1937

c 360 High Schools Act

Ontario
CHAPTER 360.

The High Schools Act.

1.—(1) In this Act,—

(a) "Board" shall mean board of high school trustees;

(b) "County judge" and "judge" shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; R.S.O. 1927, c. 326, s. 1 (1), cls. (a, b).

(c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district, but shall not include resident pupils; 1937, c. 68, s. 11 (1).

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

(e) "High school" shall include a collegiate institute;

(f) "High school district" shall mean the municipalities and parts of municipalities over which a board has jurisdiction; R.S.O. 1927, c. 326, s. 1 (1), cls. (d-f).

(g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library; apparatus and other appliances as may be required by
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the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees; 1936, c. 55, s. 6; 1937, c. 68, s. 11 (2).

(h) "Minister" shall mean Minister of Education; "Minister."

(i) "Municipality" shall include a city, town, village or township but not a county;

(j) "Non-resident pupils" shall mean pupils other than "Non-resident pupils." county pupils and resident pupils as herein defined; R.S.O. 1927, c. 326, s. 1 (1), cl. (h-j).

(k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of outhouses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations; R.S.O. 1927, c. 326, s. 1 (1), cl. (k); 1929, c. 84, s. 7; 1937, c. 68, s. 11 (3).

(l) "Regulations" shall mean regulations made by the Minister under The Department of Education Act; R.S.O. 1927, c. 326, s. 1 (1), cl. (l).

(m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein and shall include a pupil who resides or whose parents or guardians reside in a high school district who attends any high school or grade A or grade B continuation school situated in a municipality within the county, or a high school or grade A or grade B continuation school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides when such high school or grade A or grade B continuation school,—

(i) is reasonably accessible to such pupil while the high school in the district in which he resides is not thus accessible, or

(ii) provides for such pupil a course of study which is not offered in the school in his own district,
and in case of dispute as to liability of the high school district to pay the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 36; 1937, c. 68, s. 11 (4).

"Separated town."

(n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization;

"Urban municipality."

(o) "Urban municipality" shall mean a city, town or village. R.S.O. 1927, c. 326, s. 1 (1), cls. (n, o).

References to population.

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor.

Certificate of clerk to be final.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. R.S.O. 1927, c. 326, s. 1 (2, 3).

HIGH SCHOOL CORPORATIONS.

Trustees to be a corporation.

2.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of " or "The Collegiate Institute Board of " as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate.

Term of office.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. R.S.O. 1927, c. 326, s. 2.

HIGH SCHOOL DISTRICTS.

Existing high school districts confirmed.

3. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of 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 such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such 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 such district has not been legally formed. R.S.O. 1927, c. 326, s. 3.
4. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. R.S.O. 1927, c. 326, s. 4.

5.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof not separated from such county and contiguous to any high school district or village or to a town in such county, may by by-law unite such municipality or part thereof to such district, village or town for high school purposes, and the union shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve the union; but no such by-law shall come into operation until the 1st day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed, but no action that a county council may hereafter take shall alter the boundaries of the district of a high school, as empowered in section 14 of The Continuation Schools Act, so as to take from the area liable to assessment any property that was in the district when it was established as a continuation school district, before the expiration of five years from the date of the passing of this Act.

(3) Where two municipalities become united all the assets and liabilities of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality.

(4) The council of any county, with the approval of the Lieutenant-Governor in Council, may by by-law discontinue the high school districts within the county and establish a high school district to be comprised of the whole of the county and such by-law shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. R.S.O. 1927, c. 326, s. 5.

NEW HIGH SCHOOLS.

6.—(1) On or before the 1st day of July in any year the council of a county subject to the approval of the Minister first
being obtained, may pass by-laws for the establishment of a new high school district,—

(a) for a municipality or municipalities or for part of a municipality or municipalities not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established;

(b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;

(c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district;

(d) for a portion of a township adjacent to a city having a population of at least 50,000, if there are at least 2,000 inhabitants within the proposed district and the council of the township petition for such high school district. R.S.O. 1927, c. 326, s. 6 (1); 1935, c. 64, s. 4; 1936, c. 55, s. 7 (1).

(2) The clerk of the municipality shall call the first meeting of a newly organized high school board. 1930, c. 63, s. 14 (1).

(3) In the case provided for by clause b of subsection 1 the high school shall be located at such place as is named in the petition. R.S.O. 1927, c. 326, s. 6 (2).

(4) Subject to the approval of the Minister first being obtained, the council of any municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a high school district. 1936, c. 55, s. 7 (2).

(5) The board of trustees of a high school district established under subsection 1 may establish a high school and, with the approval of the Minister, such additional high schools as
the trustees may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the high school or schools so established. R.S.O. 1927, c. 326, s. 6 (5).

7.—(1) Every city and separated town is hereby established as a high school district, and a high school shall be established in every such high school district. 1933, c. 58, s. 23.

(2) Where a high school has been established in a city or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the same. R.S.O. 1927, c. 326, s. 7 (2).

COURSES OF STUDY.

8.—(1) The courses of study shall be those prescribed by the regulations.

(2) Any high school which complies with the regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. R.S.O. 1927, c. 326, s. 8.

9.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes. R.S.O. 1927, c. 326, s. 9 (1).

(2) A board may annually vote for each high school within its jurisdiction a sum not exceeding $150 in the case of a school having an enrolment of not more than six hundred pupils, and a sum equal to an amount not exceeding twenty-five cents per pupil in the case of a school having an enrolment of more than six hundred pupils, for the encouragement of athletics and to defray the expenses of school games. 1937, c. 68, s. 12.

10. A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools, and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the regulations. R.S.O. 1927, c. 326, s. 10.
Qualification of trustees. 11.—(1) Any ratepayer who is a British subject, has attained the age of twenty-one years, resides in the high school district, or in the county or municipality in the case of a county or of a district municipality appointment, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified to be a high school trustee. R.S.O. 1927, c. 326, s. 11; 1937, c. 68, s. 13 (1).

Trustee, not eligible where taxes unpaid. (2) A person shall not be eligible to be elected or appointed as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination or appointment; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1936, c. 55, s. 8; 1937, c. 68, s. 13 (2).

Number of trustees. 12. Every high school board shall consist of at least six trustees. R.S.O. 1927, c. 326, s. 12.

Appointment of trustees. 13.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council, two of whom may reside in the county outside the district, and additional trustees shall be appointed as follows,—

(a) where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) where the district comprises two municipalities each council shall appoint two additional trustees; and

(c) where a district comprises more than two municipalities each council shall appoint one additional trustee.

What may be deemed a municipality. (2) A part of a municipality which is assessed for at least $50,000 shall be deemed a municipality for the purposes of this section.

Annual retirement of trustees. (3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year. R.S.O. 1927, c. 326, s. 13.

Where district composed of county. 14. Where a high school district comprises the whole of a county the county council shall appoint six trustees, two of whom shall retire each year. R.S.O. 1927, c. 326, s. 14.
15.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board. (2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. R.S.O. 1927, c. 326, s. 15.

16.—(1) Where a high school district is established under the authority of subsection 4 of section 6 for one municipality, or part thereof, in a territorial district, the high school board shall, in the case of a township, be composed of six trustees who shall be appointed by the council, and, in the case of an urban municipality, of the same number elected in the same manner as in the case of a city.

(2) Where a high school district is established under the authority of subsection 4 of section 6 for two or more municipalities or parts thereof, in a territorial district, the high school board shall be composed of six trustees to be appointed in equal numbers by the councils of such municipalities, provided that if either or any of such municipalities is an urban municipality, the public school board or boards and the separate school board or boards of such urban municipality or municipalities may appoint an additional member of the high school board as in the case of a city, such appointments being made in alternate years by the public school board and by the separate school board where more than one urban municipality forms part of the high school district.

(3) The members of a high school board appointed by a council or councils pursuant to this section, shall hold office for a term of three years and shall be so appointed as to secure a complete rotation every three years, and where such appointments are to be made by two or more councils they shall at the time the high school district is established agree upon the method to be adopted to secure such rotation, failing which the Minister shall determine the method. 1936, c. 55, s. 9.

17.—(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees as provided by subsection 1 of section 13, for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school.
(2) The board of a high school situated in a city, town or village in a district without county organization may, by resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality.

(3) The council of any municipality in respect to which a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and thereupon the council shall be entitled to appoint a person qualified as provided under section 11 as a trustee to the board in addition to the other members of the board provided for by this Act.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. R.S.O. 1927, c. 326, s. 16.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1927, c. 326, s. 17.

19. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1927, c. 326, s. 18.

20. Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is a ratepayer of the urban municipality or of the union public school section, as the case may be, and who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. R.S.O. 1927, c. 326, s. 19; 1937, c. 68, s. 14.
21.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

(2) 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.

(3) Where a separated town is reunited to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. R.S.O. 1927, c. 326, s. 20.

MEETINGS OF BOARD.

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

(2) At the first meeting in each year of every board and election of chairman, whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman.

(3) The members of the board may also elect one of their vice number to be vice-chairman, and he shall preside in the absence of the chairman.

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

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum.
(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. R.S.O. 1927, c. 326, s. 21.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be given by treasurer and secretary-treasurer.

23.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. R.S.O. 1927, c. 326, s. 22.

DUTIES OF BOARD.

Duties of trustees.

24. It shall be the duty of every board and it shall have power,—

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

(b) to see that the school is conducted according to this Act and the regulations;

(c) to provide adequate accommodation according to the regulations for all pupils, and in its discretion establish summer or vocational schools; R.S.O. 1927, c. 326, s. 23, cls. (a-c).

(d) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;
(e) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; 1931, c. 71, s. 9.

(f) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board;

(g) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof; R.S.O. 1927, c. 326, s. 23, cls. (d, e).

(h) to provide, where the board deems it expedient, for transportation of resident pupils attending high school and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school; R.S.O. 1927, c. 326, s. 23, cl. (f); 1929, c. 84, s. 9 (1).

(i) to appoint a secretary and a treasurer or a secretary-treasurer and such committees, officers and other employees as may be deemed expedient; 1936, c. 55, s. 10.

(j) to take proper security from the treasurer or secretary-treasurer;

(k) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; R.S.O. 1927, c. 326, s. 23, cls. (g, h).

(l) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, 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 such estimates shall show 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 such estimates may include an additional sum not exceeding $500 for any one school as may be deemed expedient for permanent improvements to be made during the same period; 1933, c. 58, s. 24; 1937, c. 68, s. 15.

(m) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice;

(n) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; R.S.O. 1927, c. 326, s. 23, cis. (j, k).

(o) to contribute, as deemed expedient, towards providing life insurance for teachers and officers of the board; 1929, c. 84, s. 9 (2).

(p) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year;

(q) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. R.S.O. 1927, c. 326, s. 23, cis. (l, m).

25. The board may—

(a) purchase for the use of any or all pupils textbooks and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; R.S.O. 1927, c. 326, s. 24, cl. (a); 1934, c. 52, s. 10.

(b) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving;
(c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper;

(d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario; R.S.O. 1927, c. 326, s. 24, cls. (b-d).

(e) if deemed expedient, pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person. 1936, c. 55, s. 11 (1).

26.—(1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. R.S.O. 1927, c. 326, s. 25; 1930, c. 63, s. 15.

(2) The provisions of subsection 1 shall apply in the case of a high school district for which no school has been established by the board.

(3) Where pursuant to the provisions of this section, the board of a high school district for which no school has been established has arranged for the instruction of all pupils resident in such high school district at a high school, collegiate institute or vocational school in any other high school district and is paying the fees of such pupils, there shall be paid by the county to the board which pays the said fees, the share of the cost of education of county pupils paid to the county during the preceding year by such high school district as included in the rates levied by the county council according to the relative equalized value. 1934, c. 52, s. 11.

(4) The amount payable by the county to a board under the provisions of subsection 3 shall be paid by the county to the board within three months after the payment to the county by
the municipality in which the high school district is established, of the amount of the rates levied by the county council for the preceding year.

(5) Where the council of the county and any board do not agree as to the liability of the county to pay such share for any year or the amount of such share, the liability shall be determined by the judge of the county court upon the application of either party.

(6) The costs of the parties upon any such reference shall be in the discretion of the judge and he shall fix the amounts thereof and direct to whom and by whom and in what manner such costs shall be paid. 1936, c. 55, s. 12.

27. Where there are more high schools than one in an urban municipality, the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. R.S.O. 1927, c. 326, s. 26.

PROPERTY VESTED IN BOARDS.

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

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, 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. R.S.O. 1927, c. 326, s. 27.

29. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. R.S.O. 1927, c. 326, s. 28.

30. Where a high school has been established under this Act or a continuation school has been constituted a high school under section 14 of The Continuation Schools Act, the council
of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 29. R.S.O. 1927, c. 326, s. 29.

SCHOLARSHIPS.

31. Any person may, with the approval of the board, found a scholarship or prize. R.S.O. 1927, c. 326, s. 30.

32.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in the municipality contributing to the maintenance of the high school. R.S.O. 1927, c. 326, s. 31.

33.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. R.S.O. 1927, c. 326, s. 32.

PENSIONS.

34.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance for Ontario and shall make provision for the management of the fund and investments forming any part thereof and as to the contributions to and payments from the fund and otherwise
as may be necessary, and for vesting such management in a board, hereinafter referred to as the “management board,” constituted as set forth in the resolution.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund, and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient, but not so as to conflict with the resolution establishing the pension fund.

(5) The board shall have the power to, and it shall annually provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.

(6) Subject to the approval of the Superintendent of Insurance for Ontario being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

(7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund, or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by The Trustee Act. 1936, c. 55, s. 13.

COUNTY GRANTS FOR MAINTENANCE OF HIGH SCHOOLS.

35.—(1) The cost of education of county pupils attending a high school or a grade A or grade B continuation school shall be provided and paid by the council of the county to the extent, according to the basis, in the manner and at the times set forth in this section and in sections 36, 37 and 38. 1936, c. 55, s. 14, part; 1937, c. 68, s. 17 (1).

(2) The cost of education of county pupils to be paid by the council of the county may be ascertained either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be provided for accordingly.

(3) Where in any year the cost is ascertained on the basis of the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be
(4) Where the council of a county provides in its estimates for the current calendar year for the amounts of the estimated cost of education of county pupils in such year, the same shall be included in and levied and collected as part of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year.

(5) In any case where the council of a county has made payments on account of the cost of education of county pupils according to its estimates or otherwise and it is finally ascertained that the cost is either less or more than the sums of such payments, a final accounting and adjustment of such cost shall be made and the amount of the underpayment, if any, shall forthwith be paid by the council of the county or the amount of the overpayment, if any, shall forthwith be repaid to the council of the county by the board to which such overpayment was made or, at the option of the council of the county, may be deducted by it from any future payments due to such board in respect to the next succeeding year. 1936, c. 55, s. 14, part.

(6) Where the council of a county provides for the cost of education of county pupils according to the provisions of subsection 4, the board of every high school attended by county pupils from such county shall on or before such day in every year as the council of the county may by by-law prescribe, and not later than the 1st day of March, submit to the council an estimate of the cost of education of such county pupils for the current calendar year in such form and with such detail as to all revenues, expenditures, surpluses and deficits of the board and as to estimated attendance of all pupils and proof of residence of county pupils as the council of the county may by by-law prescribe. 1936, c. 55, s. 14, part; 1937, c. 68, s. 17 (2).

36.—(1) Where county pupils are attending a high school or a grade A or grade B continuation school, in a high school district, or a continuation school section in which a grade A or a grade B continuation school is established and maintained for any municipality or municipalities or any portion thereof situate in and forming part of the county and not separated therefrom, the cost of education of such county pupils to be paid by the council of the county shall be calculated and ascertained in the following manner:
(a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements not exceeding $500 for any one school for such year, and for meeting all payments falling due for such year for sinking fund or principal and interest upon any debentures issued in respect to such school, shall be ascertained;

(b) Secondly, the total gross current revenues for the same calendar year from legislative grants, fees, rents, donations, other than for permanent improvements, and from all other sources except from taxation shall be ascertained;

(c) Thirdly, 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 in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated;

(d) Fourthly, the total number of days' attendance of all pupils at the said school during the next preceding calendar year shall be ascertained from the school register and such total number shall then 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) Fifthly, the total number of days' attendance of all county pupils from the county at the said school during the same calendar year shall be ascertained from the school register and such total number shall then 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 the said county pupils for which the council of the county shall be liable and pay as provided for in section 35. *1936, c. 55, s. 14, part; 1937, c. 68, s. 18 (1).*
(2) Where county pupils from a county are attending a high school in a city or town situate in such county, but separated therefrom for municipal purposes or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county pupils on the same terms as high schools in municipalities not separated from the county, the cost of education to be paid by the council of the county of which they are county pupils shall be calculated and ascertained in the same manner as is provided in subsection 1 except that in addition to the deductions to be made according to clause c of the said subsection, there shall also be deducted an amount equal to twenty per centum of that part of the expenditures for maintenance which has to be provided out of taxation. 1937, c. 68, s. 18 (2).

(3) Where the board of a high school district contiguous to a city or a separated town gives notice to the city clerk or the town clerk that such high school is open to city or town pupils on the same terms as it is open to resident pupils of the municipality in which the high school is situated, the cost of education to be paid by the council of the city or town shall be calculated and ascertained in the same manner as is provided in subsection 2. 1936, c. 55, s. 14, part.

(4) Where the council of a county and the board of a high school attended by county pupils from such county are unable to agree upon the sum to be paid for the cost of education of such county pupils, the matter shall be referred to the judge of the county court for such county, who shall determine such sum. 1936, c. 55, s. 14, part; 1937, c. 68, s. 18 (3).

(5) Either the council of the county or the board 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 see fit, and for the purpose of such reference there shall be filed with the judge such financial statements and balance sheets of the affairs of the board and such copies, extracts or information taken from the school register as to enrolment and attendance of all pupils and of the county pupils and as to the names and addresses of such county pupils and of their parents or guardians and such other statements, accounts, records, books and documents as to the judge may appear to be requisite fully and finally to ascertain the revenues and expenditures of the board, the days’ attendance of all pupils and county pupils, to calculate and determine the net cost of education of county pupils and to fix the sum to be paid in respect thereto by the council of the county.
(6) The costs of any such reference to the judge shall be 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 same shall be paid. 1936, c. 55, s. 14, part.

37. Notwithstanding the provisions of clause c of subsection 1 of section 1 or of any other provision of this Act, the council of a county shall not be liable to pay for the cost of education as a county pupil of any pupil attending a high or continuation school situated in a city, a separated town or an adjacent county who or whose parent or guardian resides in a town or village forming part of the county and having a population of not less than 1,200, or in a township forming part of the county and having in that portion thereof which is not included in a high school district or grade A or grade B continuation school section, a population of not less than 4,000, and liability of the county for the cost of education of any such pupil shall arise only by virtue of an agreement entered into by the council of the county under the authority of subsection 5 of section 47. 1936, c. 55, s. 14, part; 1937, c. 68, s. 19 (1).

38.—(1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

(a) Fifty per centum of the said cost by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county which are not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, according to the last revised equalized assessment roll of such rateable properties;

(b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the proportion that the days' attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the total days' attendance during such year of all county pupils the
cost of whose education is to be paid by the council of the county. 1936, c. 55, s. 14, part; 1937, c. 68, s. 20.

(2) No part of the cost of education of county pupils to be paid by the council of a county shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which a grade A or a grade B continuation school is established and maintained. 1936, c. 55, s. 14, part.

39. Notwithstanding any of the provisions of section 35, 36 or 38, where in any year the total cost of education per pupil of the county pupils attending a high school is ascertained to have exceeded $125 per county pupil, or, in the case of a vocational school or vocational department of a high school, $150 per county pupil, computed on the basis set forth in that one of the said sections which is applicable, the council of the county may from any amount payable by it under such section in respect of such county pupils deduct a sum equal to one-half of the amount by which the cost of education per county pupil exceeded $125 or $150, as the case may be, for each county pupil in respect of the cost of whose education the county is liable. 1933, c. 58, s. 26.

40. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of $500, which shall be applied by the board to the purposes of such department. 1936, c. 55, s. 14, part.

CONSULTATIVE COMMITTEE.

41.—(1) The council of any county may establish a consultative committee, which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department and three members to be appointed by the council. 1928, c. 53, s. 5, part; 1937, c. 68, s. 22.

(2) The council may submit to the committee, and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools.
(3) The Department may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

(5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools. 1928, c. 53, s. 5, part.

**COLLECTION OF RATES.**

42. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district, such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding $500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils. R.S.O. 1927, c. 326, s. 40.

**GRANTS, FEES, ATTENDANCE, ETC.**

43.—(1) Where the sum required by a board for permanent improvements exceed $500 for any one school, the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such 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 comprising the high school district. R.S.O. 1927, c. 326, s. 41 (1); 1937, c. 68, s. 23.
(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum 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 same, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by that council.

(4) If a council or a majority of the councils, where there are more than one, approve of the application, the council of the municipality within which the high school is situate 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 the number of councils where there are more than one, disapprove of the application, such council, or each of such councils where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by The Municipal Act, in the case of a money by-law. c. 266.

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

(7) 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 same to a vote of the electors.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality, each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures; unless one or more of the councils assumes a greater obligation,
when the proportion to be paid by each shall be such as the
councils may mutually agree upon.

(9) A debenture may be for such term of years, not exceed-
ing thirty and not less than that mentioned in the application
of the board, as the municipal council or councils concerned
or a majority of them may think proper, or the council or
councils or a majority of them shall, if the board has so re-
quested, and may, whether such request has been made or not,
make the debenture debt payable by annual or other instal-
ments in the manner provided by The Municipal Act.

(a) The council or councils of a municipality or munici-
palities liable for more than one-half of such debt
shall for the purposes of this subsection be deemed a
majority.

(10) Nothing in this section shall prevent the municipality
in which the high school is situate from assuming the full cost
of permanent improvements 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.
R.S.O. 1927, c. 326, s. 41 (2-10).

44.—(1) The council of any municipality or county may
raise by assessment, in addition to any sum which it is required
by this Act to raise, such further sums as it may deem ex-
pedient for the maintenance or permanent improvement of a
high school, provided that, in the case of a county, any addi-
tional sum so raised shall be apportioned, except as hereinafter
provided, among all the high schools, of the county in propor-
tion 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 high schools in the county with-
out making a similar provision for the other high schools
therein. R.S.O. 1927, c. 326, s. 42.

45.—(1) All money which a municipal council is required
by this Act to collect for permanent improvements shall be
paid to the treasurer of the board on or before the 31st day of
December of the year in which application was made by the
board for such money.

(2) All money which a council is required to collect by
assessment, or to raise by way of loan or otherwise, for the
maintenance of a high school shall be paid from time to time
to the treasurer of the board as the board may require. R.S.O.
1927, c. 326, s. 43.
46. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case, each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. R.S.O. 1927, c. 326, s. 44.

47.—(1) No fees shall be payable by pupils attending a high school which they have a right to attend under the provisions of this Act.

(2) Pupils other than the pupils referred to in subsection 1 attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school.

(3) The fees payable under this section shall be payable to the treasurer of the board.

(4) The council of a municipality not included or not wholly included in a high school district shall provide by assessment for the payment of the maintenance, calculated in accordance with the provisions of section 36, of any pupils attending a high school in the county or in the district who reside in such municipality, but in the case of a municipality not wholly included in a high school district such assessment shall be confined to the part which is not included within the high school district, provided, that such maintenance shall not be payable where the county council pays a maintenance grant instead of the equivalent apportioned out of the amount of the legislative grant. R.S.O. 1927, c. 326, s. 45 (1-4).

(5) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be legally imposed upon pupils from such county or municipality within the county attending a high school, collegiate institute or vocational school under the control of such board of education or high school board. 1929, c. 84, s. 11.

(6) Where the county council enters into an agreement under subsection 5, the amount of such fees shall be levied in the manner set forth in subsection 1 of section 38, provided that no part of such fees shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school section in which
a grade A or a grade B continuation school is established and maintained. 1937, c. 68, s. 24.

48. A county pupil shall have the right to attend any high school in the county in which he or his parent or guardian resides, and a resident pupil shall have the right to attend the high school of the district in which he or his parent or guardian resides or is assessed for an amount equal to the average assessment of the ratepayers therein, and a non-resident pupil may attend any high school at the discretion of the board. 1932, c. 42, s. 17; 1937, c. 68, s. 25.

49. Notwithstanding the provisions of sections 47 and 48, no pupil who, having completed the fourth form course in a public or separate school, has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a high school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such high school. 1933, c. 58, s. 27.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

50. Subject to the regulations—

(a) candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;

(b) candidates who have completed the course prescribed for the fourth form of the public school or who have, in the opinion of a board of examiners, completed a course which gives them an equivalent standing may, in the discretion of such board of examiners, be by it admitted to the high schools without passing such entrance examination;

(c) a candidate shall be entitled to enter a high school while it is conducted at night if, in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the regulations; but such admission shall not entitle him to admission to the high school when conducted by day. R.S.O. 1927, c. 326, s. 47.
51.—(1) Subject to the regulations, the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as the "senior high school entrance examination."

(2) After the establishment of such examination, the entrance examination provided for by section 50 shall be known as the "junior high school entrance examination." R.S.O. 1927, c. 326, s. 48.

52.—(1) Subject to the regulations, any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

(a) a permanent high school certificate; or

(b) a permanent first class certificate; or

(c) a permanent second class certificate, and has had three years' experience as a teacher;

may be appointed a presiding officer or a member of a board of examiners R.S.O. 1927, c. 326, s. 49 (1); 1930, c. 63, s. 17.

(2) The Minister may suspend any member of the board of examiners from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the regulations with regard to high school entrance examinations or of being guilty of other misconduct in office. R.S.O. 1927, c. 326, s. 49 (2); 1937, c. 68, s. 26.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. R.S.O. 1927, c. 326, s. 49 (3).

In the Counties.

53.—(1) (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council except that an examination centre shall not be established in a high school district if the high school board or the board of education, as the case may be, has passed a resolution that there shall be no written examination on question papers prepared by the Department, and the board of examiners which composes the high school en-
Examiners in counties not having a high school.

trance board has given its unanimous consent to the resolution;

(b) The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts within the county which established the centre; 1936, c. 55, s. 15 (1).

(c) A high school district shall be under one board of examiners, and the public school inspector or inspectors where there are two or more of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals and the technical, commercial or vocational school principal or principals in the high school district shall be members of the board of examiners;

(d) The Minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate, and the public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June in any year, appoint an additional member to the board;

(e) The county council may on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached;

(f) The board of a township school area established under the provisions of this or any other Act may on or before the 1st day of June in any year appoint an additional member to the board of examiners of such high school district in the county to which for the purposes of this section the public school inspector for the school area may direct it shall be attached. R.S.O. 1927, c. 326, s. 50 (1), cl. (b); 1928, c. 53, s. 6 (1); 1933, c. 58, s. 28.

(2) (a) In a county, city or separated town, in which no high school has been established, the council of the county, city or town, at its meeting in June
in each year, shall appoint a board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county;

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

(3) Subject to the regulations, every board of examiners shall in each year appoint such additional members as may be required.

(4) Subject to the regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board. R.S.O. 1927, c. 326, s. 50 (2-4).

(5) The county council or the high school board, as the case may be, shall not impose any fee upon any candidate at the county or high school district centres who, or whose parent or guardian, is a resident of Ontario, but may impose a fee not exceeding $2 upon each candidate who, or whose parent or guardian, is not a resident of Ontario, at the county or high school district centres, which shall be paid by the candidate as prescribed by the regulations and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board as the case may be. 1936, c. 55, s. 15 (2).

In the Territorial Districts.

54.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school; the inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board; the minister may appoint a separate school inspector to be a member of the board of examiners for any high school within his inspectorate; the public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June of any year, appoint an additional member; subject to the regulations, the board of examiners in each year shall appoint such additional members as may be required, and
Examination centres.

Where no high school has been established.

How selected.

Expenses—how borne.

Qualification.

Regulations to apply.

Superannuation.

Agreements between teacher and board.

Apportionment of salary.

preference shall be given to the principals of continuation schools in the inspectorate. R.S.O. 1927, c. 326, s. 51 (1), cl. (a); 1928, c. 53, s. 6 (2).

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate. R.S.O. 1927, c. 326, s. 51 (1), cl. (b).

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate;

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

(3) Subject to the regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. R.S.O. 1927, c. 326, s. 51 (2, 3).

HIGH SCHOOL TEACHERS.

55.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the regulations.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the regulations.

(3) The provisions of The Public Schools Act respecting superannuation shall apply to teachers of high schools. R.S.O. 1927, c. 326, s. 52.

AGREEMENTS.

56.—(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties, and, unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the propor-
tion which the total number of days during which he has
taught, bears to the whole number of teaching days in the year.
1931, c. 71, s. 12; 1932, c. 42, s. 18.

(2) A teacher shall be entitled to his salary notwithstanding
his absence from duty on account of sickness for a period not
exceeding four weeks in any one year of his employment if the
sickness is certified to by a physician, or in a case of acute
inflammatory condition of the teeth or gums by a licentiate of
dental surgery; but the period of four weeks may in any case
of sickness be allowed and extended at the pleasure of the
board without a certificate.

(3) Every teacher shall be entitled to his salary notwith-
standing his absence from duty in any case where, because of
exposure to a communicable disease, he is quarantined or other-
wise prevented by the order of the medical health authorities
from attending upon his duties.

(4) A high school inspector may, on the complaint of a
teacher in
board, suspend the certificate of a teacher who willfully neglects
or refuses to carry out his agreement with the board, but the
teacher may appeal to the Minister who may make such order
with regard to the suspension as he may deem proper.

(5) All matters of difference between boards and teachers
in regard to salary or other remuneration, whatever may be
the amount in dispute, shall be determined in the division court
of the division in which the cause of action arose, subject to
the same right of appeal as under The Public Schools Act.
R.S.O 1927, c. 326, s. 53 (2-5).

(6) If it appears to the judge on the trial of an action for the
recovery of a teacher’s salary that there was not reasonable
ground for the board disputing its liability or that the failure
of the board to pay was from an improper motive, he may
award as a penalty a sum not exceeding three months’ salary.

(7) For the purposes of subsection 6 the failure of a board
failure to pay a teacher’s salary when an agreement for his
employment has been made by the board but no written agree-
ment has been entered into and executed as required by sub-
section 1, if the judge is satisfied upon the evidence that the
refusal of the board to pay the salary by reason of the absence
of an agreement in writing is without merit. 1934, c. 52, s. 13.

57. Subject to the approval of the Minister, a high school
board or a board of education may appoint one or more officers
qualified according to the regulations to collect and distribute
information regarding available occupations and employments,
and to offer such counsel to the pupils of the schools under the charge of the board as will enable them to plan intelligently for their vocational and educational advancement and every person so appointed shall be subject to the control of the board. R.S.O. 1927, c. 326, s. 54.

RETIRING ALLOWANCES.

58. Where a teacher, officer or other employee of the board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1927, c. 326, s. 55; 1936, c. 55, s. 16.

SCHOOL YEAR AND HOLIDAYS.

59.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June. 1931, c. 71, s. 13, part; 1933, c. 58, s. 29; 1937, c. 68, s. 27.

(2) When the 1st day of September is a Friday the schools shall not be opened until the following Tuesday; when the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday. 1936, c. 55, s. 17.

(3) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of The Public Health Act or the regulations of the Department, shall be a school holiday. 1931, c. 71, s. 13, part.

AUTHORIZED BOOKS.

60.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the regulations, and the Minister, upon report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.
(2) Subject to the regulations an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. R.S.O. 1927, c. 326, s. 57.

OFFENCES AND PENALTIES.

61. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall ipso facto vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. R.S.O. 1927, c. 326, s. 58.

62. A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between it and the board of which he is a member. 1936, c. 55, s. 18.

63. No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 326, s. 59.

64. If a trustee is convicted of an indictable offence, becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall ipso facto vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. R.S.O. 1927, c. 326, s. 60.

65. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise
either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding $20. R.S.O. 1927, c. 326, s. 61.

66. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. R.S.O. 1927, c. 326, s. 62.

67.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of $20 for every meeting at which he so sits or votes.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding $20. R.S.O. 1927, c. 326, s. 63.

68. A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. R.S.O. 1927, c. 326, s. 64.

69. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1927, c. 326, s. 65.

70. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. R.S.O. 1927, c. 326, s. 66.

71.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his
Sec. 71 (8). HIGH SCHOOLS. Chap. 360.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a grown-up person at his residence.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

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

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

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

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1927, c. 326, s. 67.
72. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding $20. R.S.O. 1927, c. 326, s. 68.

73. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding $20. R.S.O. 1927, c. 326, s. 69.

74.—(1) No person other than a ratepayer, trustee or high school teacher may take proceedings to recover any penalty imposed by this Act.

(2) Every penalty imposed by or under the authority of this Act shall be recoverable under The Summary Convictions Act, and unless otherwise provided shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. R.S.O. 1927, c. 326, s. 70:

(Note.—For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, see The Department of Education Act, Rev. Stat., c. 356.)