1937

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Ontario
CHAPTER 361.
The Boards of Education Act.

1. In this Act,—
(a) "High school" shall include a collegiate institute; "High school."
(b) "High school district" and "district" shall mean the "High school district." territory over which a high school board has jurisdiction;
(c) "Municipal board" and "municipal board of education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town or village under the provisions of this Act;
(d) "Secretary" and "treasurer" shall include a secretary and "treasurer."
(e) "Union board" and "Union board of education" shall mean a board of education formed by the union of a high school board with one or more public school boards. R.S.O. 1927, c. 327, s. 1.

MUNICIPAL BOARDS OF EDUCATION.

2.—(1) When a high school district does not extend beyond the limits of the municipality the council of a city, town or village in which one or more high schools are situate may, on or before the 1st day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act. R.S.O. 1927, c. 327, s. 2 (1).

(2) The council of a town, village or township which has been established as a high school district in accordance with section 6 of The High Schools Act, may on or before the 1st day of October in any year, at a meeting specially called for that purpose, declare by resolution that it is expedient to form a board of education under this Act for the purpose of establishing and maintaining one or more public and high schools in the municipality. 1929, c. 84, s. 12; 1936, c. 55, s. 2.

(3) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality.
(4) The council shall, at the next succeeding municipal election, submit to a vote of the electors the question: "Are you in favour of the formation of a Municipal Board of Education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the board organized in accordance with the provisions of this Act.

(5) Upon the organization of the board all the property theretofore vested in the high school board and the public school board shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. R.S.O. 1927, c. 327, s. 2 (2-4).

Composition of municipal boards.

3.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

(a) In a city having a population of 50,000 or more, of fourteen members, twelve of whom shall be elected as hereinafter provided and two of whom shall be appointed by the separate school board of the city;

(b) In a city having a population of less than 50,000, of ten members, nine of whom shall be elected as hereinafter provided and one appointed by the separate school board of the city;

(c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;

(d) Subject to the provisions of clause e where there is no separate school board, the board shall be composed of the elected members only;

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2 shall appoint three additional members of the board, as authorized by The High Schools Act;

(f) When by reason of increased population additional representation on a board becomes necessary the appointment shall be made and the election shall take
place of the additional members at the regular time for the next ensuing year, and the election of such members and of those required to replace retiring members shall be decided together in accordance with the provisions of subsection 7.

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

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

(4) The first election shall take place at the time of holding the municipal elections for the year following the obtaining of the consent of the ratepayers, as provided in subsection 4 of section 2, but nothing in this Act shall affect any board having jurisdiction over any public school, high school or technical school during the year in which such resolution is passed.

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

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

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized. R.S.O. 1927, c. 327, s. 3 (1-7).

(8) Where two or more members receive an equal number of votes at the first election or where the full number of members to be elected are elected by acclamation and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting. R.S.O. 1927, c. 327, s. 3 (8); 1937, c. 68, s. 2 (2).
Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring:

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

Retiring members eligible for re-election.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Appointment by separate school board.

Term of office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed.

Members of appointing body not eligible.

(13) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board. R.S.O. 1927, c. 327, s. 3 (9-13).

Annual election of board—vote of ratepayers on question.

4.—(1) The council of any municipality may at any time before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question: "Are you in favour of the annual election of the members of the Board of Education?" and in case the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of such board shall be elected annually, and the clerk of the municipality shall notify the secretary of the board of education, in writing, of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year. R.S.O. 1927, c. 327, s. 4.

Adoption of two-year term for members of board.

(2) The council of any municipality in which the members of the municipal board of education have been elected annually for five years under the provisions of subsection 1, may before the 1st day of October in any year submit to the vote of the persons qualified to vote for public school trustees the question—

"Are you in favour of the members of the Board of Education holding office for a term of two years?"

and in case the question is answered in the affirmative by a majority of the electors voting thereon, all the elective members of the board shall thereafter be elected for a term of two years in accordance with the provisions of section 3, or where the same applies section 5, and the clerk of the municipality shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board then in
office shall cease to hold office on the 31st day of December of the same year.

(3) Whenever members of a board of education are elected under the provisions of subsection 2, elections thereunder shall continue to be held for a period of not less than six years before the members may again be elected under subsection 1.

1934, c. 52, s. 14.

5.—(1) The council of any city having a population of not less than 200,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question “Are you in favour of electing the Board of Education by wards?”

(2) In case the question is answered in the affirmative by a majority of the persons voting thereon the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

(3) At the first election held after the question shall have been so answered in the affirmative the requisite number of members shall be elected, and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year, and until their respective successors have been elected under this Act and the new board organized.

(4) At each annual election after the first the term of office of each elected member shall be two years.

(5) All the provisions of The Public Schools Act respecting the qualification and election of trustees shall apply to the election of such members.

(6) Save as in this section is otherwise provided the provisions of this Act shall apply to a board of education organized under this section. R.S.O. 1927, c. 327, s. 5.

6. The council of any city which has passed a by-law under the provisions of section 5 may at any time before the 1st day of October in each year submit to the persons qualified to vote for a public school trustee, the question “Are you in favour of repealing the by-law for electing the Board of Education by wards?” and if the question is answered in the affirmative by
the majority of the electors voting theron, the election shall thereafter be conducted in the manner provided by section 3. R.S.O. 1927, c. 327, s. 6.

Vacancies in cases of elected members.

7.—(1) Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected.

(2) In case of an equality of votes the elected member having the largest number of votes at his election shall have a second or casting vote. R.S.O. 1927, c. 327, s. 7.

(3) Where a vacancy occurs within one month of the time for the next ensuing annual election it shall not be filled in the manner provided by subsection 1, but the office shall remain vacant until the annual election and if the term of the vacant office then expires a new trustee shall be elected or if the term of the vacant office does not then expire some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. 1933, c. 58, s. 30.

Vacancies in cases of appointed members.

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

(2) When an appointing body fails to appoint a member at the prescribed time the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. R.S.O. 1927, c. 327, s. 8.

First meeting each year.

9. Unless a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1927, c. 327, s. 9.

Board to be a corporation.

10. Every municipal board shall be a corporation by the name of “The Board of Education for the (naming the city, town or village)” and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, or a high school board. R.S.O. 1927, c. 327, s. 10.
11. Where a municipal board is organized under this Act in a municipality any union board of education then existing therein shall thereby be dissolved. R.S.O. 1927, c. 327, s. 12.

UNION BOARDS OF EDUCATION.

12.—(1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union. R.S.O. 1927, c. 327, s. 13 (1); 1937, c. 68, s. 3.

(2) The union shall take effect on the day fixed under this Act for the first meeting in each year of a union board, next following the passing of the resolutions, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts, agreements and obligations of the boards so uniting shall become debts, contracts, agreements and obligations of the union board.

(3) The members of the high school and public school boards forming the union who are then in office shall continue in office until the expiration of the terms for which they were respectively appointed or elected and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board. R.S.O. 1927, c. 327, s. 13 (2, 3).

13. Every union board shall be a corporation by the name of “The Board of Education for (naming the municipality in which the high school is situate),” and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. R.S.O. 1927, c. 327, s. 14.

14.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof the board shall be dissolved on the date fixed for holding the first meeting of a union board in any year next following such vote.
(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected.

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

(4) If no division is made within six months after the dissolution the division shall be made forthwith by the council of the local municipality in which the high school is situate. R.S.O. 1927, c. 327, s. 15.

15. Unless all 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 every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. R.S.O. 1927, c. 327, s. 16.

GENERAL PROVISIONS.

16.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. R.S.O. 1927, c. 327 s. 17 (1).

(2) At the first meeting of every new municipal board and union board, and 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 of the board. R.S.O. 1927, c. 327, s. 17 (2); 1937, c. 68, s. 4.

(3) In case of an equality of votes the elected member who has received the largest number of votes at his election shall have a second or casting vote.
(4) The members of the board may also elect one of their number to be vice-chairman and he shall preside in the absence of the chairman.

(5) If at any meeting neither the chairman or vice-chairman is present the members present may elect a chairman for that meeting.

(6) At the first meeting after the organization or formation of the board, and so 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.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose.

(8) 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. R.S.O. 1927, c. 327, s. 17 (3-8).

17. The presence of a majority of all the members constituting a board shall be necessary to form a quorum, provided that at any meeting of the board at which public school matters alone are under consideration, a majority of the elected members of the board shall form a quorum. R.S.O. 1927, c. 327, s. 18; 1937, c. 68, s. 5.

18. The chairman or vice-chairman or member presiding may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. R.S.O. 1927, c. 327, s. 19.

19. The provisions of The Public Schools Act and of The High Schools Act respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. R.S.O. 1927, c. 327, s. 20.

20.—(1) Every board of education having jurisdiction over more than one high school, with the approval of the Minister of Education may,—
(a) make such modifications of the school courses prescribed for the high, industrial, technical and art schools under its jurisdiction as it deems expedient;

(b) provide for special or advanced instruction in any of such courses;

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

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of The Department of Education Act. R.S.O. 1927, c. 327, s. 21.

21. A member of a board who is a separate school supporter, or who is appointed by the county council, shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. R.S.O. 1927, c. 327, s. 22; 1928, c. 53, s. 7; 1936, c. 55, s. 3.

22. The provisions of The Public Schools Act, The High Schools Act and The Vocational Education Act, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act they shall not apply to municipal boards or union boards. R.S.O. 1927, c. 327, s. 23.

23. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but where public school property is appropriated for high school purposes the public school shall be credited with the value of the property so appropriated and where high school property is appropriated for public school purposes the high school shall be credited with the value of the property so appropriated. 1930 c. 63 s. 19.