each member so appointed shall hold office
until the end of the year in which he is appointed. 1954,
c. 87, s. 40.

43.—(1) The first members of the advisory vocational
committee shall be appointed at the meeting of the board
at which a school is established for which the committee is to
be appointed.

(2) The members of the committee who are members of
the board shall hold office until the expiry of the period for
which they were elected or appointed to the board.

(3) The term for which the other members of the committee
shall respectively hold office shall be fixed by the board but
shall not exceed three years.

(4) The board, at its first meeting in each year after the
establishment of the school, shall appoint a sufficient number
of members from each class to fill the vacancies caused by
the expiry of the term of office of members appointed from
that class.
(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

(6) The presence of a majority of the members constituting a committee is a quorum at any meeting, and a vote of the majority of the quorum is necessary to bind a committee.

(7) On every question, other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. 1954, c. 87, s. 41.

4:4-.—(1) The advisory vocational committee may, in any year at a meeting that has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it may deem necessary.

(2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses b and c of subsection 3 of section 42 or in clauses b and c of subsection 4 of section 42, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.

(3) Co-opted members shall hold office for the calendar year in which they are appointed. 1954, c. 87, s. 42.

4:5. The members of the advisory vocational committee, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or schools under the charge of the committee. 1954, c. 87, s. 43.

4:6.—(1) Subject to the approval of the Minister and the board, the advisory vocational committee may provide a suitable site and building and suitable equipment or arrange for conducting a school in an elementary or secondary school building or other building in the high school district, and define courses of study.

(2) Subject to the approval of the board, the committee shall select teachers and determine a schedule of salaries, report on every school under its charge, fix the fees payable
by pupils in attendance, submit annually to the board at such
date as the board may prescribe an estimate of the amount
required to carry on the work of the school during the year,
and generally do all other things necessary for carrying out
the objects and intent of this Part with respect to any school
under its management and control.

(3) The board shall not refuse its approval of any report
of the committee without having given the committee an
opportunity to be heard before the board and before any
committee thereof to which the report is referred by the
chairman of the committee or by another member of the
committee appointed for that purpose.

(4) The secretary and other officers of the board shall be
the officers of the committee.

(5) Subject to the approval of the Minister and the board,
the committee may appoint one or more officers with qualifi-
cations approved by the Minister to bring to the attention
of employers and employees the work of the schools, and to
make the necessary arrangements among employers, employees
and the schools for the conduct of part-time or co-operative
classes, and, in general, to act as a co-ordinating officer or
officers between the local industries and the schools, and every
person so appointed is subject to the control of the committee.

(6) Subject to the approval of the Minister and the board,
the committee may appoint one or more officers qualified
according to the regulations to collect and distribute informa-
tion regarding available occupations and employments, and
to offer such counsel to the pupils of the schools under the
charge of the committee as will enable them to plan intelli-
gently for their vocational and educational advancement, and
every person so appointed is subject to the control of the
committee. 1954, c. 87, s. 44.

47.—(1) Subject to the regulations, the estimates of the
advisory vocational committee of the cost of establishing,
equipping and maintaining the school or schools under its
management and control, when and so far as they have been
approved by the board, shall be included in the estimates of
the board submitted to the municipal council or councils for
the year.

(2) Subject to the regulations, the cost of establishing,
equipping and maintaining vocational schools, and the cost
of permanent improvements thereof, shall be provided for
in the same manner as in the case of high schools. 1954, c. 87,
s. 45.
48. Where not inconsistent with this Part, Parts II, IV
and V and The Schools Administration Act apply in all matters
concerning the operation and management of a vocational
school, the property in connection therewith, the employment
and retirement of teachers and other persons employed in
such vocational school, and in any other matters whatsoever.
1954, c. 87, s. 46.

PART IV

BOARDS OF EDUCATION

49. In this Part,

(a) "board of education" means a board of education
established under section 51;

(b) "union board of education" means a board to which
section 62 applies. 1954, c. 87, s. 47.

50.—(1) A board of education may be established in a
high school district to perform the duties of a high school
board for the district and the duties of a public school board
for the public school section or sections situated within the
boundaries of the district, and where a board of education is
established,

(a) for high school purposes, it shall be deemed to be
a high school board for the purposes of this and every
other Act; and

(b) for public school purposes, it shall be deemed to be
a public school board for the purposes of this and
every other Act,

except where inconsistent with this Part.

(2) Every board of education is a corporation and has all
the powers and shall perform all the duties that by this or
any other Act are conferred or imposed upon a public school
board or a high school board.

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

(4) The name of a board of education that has jurisdiction
in more than one municipality is "The................................District
Board of Education" (inserting a name selected by the board
and approved by the Minister). 1954, c. 87, s. 48.
(5) A member of a board of education appointed by a county council or a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes. 1957, c. 111, s. 3.

51.-(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

(2) Subject to the approval of the Minister first being obtained, where a high school district that includes two or more municipalities or parts thereof comprises the same area as one or more units of public school administration, the council of the county or the councils of the counties in which the high school district has been established shall, on or before the 1st day of July in any year, upon the receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a board of education for the district, pass a by-law establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

(3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

(4) Where a high school district has been established under subsection 4 or 5 of section 12, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of this Part apply to the board.

(5) A by-law establishing a board of education may be passed notwithstanding that a union board of education exists.
for the district, or notwithstanding that the by-law or by-laws establishing the high school district have not come into effect in which case no high school board shall be organized. 1954, c. 87, s. 49.

52.—(1) Upon the organization of a board of education,

(a) the high school board and all public school boards in the high school district are dissolved and where a union board of education exists for the district, it is dissolved;

(b) all the property vested in such boards becomes vested in the board of education;

(c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education.

(2) Where a board of education is established,

(a) the cost of operating the public and secondary schools under the jurisdiction of the board shall be apportioned among the municipalities within the district and shall be levied and collected mutatis mutandis in the manner provided in subsection 2 of section 34;

(b) the issue of debentures for both public and secondary school purposes and the apportionment among the municipalities within the district and the levy and collection for payments under the debentures shall be governed mutatis mutandis by sections 31, 32 and 35,

except that levies for public school purposes shall be made only on property rateable therefor. 1954, c. 87, s. 50.

53. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. 1954, c. 87, s. 51.

54.—(1) Where a board of education is established for one municipality, the elective members of the board shall be elected in the same manner and number as the trustees of a public school board in an urban municipality and the provisions of The Public Schools Act with respect to the number of
trustees and manner of election of trustees of public school boards in urban municipalities apply mutatis mutandis. 1960, c. 108, s. 7.

(2) In addition to the members elected under subsection 1, Separate school board appointments

(a) in a city having a population of 50,000 or more, the separate school board of the city shall appoint two members; and

(b) in any other municipality, the separate school board of the municipality shall appoint one member, in the same manner and under the same conditions as if the board of education were a high school board.

(3) In addition to the members elected under subsection 1, an additional member or members may be appointed by a County appointments

(a) in a city having a population of 50,000 or more, the separate school board shall appoint two members; and

(b) in any other municipality, the separate school board of the municipality shall appoint one member, in the same manner and under the same conditions as if the board of education were a high school board.

(4) Where there is no separate school board of the municipality, the board shall be composed of the elected members as provided in subsection 1 and the appointed members, if any, as provided in subsection 3. 1954, c. 87, s. 52 (2-4).

55.—(1) Where a board of education is established for two municipalities, a municipality having a population within the high school district,

(a) of less than 1,000 shall elect two members;

(b) of 1,000 or more but less than 3,000 shall elect three members;

(c) of 3,000 or more but less than 6,000 shall elect four members; and

(d) of 6,000 or more shall elect five members.

(2) Where a board of education is established for three or more municipalities, a municipality having a population within the high school district,

(a) of less than 1,000 shall elect one member;

(b) of 1,000 or more but less than 3,000 shall elect two members;

(c) of 3,000 or more but less than 6,000 shall elect three members;

(d) of 6,000 or more but less than 10,000 shall elect four members; and

(e) of 10,000 or more shall elect five members.
(3) A part of a municipality that is assessed for school purposes in the high school district for less than $50,000 shall not be deemed a municipality for the purposes of subsections 1 and 2.

(4) In addition to the members elected under subsection 1 or 2, an additional member or members may be appointed by a county council or councils and an additional member by a separate school board in the same manner and under the same conditions as if the board of education were a high school board. 1954, c. 87, s. 53.

56.—(1) The members of a board of education to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve, and, save as otherwise provided, all the provisions of The Public Schools Act respecting the qualification of trustees and the election of trustees by ballot apply to the election.

(2) Notwithstanding the residence qualification prescribed in The Public Schools Act, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who is assessed in the district and who resides in the district or within five miles of the boundaries thereof is, unless otherwise disqualified, qualified to be a member of the board of education of the district.

(3) The first election shall take place at the time of holding the municipal elections in the year in which the by-law or by-laws establishing the board of education is or are passed, but nothing in this section affects any board having jurisdiction over any public school, high school or vocational school during the year in which such by-law is passed.

(4) Every person qualified to vote is entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

(5) At the first election the full number of elective members shall be elected.

(6) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until
their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

(7) Subject to subsection 8, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized.

(8) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized.

(9) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected is elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lot to be cast by the secretary in the presence of the board, and the result shall be entered upon the minutes of the meeting.

(10) At each annual election after the first, a sufficient number of members shall be elected for two years to fill the places of the members retiring.

(11) The members retiring at the expiration of the terms for which they were respectively elected or appointed are eligible for re-election or re-appointment if otherwise qualified.

(12) The appointment of a member or members by a separate school board shall be made at the last regular meeting thereof in the year before the first meeting of the board of education is to be held and at its last regular meeting in every second year thereafter, and any member so appointed shall hold office for two years and until his successor is appointed.

(13) No member of a body having the right to appoint a member of a board of education is eligible for appointment or election as a member of the board.

(14) When by reason of increased population additional representation on a board of education becomes necessary, the appointment shall be made or the election shall take place of the additional members at the regular time for the next
57.—(1) A member of a board of education appointed by a county council or a separate school board may vote on any motion except one that involves the public schools. 1960, c. 108, s. 8.

(2) A board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members that it has the right to appoint.

(3) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed.

(4) When an appointing body fails to appoint a member at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. 1954, c. 87, s. 55 (2-4).

58. Where the office of an elected member of a board of education becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided for filling a vacancy on a public school board in an urban municipality. 1960, c. 108, s. 9.

59. Subject to subsection 2 of section 56, the provisions of The Public Schools Act and of Part II respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, apply to all boards of education. 1954, c. 87, s. 57.

60. Sections 29, 30, 31 and 32 of The Public Schools Act apply mutatis mutandis to the elective members of a board of education that has jurisdiction in only one municipality. 1960, c. 108, s. 10.

61.—(1) Where a board of education has jurisdiction in only one municipality, and at a meeting of a board of education specially called for that purpose a majority of the members of the board vote in favour of the dissolution of the board, a copy of the resolution shall be submitted forthwith to the
municipal council with the request that the question "Are you in favour of dissolution of the board of education?" be submitted to a vote of the electors of the municipality.

(2) The council shall at the next municipal election submit the question to a vote of the electors, and if the question is answered in the affirmative by a majority of the electors voting thereon, the board of education is dissolved on the 31st day of December of the year in which the vote is taken.

(3) Upon the dissolution of the board of education, a high school board and a public school board shall be established in the municipality, and the provisions of Part II and The Public Schools Act apply with respect to the appointment of high school trustees and the election of public school trustees respectively.

(4) Upon the dissolution of the board of education, all property held or possessed by the board for high school purposes vests in the high school board and all property held or possessed by the board for public school purposes vests in the public school board, and all debts, contracts, agreements and liabilities for which the board of education was liable become obligations of the high school board or the public school board, as the case may be.

(5) In the event of a dispute as to the division of the property and liabilities of the board of education, the division shall be made by the municipal council, whose decision is final.

(6) Where a board of education has jurisdiction in only one municipality and the high school district is dissolved or enlarged to include other municipalities, the board of education is ipso facto dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3, and subsections 4 and 5 apply.

1954, c. 87, s. 60.

62.—(1) This section applies to every union board of education established before the 6th day of April, 1954 under The Boards of Education Act or any predecessor thereof that was in existence on that day. 1954, c. 87, s. 61 (1), amended.

(2) The members of the high school and public school boards forming the union shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board of education.

(3) Every union board of education is a corporation by the name of “The Board of Education for (naming the municipality in which the high school is situated)”, and such corporation has

R.S.O. 1990, c. 390
all the powers, shall perform all the duties and is subject to all the obligations of high school and public school boards.

(4) If at a meeting of a union board of education specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board is dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote.

(5) Where a union board of education is dissolved, the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected.

(6) Upon the dissolution, all property held or possessed by the union board of education for high school purposes forthwith vests in the high school board, and all property held or possessed by the union board of education for public school purposes forthwith vests in the public school board, and all property held or possessed by the union board of education at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

(7) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situated.

(8) Notwithstanding subsection 5, where the high school district and public school section for which a union board of education has been formed cease to be composed of the same area, the union board of education is ipso facto dissolved as of the date the district and section cease to be composed of the same area, and the provisions of Part II and of The Public Schools Act apply with respect to the appointment of high school trustees and the election of public school trustees respectively. 1954, c. 87, s. 61 (2-8).

63.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister, may,

(a) make such modifications of the school courses provided in the high, industrial, technical and art schools under its jurisdiction as it deems expedient;
(b) provide for special or advanced instruction in any of such courses;

(c) designate such schools, or any of them, English, commercial, technical, industrial, art or classical high schools, according to the course or courses of instruction provided therefor.

(2) The accommodations and equipment of the school and the qualifications of the staff are subject to the regulations.

(3) Every board of education has power to appoint a psychiatrist or a psychologist, to fix his salary and to define his authority. 1954, c. 87, s. 62 (1-3).

(4) A board of education of a city, or any other board of education that employs at least 100 teachers in the public and secondary schools under its jurisdiction, may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

(5) The provisions of The Schools Administration Act with respect to the appointment, suspension and removal of an inspector apply mutatis mutandis to the appointment, suspension and removal of a director of education. 1958, c. 98, s. 9.

64. The provisions of The Public Schools Act and Parts II and III that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education or union boards of education. 1954, c. 87, s. 63.

PART V

GENERAL

65.—(1) In a county, the board of a high school district that consists of a city or separated town may by resolution or by-law declare all or any of its high schools open to,

(a) county pupils of the county in which the district is situated;

(b) county pupils of an adjoining county; and

(c) resident pupils of any high school district within the county in which the district is situated or within any adjoining county or adjoining territorial district, and, where a resolution or by-law is passed under clause a, may request the council of the county in which the district
SECONDARY SCHOOLS

Sec. 65 (1)

The board of a secondary school district in a county, other than a high school district that consists of a city or separated town, may by resolution or by-law declare all or any of its continuation or high schools open to,

(a) county pupils of an adjoining county; and
(b) resident pupils of any secondary school district within the county or counties in which the district is situated or within any adjoining county or adjoining territorial district.

The board of a secondary school district in a territorial district may by resolution or by-law declare all or any of its continuation or high schools open to resident pupils of any other secondary school district in the territorial district or in an adjoining territorial district or adjoining county.

The board of any high school district may by resolution or by-law declare all or any of its vocational schools open to,

(a) county pupils of any county; and
(b) resident pupils of any secondary school district.

Where a school is declared open under this section, the board shall notify the clerk of the county concerned or the secretary of the board of the secondary school district concerned, as the case may be.

Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the clerk of the county concerned or to the secretary of the board of the secondary school district concerned, as the case may be, that the school or schools will no longer be open to the county or resident pupils, and upon the giving of such notice such county or resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. 1954, c. 87, s. 64.

66.—(1) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board.

(2) The council of a municipality in a territorial district which, or part of which, has not been established as or included in a secondary school district may enter into an agree-
ment with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. 1954, c. 87, s. 65.

67.—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9.

(2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

(3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

(5) An applicant is entitled to enter an evening course of study in a high school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission does not entitle him to admission to the high school day courses.

(6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. 1954, c. 87, s. 66.

68.—(1) A county pupil has the right to attend any secondary school in the county in respect of which he is a county pupil except a secondary school in a secondary school district that consists of a city or separated town.

(2) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

(3) Subject to subsections 4, 5 and 6, a county pupil, or a resident pupil of a secondary school district, has the right to attend any secondary school, that is more accessible to the pupil than any secondary school in his own county or secondary school district, as the case may be;
(b) to take a course of study leading to a type of secondary school graduation diploma that is not available in his own county or secondary school district, as the case may be;

(c) to take a two-year trade course in grades 9 and 10 of a vocational school if the course is not available in his own county or secondary school district, as the case may be;

(d) to take a grade 13 subject or subjects not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or

(e) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13, not available in his own county or secondary school district, as the case may be, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

Restrictions

(4) Subsection 3 applies to a county pupil only if,

(a) the school has been declared open to such pupils; and

(b) in the case of a high or continuation school, the school is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(5) Subsection 3 applies to a resident pupil of a secondary school district in a county only if,

(a) the school has been declared open to such pupils; and

(b) in the case of a high or continuation school, the school is situated in his own county outside of a city or separated town or is situated in an adjoining county or in a city or separated town in his own or an adjoining county.

Idem

(6) Subsection 3 applies to a resident pupil of a secondary school district in a territorial district only if the inspector of the school certifies that there is adequate accommodation for the pupil in the school.

Non-resident pupils

(7) At its discretion a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. 1954, c. 87, s. 67.
69.—(1) The cost of education of county pupils attending a secondary school that they have a right to attend under section 68 shall be provided and paid to the board of the school by the council of the county to the extent, according to the basis, in the manner and at the times set out in this section.

(2) The cost of education of such county pupils shall be determined on the basis of the cost for the preceding calendar year and shall be levied, become due and be paid in any year in respect of the cost of the preceding calendar year.

(3) The amounts payable by the council of the county shall be paid not later than the 1st day of July in the year in which they become due and shall be included in and levied and collected as part of the county rates for that year. 1954, c. 87, s. 68 (1-3).

(4) The cost of education of such county pupils attending a high or continuation school shall be calculated in the following manner:

(a) First, the total gross current expenditures shall be ascertained for the calendar year for,

(i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding fees paid or payable to another board and the cost of operation of evening courses of study,

(ii) permanent improvements for the schools, and

(iii) payments made or owing on behalf of the board for a sinking fund or of principal and interest upon a debenture issued in respect of the schools.

(b) Second, the total gross revenues shall be ascertained for the same calendar year in respect of the schools from,

(i) legislative grants, excluding grants on fees paid or payable to another board and on the operation of evening courses of study,

(ii) fees other than fees paid or payable by another board,

(iii) rents,

(iv) donations other than for permanent improvements, and

(v) other sources except taxation.
(c) Third, from the total gross expenditures ascertained as provided in clause a there shall be deducted the total gross revenues ascertained as provided in clause b, and the resultant amount ascertained after such deduction shall be the net sum upon which the cost of education of such county pupils shall be based and calculated.

(d) Fourth, the perfect aggregate attendance of all pupils at the schools for the preceding calendar year shall be divided into the net sum ascertained as provided in clause c and the resultant amount shall be the net cost per pupil-day of all such pupils.

(e) Fifth, the perfect aggregate attendance of all county pupils from the county at the schools during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause d, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in subsection 1. 1954, c. 87, s. 68 (4); 1960, c. 108, s. 11.

(5) The cost of education of such county pupils attending a vocational school shall be calculated in the manner provided in subsection 4 except that the expenditures, revenues and attendance shall be calculated in respect of the vocational schools under the jurisdiction of the board.

(6) The cost of education of county pupils to be paid by the council of a county shall be levied as part of the county rates in the following municipalities and in the following manner:

(a) 50 per cent of such cost by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district; and

(b) the remaining 50 per cent by a levy upon and against the whole rateable property, according to the last revised equalized assessments, of the municipalities or portions of municipalities comprising the part of the county that is not included in any secondary school district and in which the county pupils reside or are assessed or whose parents or guardians are assessed, in the proportion that the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are
assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

(7) Notwithstanding subsection 6, the council of the county may, during the first year of the inclusion in a secondary school district of any municipality or part of a municipality that forms part of the county, levy a portion of the cost of education of the county pupils against the whole rateable property in the municipality or part in the same manner as if the municipality or part were not included in a secondary school district.

(8) Notwithstanding subsection 6, the county levy in respect of county pupils attending continuation schools shall include a levy upon and against the whole rateable property in a continuation school district against which property no levy is made for maintenance of the continuation schools in the continuation school district. 1954, c. 87, s. 68.

70.—(1) No fees are payable by or in respect of,

(a) a county pupil attending a secondary school that he has a right to attend under section 68; or

(b) a resident pupil of a secondary school district attending a secondary school maintained by the board of the district.

(2) Where a resident pupil of a secondary school district attends a secondary school pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 3 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school, calculated in accordance with subsection 4 or 5 of section 69, as the case requires, except that legislative grants shall not be deducted as provided in clause (c) of the said subsection 4.

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school calculated in accordance with subsection 4 or 5 of section 69, as the case requires.

(4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates the school may require that such fees as the board may prescribe shall be paid by or on behalf of the pupil, but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding
calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires.

(5) Fees payable under this section are payable to the treasurer of the board.

(6) Notwithstanding sections 68 and 69, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon payment of such fees as the board that operates the school may prescribe but such fees shall not exceed the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires. 1954, c. 87, s. 69.

71.—(1) A ward of a children's aid society who has completed the elementary school course shall be admitted without the payment of a fee to a secondary school that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward.

(2) Where a child who has completed the elementary school course and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district for the current school year, the board of the district shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the average cost per pupil of education in the schools maintained by the board for the preceding calendar year calculated as provided in subsection 4 or 5 of section 69, as the case requires.

(3) A child who has completed the elementary school course and whose mother,

(a) resides in Ontario;

(b) is the sole support of the child;

(c) is not assessed as a supporter of a secondary school; and

(d) boards her child in a residence that is assessed to the support of a secondary school and that is not a
72.—(1) A county pupil who applies for admission to any secondary school, or a resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district, shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

(a) in the case of a county pupil, the name of the county in respect of which he is a county pupil;

(b) in the case of a resident pupil, the name of the secondary school district in respect of which he is a resident pupil;

(c) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and

(d) the authority, under this Act, under which the pupil claims to have a right to attend the school.

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and if the pupil is admitted the secretary of the board shall forthwith notify the clerk of the county of which the pupil is a county pupil or the secretary of the board of the district of which the pupil is a resident pupil, as the case may be, of the fact of the admission and of the information included in the statement. 1954, c. 87, s. 70.

73.—(1) Where,

(a) the council of a county and the board of a secondary school district attended by county pupils from the county are unable to agree upon the sum to be paid for the cost of education of such county pupils under section 69;

(b) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 70;
(c) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 70; or

(d) a dispute as to whether or not a person is entitled to attend a secondary school as a resident or county pupil cannot be settled between a board and the person or his parent or guardian,

the matter shall be referred to the county judge who shall determine the matter. 1954, c. 87, s. 71 (1); 1959, c. 93, s. 3.

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may deem fit.

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the cost of education of the county pupils to be paid by the county, the fees to be paid by the board or the fees to be paid by the municipality, as the case may be.

(4) The costs of the reference to the judge are in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. 1954, c. 87, s. 71 (2-4).

74.—(1) The council of any county may raise, in addition to any sum that it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvements of the continuation or high schools situated in the county, but any additional sum so raised shall be by a general county levy and, subject to subsection 2,

(a) if the sum is raised for the continuation schools, shall be apportioned among all the continuation schools in proportion to the liability of the county to each board; and

(b) if the sum is raised for the high schools, shall be apportioned among all the high schools in proportion to the liability of the county to each board.
(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation or high schools in the county without making a similar provision for the other continuation or high schools.

(3) The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum that it is required to raise by this Act, may make grants as it may deem expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. 1954, c. 87, s. 72.

75. The council of united counties may apportion the amount to be levied for the cost of education of county pupils so that each county is liable only in respect of its own county pupils. 1954, c. 87, s. 73.

76.—(1) The council of a county may establish a consultative committee, which shall consist of the public school inspector or one of them where there are more than one in the county, a person appointed by the Minister, and three other persons appointed by the council.

(2) The council may submit to the committee and direct it to report upon petitions for the establishment of new secondary school districts or the alteration of the boundaries of existing secondary school districts, and may direct the committee to obtain information and make recommendations regarding,

(a) the desirability of establishing new secondary school districts and the boundaries thereof;

(b) the retention of existing secondary school districts and the alteration of the boundaries thereof;

(c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and

(d) any other matters affecting secondary school education in the county.

(3) The Minister may direct the committee to obtain and supply the Department with information upon any question affecting applications for the approval of secondary school districts or of sites or buildings therefor.

(4) All secondary school boards having jurisdiction within the county shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident, county and other pupils and
of all revenues and expenditures together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the county.

(5) The reports and recommendations of the committee are not binding upon the Minister, the county council or any of the secondary school boards having jurisdiction in the county. 1954, c. 87, s. 74.

77.—(1) The Minister may establish one or more consultative committees for the purpose of investigating the existing facilities for secondary school education in a territorial district or in any part thereof designated by him, and the committee, subject to subsection 2, shall be composed of such persons appointed by the Minister as he deems proper and may include one or more representatives of any department of the public service of Ontario.

(2) The council of any municipality having a population of 2,000 or more and situated in the territorial district, or part thereof, for which the committee is established may appoint one member of the committee.

(3) The committee shall obtain information and make recommendations to the Minister regarding,

(a) the desirability of establishing new secondary school districts and the boundaries thereof;

(b) the retention of existing secondary school districts and the alteration of the boundaries thereof;

(c) the advisability of continuing or discontinuing existing continuation school districts, or their absorption into high school districts; and

(d) any other matters affecting secondary school education in the territorial district, or part thereof, for which the committee is established.

(4) All secondary school boards and municipal councils having jurisdiction within the territorial district, or part thereof, for which the committee is established shall, on the request of the committee, furnish to the committee information regarding the names, residences and attendance of all resident and other pupils and of all revenues and expenditures with respect to secondary school education, together with any further information that the committee may require concerning matters in any way affecting the provision of secondary school education in the territorial district or part thereof.
(5) The reports and recommendations of the committee are not binding upon the Minister or any school board or municipal council having jurisdiction in the territorial district or part thereof.

(6) The travelling expenses of members of the committee appointed by the Minister shall be paid out of such moneys as may be appropriated therefor by the Legislature.

(7) The travelling expenses of a member of the committee appointed by the council of a municipality shall be paid by the municipality. 1954, c. 87, s. 75.

78. A secondary school board may provide and pay for the transportation of its resident pupils to any secondary school situated in the secondary school district or in any other secondary school district and, subject to the approval of the Minister, of county pupils who attend any school operated by the board, and for that purpose may,

(a) purchase out of current revenue or by the issue of municipal debentures, a bus or buses or other vehicles; or

(b) enter into an agreement or agreements for a term of one year with any corporation, commission or person for the transportation of such pupils, provided that where a board provides transportation for more than thirty pupils, with the approval of the Ontario Municipal Board it may enter into such an agreement or agreements for a term not exceeding five years. 1954, c. 87, s. 76; 1957, c. 111, s. 4.

79.—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes.

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may deem expedient and prescribe. 1954, c. 87, s. 77.