CHAPTER 94

The Department of Education Act

1. In this Act,

(a) "board" means public school board, separate school board, continuation school board, high school board or board of education;

(b) "Department" means the Department of Education;

(c) "Minister" means the Minister of Education;

(d) "regulations" means the regulations made under this Act. 1954, c. 20, s. 1, cls. (a, b, e, i).

2.—(1) The department of the public service known as the Department of Education is continued.

(2) The Minister shall preside over and have charge of the Department. 1954, c. 20, s. 3, amended.

3. The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. 1954, c. 20, s. 2.

4.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1954, c. 20, s. 4.

5. For the purpose of calculating legislative grants, the Minister may add to the actual aggregate attendance of a school the number of days attendance lost by pupils,

(a) who left school to enlist in Her Majesty's Forces or to become employed in the production of food or
other essential war materials, and whose absence from school was in accordance with the regulations; or

(b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or

(c) who were absent from school because of the closing of one or more classrooms because of fire, flood or the breakdown of the school heating plant or a similar emergency which, in the opinion of the Minister, was unavoidable; or

(d) who were absent from school in the month of June when their regular classroom work was discontinued because of the holding of examinations that they were not required to write. 1954, c. 20, s. 5.

6.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period.

(2) Where a school or class is closed for a specified period under subsection 1, the school or class shall, for the purpose of calculating legislative grants, the cost of education of county pupils, and the fees, if any, of other pupils, be deemed to have been open during the period with a perfect aggregate daily attendance. 1954, c. 20, s. 6.

7. There shall be payable out of the Consolidated Revenue Fund annually the sum of $8,000 to be awarded by the Minister in accordance with the regulations as scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study outside Ontario. 1954, c. 20, s. 7; 1957, c. 23, s. 1.

8.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be
given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

(3) Any debenture issued by a school board or municipality, payment of which is guaranteed by the Province under this section, is valid and binding upon the school board or municipality by which it is issued and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. 1954, c. 20, s. 8.

9. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. 1954, c. 20, s. 9.

10.—(1) The Minister shall define the courses of study in the prescribed subjects of Grade 13.

(2) The Minister may,

(a) recommend for the guidance of boards and teachers the programme in kindergarten;

(b) define the courses of study, recommend courses of study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive;

(c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes;

(d) recommend reference books and library books for use by pupils, teachers and teachers-in-training;
(e) approve text-books for use in Grade 13, teachers' colleges, and provincial technical and polytechnical institutes;

(f) determine the number of terms and the dates upon which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind.

Application
R.S.O. 1960, c. 349

(3) An act of the Minister under this section is not a regulation within the meaning of The Regulations Act. 1954, c. 20, s. 10.

Powers of Minister:

11.—(1) The Minister may,

(a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he deems such payment necessary or desirable;

(b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;

(c) grant a temporary or interim certificate of qualification as a teacher to a person who, although not a British subject, is otherwise qualified and,

(i) has applied to become a British subject and whose application is pending, or

(ii) has filed a declaration of intention to become a Canadian citizen in accordance with the Canadian Citizenship Act;

(d) grant a letter of permission to a board authorizing the board to employ an unqualified person as a
Sec. 11 (1) (l) DEPARTMENT OF EDUCATION Chap. 94 1161

teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister specifies therein;

(e) suspend or cancel any certificate or diploma granted under this Act or the regulations;

(f) appoint as a commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under The Public Inquiries Act;

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

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

(i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit;

(j) require employees of school boards to submit to medical examinations;

(k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in the college of education established under section 16;

(l) provide for courses of training for inspectors.
(2) Notwithstanding Part III of *The Schools Administration Act* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

(a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or

(b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. 1954, c. 20, s. 11.

Regulations. 12.—(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to schools or classes established under *The Public Schools Act, The Separate Schools Act, The Schools Administration Act, The Secondary Schools and Boards of Education Act*, or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,

1. for the establishment, organization, administration and government thereof;

2. governing the admission of pupils;

3. respecting the examination and inspection of auxiliary classes, the dismissal of pupils therefrom, and the term of residence of pupils therein;

4. requiring boards to purchase books for the use of pupils;

5. prescribing the accommodation and equipment of buildings and the arrangement of premises;

6. for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons
eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;

7. for the establishment of the Provincial Student-Aid Loan Fund to be maintained by donations received for that purpose and by moneys appropriated by the Legislature for that purpose, for prescribing the terms and conditions of the loans and the persons eligible therefor, for defining the types, classes and subclasses of loans, for fixing the maximum loans and terms of repayment, for authorizing the Minister to determine the amount to be loaned to an applicant not exceeding the maximum provided in the regulations, and for providing the method of repayment of loans;

8. for the establishment and regulation of cadet corps;

9. governing the granting of permanent, temporary, interim, special and other certificates of qualification;

10. authorizing the Minister to designate a high school as a collegiate institute and to redesignate a collegiate institute as a high school, and prescribing the conditions under which he may do so;

11. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;

12. governing the establishment and maintenance of public, high and vocational schools on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;
13. governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils;

14. providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes;

15. fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and authorizing boards,

(i) to charge those pupils a fee in accordance with that method, or

(ii) instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;

16. providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof;

17. governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat;

18. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;
19. for granting diplomas and certificates of standing;  

20. prescribing the subjects that shall be taught, and the subjects that may be taught, in Grades 1 to 13 inclusive;  

21. prescribing subjects leading to diplomas and certificates of standing;  

22. providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions;  

23. for the establishment and regulation of school gardens;  

24. for the establishment and regulation of school libraries;  

25. subject to the approval of the Minister of Health, for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941;  

26. respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;  

27. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, supervisory officers, heads of departments, principals, inspectors, superintendents, bursars, matrons, directors, school attendance officers and other officials;  

28. prescribing the duties of pupils;  

29. prescribing the qualifications and experience that will be recognized for the purpose of,  

   (i) qualifying persons to teach,  
   (ii) admitting persons to schools, and  
   (iii) permitting persons to write examinations;
30. providing for assistance in the payment of the cost of education of children under eighteen years of age, whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, in classes conducted by parents' groups that are affiliated with the Ontario Association for Retarded Children;

31. prescribing the powers and duties of boards and township councils with respect to the appointment and duties of school attendance officers, providing for the issuing of home permits and employment certificates, and providing for the giving of notices and the making of returns in connection with school attendance;

32. prescribing forms and providing for their use;

33. approving the text-books for use in Grades 1 to 12 inclusive;

34. governing the transportation of pupils to and from elementary and secondary schools;

35. providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning;

36. establishing the number of scholarships and prescribing the terms and conditions under which they may be awarded and the courses of study to be pursued, in connection with the scholarships provided for under section 7;

37. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1954, c. 20, s. 12 (1); 1958, c. 21, s. 1 (1); 1960, c. 22, s. 1.

(2) Every contract executed by a person under twenty-one years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract. 1958, c. 21, s. 1 (2).
(3) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;

(b) prescribing the conditions governing the payment of legislative grants;

(c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister. 1954, c. 20, s. 12 (2).

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education,

(a) providing for programmes therefor;

(b) governing the granting of municipal recreation directors' interim and permanent certificates, and governing the renewal of municipal recreation directors' interim certificates;

(c) authorizing,

(i) municipal councils to appoint recreation committees with the approval of the Minister, or authorizing two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation committees with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees, or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors, and
(iv) two or more municipalities to enter into agreements,

for the purpose of programmes of recreation;

(d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programmes of recreation;

(e) prescribing definitions of joint recreation programme, joint recreation committee, municipal recreation programme, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation programme, recreation committee;

(f) prescribing a definition of "approved maintenance and operating costs" for the purpose of legislative grants for programmes of recreation, and requiring that "approved maintenance and operating costs" be subject to the approval of the Minister;

(g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,

(i) programmes of adult education, recreation, camping and physical education,

(ii) leadership training camps, and

(iii) the maintenance of historical, literary and scientific institutions;

(h) prescribing the conditions governing the payment of grants for,

(i) programmes of adult education,

(ii) programmes of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or

(iii) the maintenance of historical, literary and scientific institutions;

(i) authorizing the Minister to determine the number of assistants and area community programmes in respect of which grants may be paid for programmes of recreation;
(j) authorizing the payment, with the approval of the Minister, of special grants for programmes of recreation, and fixing the amounts thereof. 1954, c. 20, s. 12 (3).

(5) In subsection 4, "physical education" includes recreation for crippled persons under the age of nineteen years. 1954, c. 20, s. 12 (4).

13.—(1) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting vocational training as contemplated in the Vocational Training Co-ordination Act (Canada).

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the Indian Act (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act. 1954, c. 20, s. 13.

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. 1956, c. 17, s. 1.

14.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry.

(2) For the purpose of subsection 1, the Minister may enter into an agreement with any organization representing one or more branches of industry.

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute.

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee.

(5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board and the institute board shall be assisted by an advisory committee.
for each branch of industry in which training is given at the institute.

(6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization that has entered into an agreement under subsection 2.

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to such institutes,

(a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;

(b) prescribing the duties and powers of institute boards and advisory committees;

(c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;

(d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;

(e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;

(f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;

(g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;

(h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof.
Sec. 15 (4) (c) DEPARTMENT OF EDUCATION Chap. 94 1171

(8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,

(a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or

(b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. 1954, c. 20, s. 14.

15. — (1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is hereby continued under the administration of the Minister.

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is hereby continued under the administration of the Minister. 1954, c. 20, s. 15 (1, 2).

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school. 1960, c. 22, s. 2.

(4) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to the said schools,

(a) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school, and

(ii) be discharged from a school;

(b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;

(c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;
(d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

(e) prescribing the manner in which pupils shall dress while attending a school;

(f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;

(g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;

(h) authorizing a superintendent to dismiss a pupil at any time for,
   (i) misconduct or failure to make satisfactory progress in a school, or
   (ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;

(i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind.

The cost of the establishment, maintenance and conduct of the said schools shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. 1954, c. 20, s. 15 (3, 4).

16.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college of education for the professional training and instruction of teachers; or

(b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the
services of teachers in any secondary school as lecturers or instructors in the college.

(2) The cost of the establishment, maintenance and conduct of the college of education shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. 1954, c. 20, s. 16.

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct teachers’ colleges and summer and winter courses for the training and instruction of teachers; and

(b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers’ college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

(2) The cost of the establishment, maintenance and conduct of teachers’ colleges and summer and winter courses shall be payable out of such moneys as may be appropriated by the Legislature for those purposes. 1954, c. 20, s. 17.

18.—(1) The Minister may establish, maintain and conduct leadership training camps for leadership training.

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. 1954, c. 20, s. 18.