1950

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Ontario
CHAPTER 94

The Department of Education Act

1. In this Act,

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

   (b) "Department" means Department of Education;

   (c) "Minister" means Minister of Education;

   (d) "Registrar" means Registrar of the Department;

   (e) "regulations" means regulations made by the Minister and approved by the Lieutenant-Governor in Council under this Act. R.S.O. 1937, c. 356, s. 1; 1943, c. 26, s. 4.

2.—(1) There shall be a department of the public service to be known as the Department of Education over which the Minister shall preside and have charge.

   (2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department. R.S.O. 1937, c. 356, s. 2.

3.—(1) The Minister shall have the administration and enforcement of the statutes and regulations respecting public schools, separate schools, kindergarten departments, supervised and outdoor playgrounds, consolidated schools, high schools, collegiate institutes, continuation schools, vocational schools, school cadet corps, all departments of any such schools, night schools, school gardens, school libraries, public libraries, travelling libraries, library institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

   (2) The Minister shall have the management and control of model schools, normal schools, the college of education, teachers' institutes, summer and vacation schools and schools for the education of the deaf and dumb and the blind.
(3) The Minister may appoint such inspectors, teachers, and officers for purposes of instruction, supervision and administration as he may deem expedient.

(4) Subject to this Act and the regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. R.S.O. 1937, c. 356, s. 3.

(a) for the establishment, administration and government thereof and the courses of study and examinations therein;

(b) for the admission of pupils thereto;

(c) for the establishment and regulation of cadet corps, gardens and libraries therein;

(d) prescribing the qualifications and governing the appointment of teachers, inspectors, directors, superintendents and other officials;

(e) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;

(f) prescribing the form of contract which shall be used for every contract entered into between a board and a teacher for the services of the teacher;

(g) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;

(h) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the Commonwealth of Nations;

(i) authorizing text-books and books of reference for the use of pupils, teachers and teachers-in-training;
(j) requiring boards to purchase books for the use of pupils in schools under the charge of the boards;

(k) prescribing fees to be paid by candidates at examinations;

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

(m) providing for the establishment of supervising examination boards and prescribing the duties thereof;

(n) for conducting examinations and settling the results thereof;

(o) for granting diplomas and certificates of standing;

(p) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which the scholarships shall be subject;

(q) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;

(r) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;

(s) prescribing the qualifications and experience which will be recognized for the purpose of,

(i) qualifying persons to teach,

(ii) admitting persons to schools, and

(iii) permitting persons to write examinations;

(t) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health;
(u) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools;

(v) governing the establishment and maintenance of public schools on lands held by the Crown in right of Canada or Ontario, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools out of the moneys appropriated by the Legislature therefor; 1947, c. 29, s. 1, part.

(w) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario, or the payment of the cost of education of such pupils; 1947, c. 29, s. 1, part; 1948, c. 22, s. 1 (1).

(x) governing the transportation of pupils to and from public, separate, high, continuation and vocational schools and collegiate institutes;

(y) providing for assistance in the payment of the cost of education and transportation costs of pupils residing in the territorial districts and on lands held by the Crown in right of Canada or Ontario;

(z) providing for assistance in the payment of the cost of transportation to universities and other institutions of higher learning of persons residing in the territorial districts; 1947, c. 29, s. 1, part.

(za) fixing the method of calculating the cost of education of pupils residing on lands held by the Crown in right of Canada 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 Canada for the payment of an amount in lieu of the fee;

(zb) providing for the apportionment and distribution of all money appropriated or raised by the Legislature for educational purposes;
(zc) prescribing definitions of,
(i) “approved cost”, and providing for the approval of the Minister as a condition in the definition, and
(ii) “cost of operating”,
for the purpose of legislative grants to boards;

(zd) prescribing the conditions governing the payment of legislative grants. 1948, c. 22, s. 1 (2).

(2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,

(a) providing for programmes of adult education, recreation, camping, and athletics and physical education;

(b) prescribing definitions of “area community-programme”, “area recreation-committee”, “area recreation-director”, “assistant”, “community programme”, “director”, “joint community-programme”, “joint recreation-committee”, “municipal council”, “recreation” and “recreation committee”;

(c) prescribing a definition of “approved maintenance and operating costs”, and providing for the approval of the Minister as a condition in the definition, for the purpose of legislative grants for programmes of recreation;

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

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

(ii) the Provincial Athletic Training Camp, and

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

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

(i) programmes of adult education,

(ii) programmes of recreation, camping, or athletics and physical education, and provid-
ing for the approval of the Minister in any condition, or

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

(f) authorizing,

(i) municipal councils to appoint recreation committees, or two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation-committees, but only 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 at least 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;

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

(h) 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;

(i) authorizing the payment of special grants for programmes of recreation, but only with the approval of the Minister;

(j) fixing the amount of the grants under clause i.

"Athletics and physical education". (3) In subsection 2, "athletics and physical education" includes recreation for crippled persons under the age of 19 years. 1948, c. 22, s. 1 (3).
5. It shall be the duty of the Minister and he shall have power,

(a) to 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;

(b) to appoint the members of supervising examination boards and to prescribe the remuneration, including allowances for travelling and other expenses, to be paid to each member thereof;

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

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

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

(f) to require all teachers to submit periodically to medical examination;

(g) to submit a case on any question arising under The Public Schools Act, The High Schools Act or Rev. Stat., cc. 316, 359, The Separate Schools Act, or this Act, to a judge of the Supreme Court for his opinion and decision, or by the leave of a judge of such court, to the Court of Appeal for its opinion and decision;

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

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

(k) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient;

(l) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college;

(m) subject to the regulations, to prescribe subjects, time allotments for subjects, text-books and reference books for schools or classes established under *The Auxiliary Classes Act, The Continuation Schools Act, The High Schools Act, The Public Schools Act, The Separate Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act* or this Act and all other schools supported in whole or in part by public money. 1947, c. 29, s. 2.

6.—(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. 1950, c. 73, s. 2.

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

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

(b) a certificate of qualification as a teacher of French, Italian or Spanish to any person who is not a British subject.
subject and who possesses the other qualifications prescribed by the regulations and who has served in the military or naval forces of Great Britain or any of her Allies during World War I. R.S.O. 1937, c. 356, s. 6.

8.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, for and in the name of the Province, guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees or by a municipal corporation in a provisional judicial district for any school purpose for which such board or municipal corporation is authorized to issue debentures, and to an amount not exceeding $150,000 guarantee the investments of any penny bank or similar institution mentioned in clause 29 of section 93 of The Public Schools Act and subsection 1 of section 29 of The High Schools Act, which has for one of its objects the encouragement of thrift among school pupils and is approved by the Minister.

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

(3) Any debenture issued by a municipal corporation or board of school trustees, payment of which is guaranteed on behalf of the Province under this section, shall be valid and binding upon the municipal corporation or the board of school trustees, as the case may be, by which it is issued, and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed shall not be open to question on any ground whatsoever. R.S.O. 1937, c. 356, s. 7.

9. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school corporation by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school corporation, the rate at which interest shall be allowed to, paid by, or credited to a school corporation upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1937, c. 356, s. 8.
10.—(1) The Lieutenant-Governor in Council may order the closing of a school or any grade thereof for a specified period.

(2) Where the Lieutenant-Governor in Council orders the closing of a school or any grade thereof for a specified period, such school or grade shall, for the purpose of calculating legislative grants and the cost of education of county and non-resident pupils, be deemed to have been open during such period with a perfect aggregate daily attendance. 1945 (2nd sess.), c. 8, s. 6.

11. For the purpose of calculating legislative and county grants, the Minister may authorize the principal of a school to give credit for attendance at such school of pupils who have left school to enlist in His Majesty's navy, army or air force or to become employed in the production of food or other essential war materials, provided that the absence from school of such pupils is in accordance with the regulations. 1941, c. 52, s. 5, part.

12.—(1) The Minister, with the approval of the Lieutenant-Governor in Council, may establish and conduct a college of education for the professional training and instruction of teachers and for that purpose may,

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

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

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

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

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

(f) grant diplomas, certificates or other evidences of proficiency to the students, teachers and graduates of such college;
(g) generally, with the approval of the Lieutenant-Governor in Council, do all such things and enter into all such agreements and arrangements as may be deemed advisable for establishing, maintaining, equipping, furnishing and conducting any such college.

(2) The expenses of establishing a college, the acquiring of property, plans, appliances and equipment therefor, the salaries of the officers, professors, instructors, teachers and servants of the college and the maintenance thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purposes of the college of education. R.S.O. 1937, c. 356, s. 9.

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

(2) The number of such scholarships, the terms and conditions upon which they may be awarded, and the courses of study to be pursued, shall be prescribed by regulations to be made in the manner provided by this Act. R.S.O. 1937, c. 356, s. 10.

14. No school board or board of education shall enter into a contract for the transportation of pupils until it obtains the approval of the Minister. 1947, c. 29, s. 3.

15. The athletic camp at Longford, Lake Couchiching, known as the "Provincial Athletic Training Camp", may be continued under the administration and control of the Minister. 1948, c. 22, s. 2.

16.—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

(2) For any contravention of subsection 1, a teacher shall be liable to a penalty of $50; a trustee shall be liable to a
Penalty against business, firm or agent.

Penalty of $100; an inspector shall be liable to a penalty of $500; and any other person so officially connected shall be liable to a penalty of $100.

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

Gifts, etc., to be prima facie evidence.

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

Recovery of penalties.

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

Application of penalties.

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

Consent of Attorney-General to prosecution.

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

Sale in ordinary course of business excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business. R.S.O. 1937, c. 356, s. 13.