SECTION XV.

EDUCATION.

CHAPTER 356.

The Department of Education Act.

GENERAL.

1. In this Act,—

(a) "Department" shall mean Department of Education;

(b) "Minister" shall mean Minister of Education;

(c) "Registrar" shall mean Registrar of the Department;

(d) "Regulations" shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. R.S.O. 1927, c. 322, s. 1.

2.—(1) There shall be a department of the Government of Ontario to be known as "The Department of Education," which shall be presided over by the Minister of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. R.S.O. 1927, c. 322, s. 2.

MINISTER OF EDUCATION.

3.—(1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergarten departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, vocational schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established. R.S.O. 1927, c. 322, s. 3 (1); 1930, c. 63, s. 1.
(2) The Minister shall have the management and control of model schools, normal schools, the college of education, teachers' institutes, summer and vacation schools and schools for the education of the deaf and dumb and the blind.

(3) The Minister may appoint such inspectors, teachers and officers for purposes of instruction, supervision and administration as he may deem expedient.

(4) Subject to the provisions of this Act and to the regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. R.S.O. 1927, c. 322, s. 3 (2-4).

4. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,—

(a) for the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, supervised and outdoor playgrounds, institutes and institutions hereinbefore mentioned;

(b) prescribing the fees, if any, to be paid by candidates at departmental examinations, other than high school entrance examinations, and by normal and model school students;

(c) prescribing the fees to be paid by presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid;

(d) prescribing the accommodation and equipment of school houses and the arrangement of school premises;

(e) authorizing textbooks for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions, and books of reference for the use of teachers and pupils; R.S.O. 1927, c. 322, s. 4, cls. (a-e).

(f) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health; 1933, c. 58, s. 2.
(g) for the management of public, travelling and school libraries and library institutes;

(h) prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, supervised and outdoor playgrounds, institutes and institutions;

(i) for conducting the examinations prescribed by the regulations and settling the results thereof;

(j) for granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers;

(k) for the payment of the superannuation allowances of inspectors and teachers;

(l) for the apportionment and distribution of all money appropriated by this Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions;

(m) for the affiliation with any university in Ontario or with the normal or model schools of such collegiate institutes, high schools, public schools or separate schools as he may deem necessary for practical instruction in the art of teaching;

(n) for accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers. R.S.O. 1927, c. 322, s. 4, cls. (g-n).

5. It shall be the duty of the Minister and he shall have power,—

(a) subject to the regulations, to apportion all sums of money appropriated for public and separate schools among the several cities, towns and villages, and among the rural schools, having regard to the attendance at the schools, the value of the property liable to taxation for school purposes, the expenditure of the board upon education, and to such other considerations as, in the opinion of the Minister, should affect such apportionment;

(i) A statement showing the amount apportioned to every rural public school and to every separate school under clause a shall be laid before the Assembly within ten days after the commencement of the session held in the year next after
that in which the apportionment takes place;
1930, c. 63, s. 2 (1), part.

(b) to pay, on or before the 1st day of August in each year, the grants apportioned to all public and separate schools entitled thereto to the boards of public and separate school trustees, respectively; 1934, c. 52, s. 2 (1).

(c) subject to the regulations, to apportion and pay out grants to classes established under *The Auxiliary Classes Act* and amendments thereto; R.S.O. 1927, c. 322, s. 5 (1), cl. (j).

(d) subject to the regulations, to apportion to public and separate school boards in poor rural districts and to the residents of lumber, mining and other settlements, and to any town or village in a provisional judicial district when the circumstances of the case appear to the Minister to warrant the same, all sums of money appropriated for assisted schools; R.S.O. 1927, c. 322, s. 5 (1), cl. (l).

(e) subject to the regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, and notice of such apportionment shall be given to the county clerk of each county; R.S.O. 1927, c. 322, s. 5 (1), cl. (m); 1936, c. 55, s. 5; 1937, c. 68, s. 10.

(f) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travelling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free textbooks, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes;
(i) For the purposes of this clause, the Ontario College of Art in grant for technical education.

(apportionment of) grants for agricultural education.

Supervising examination boards.

Professional training schools.

Grants to teachers of art, manual training and agriculture.

Medical and dental inspection.

Accepting other qualifications in lieu of departmental examinations.

Certificates of qualification to certain teachers.

(g) subject to the regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by this Legislature among high schools, continuation schools and public and separate schools of the Province;

(h) to constitute supervising examination boards, and to appoint members thereof, and to prescribe the duties of such boards, and pay out of any moneys voted for that purpose, the salaries or other remuneration, and traveling or other expenses of the members of such boards;

(i) to pay out of any appropriation for professional training schools the travelling and other expenses and such per diem allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable;

(j) to pay out of such moneys as may be voted for that purpose, grants to teachers of art, music, household science, manual training and agriculture, and to define the basis on which such grants may be paid; R.S.O. 1927, c. 322, s. 5 (1), cls. (n-r).

(k) to apportion and pay out of such moneys as may be voted for that purpose, grants for medical and dental inspection in public and separate schools; R.S.O. 1927, c. 322, s. 5 (1), cl. (s); 1933, c. 58, s. 3 (2).

(l) to accept in lieu of the experience and the departmental courses and examinations prescribed for candidates for teachers' certificates such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;

(m) to grant certificates of qualification as teachers and instructors in the Ontario School for the Blind and the Ontario School for the Deaf, to such persons as
he may deem to be, from their experience and general attainments, qualified to receive such certificate;

(n) to submit a case on any question arising under The Public Schools Act, The High Schools Act or The Separate Schools Act, or this Act, to a judge of the Supreme Court for his opinion and decision, or by the leave of a judge of such Court, to the Court of Appeal for its opinion and decision;

(o) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer;

(p) to suspend or cancel any certificate of qualification granted by the Department;

(q) to appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with all the powers which may be conferred on commissioners under The Public Inquiries Act;

(r) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient; R.S.O. 1927, c. 322, s. 5 (1), cls. (t-z).

(s) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college. 1935. c. 64, s. 2.

6. Notwithstanding anything in this Act or in any other Act contained, the Minister may, in his discretion, grant,—

(a) a temporary certificate of qualification as a teacher to any person who, although not a British subject, has applied for naturalization and whose application for naturalization is pending, where the Minister deems the employment of such person necessary for special reasons; or

(b) a certificate of qualification as a teacher of French, Italian or Spanish to any person who is not a British subject and who possesses the other qualifications prescribed by the regulations and who has served in the military or naval forces of Great Britain or any of her Allies during the Great War. R.S.O. 1927. c. 322, s. 6.
7.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for and in the name of the Province, guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees or by a municipal corporation in a provisional judicial district for any school purpose for which such board or municipal corporation is authorized to issue debentures and to an amount not exceeding $150,000 guarantee the investments of any penny bank or similar institution mentioned in clause y of section 89 of The Public Schools Act and section 25 of The High Schools Act, which has for one of its objects the encouragement of thrift among school pupils and is approved by the Minister. R.S.O. 1927, c. 322, s. 7 (1); 1932, c. 53, s. 32 (1); 1934, c. 52, s. 2 (2).

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever. R.S.O. 1927, c. 322, s. 7 (2).

(3) Any debenture issued by a municipal corporation or board of school trustees, payment of which is guaranteed on behalf of the Province of Ontario under this section, shall be valid and binding upon the municipal corporation or the board of school trustees, as the case may be, by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question on any ground whatsoever. R.S.O. 1927, c. 322, s. 7 (3); 1932, c. 53, s. 32 (2).

8. Notwithstanding anything in any Act contained fixing the rate of interest to be paid or credited to any school corporation by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school corporation, the rate at which interest shall be allowed to, paid by, or credited to a school corporation, upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1927, c. 322, s. 8.
9.—(1) The Minister, with the approval of the Lieutenant-Governor in Council may establish and conduct a college of education for the professional training and instruction of teachers and for that purpose may,—

(a) acquire by purchase or otherwise, or expropriate any lands, buildings or other real or personal property which he may deem necessary;

(b) establish, erect and maintain all buildings, and provide such equipment, plant and appliances as he may deem expedient;

(c) appoint officers, professors, instructors and teachers for the college;

(d) provide for the affiliation of the college with any university or enter into arrangements for the use of any primary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college;

(e) prescribe the course of training and study for students attending such college;

(f) grant diplomas, certificates or other evidences of proficiency to the students, teachers and graduates of such college;

(g) generally, with the approval of the Lieutenant-Governor in Council, do all such things and enter into all such agreements and arrangements as may be deemed advisable for establishing, maintaining, equipping, furnishing and conducting any such college.

(2) The expenses of establishing a college, the acquiring of property, plans, appliances and equipment therefor, the salaries of the officers, professors, instructors, teachers and servants of the college and the maintenance thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purposes of the college of education. R.S.O. 1927, c. 322, s. 9.

10.—(1) There shall be payable out of the Consolidated Revenue Fund annually, the sum of $6,000, to be awarded by the Minister of Education in scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study in France.
Regulations.

(2) The number of such scholarships, the terms and conditions upon which they may be awarded, and the courses of study to be pursued, shall be prescribed by regulations to be made in the manner provided by this Act. R.S.O. 1927, c. 322, s. 10.

Separate Schools.

11. Subject to the provisions of this Act, every power, right and authority now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic separate schools or to any matter or thing pertaining to or affecting such separate schools shall be vested in and held, had and possessed by the Minister. R.S.O. 1927, c. 322, s. 11.

Regulations and Orders-in-Council.

12.—(1) Every regulation and every Order-in-Council made under the authority of this Act or of the Acts relating to public schools, separate schools or high schools shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not then in session, within the first seven days of the next session after such regulation or Order-in-Council was made.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the regulation or Order-in-Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such regulation or Order-in-Council, or of any part thereof, the regulation or Order-in-Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. R.S.O. 1927, c. 322, s. 12.

Penalties.

13.—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize, or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.
(2) For any contravention of subsection 1, a teacher shall incur a penalty of $50; a trustee shall incur a penalty of $100; an inspector shall incur a penalty of $500; and any other person so officially connected shall incur a penalty of $100.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof for so doing shall for every such offence incur a penalty of $500.

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

(5) The penalties imposed by this Act shall be recoverable under The Summary Convictions Act.

(6) The penalties recovered under this Act shall be applied to such purposes as the Minister may direct.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

(8) This section shall not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1927, c. 322, s. 13.