1972

c 74 The Public Schools Amendment Act, 1972

Ontario
CHAPTER 74

An Act to amend The Public Schools Act

Assented to June 23rd, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause b of section 1 of The Public Schools Act, being chapter 385 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) "elector" in respect of a school section means a public school elector under The Municipal Elections Act, 1972 who is qualified to vote at an election of public school trustees in such school section.

2.-(1) Subsection 1 of section 13 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding "and" at the end of clause b and by striking out clauses c and d and inserting in lieu thereof the following:

(c) is an elector resident in the school section.

(2) Clause a of subsection 2 of the said section 13 is amended by striking out "day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting" in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof "last day for filing nominations for a new election unless before the closing of nominations".

(3) Subsection 2 of the said section 13 is amended by striking out "or" at the end of clause d, by adding "or" at the end of clause c and by striking out clause e.

(4) Subsections 4 and 5 of the said section 13 are repealed.

3. Subsection 1 of section 16 of the said Act is amended by striking out "with one-half of the trustees retiring each year" in the third and fourth lines.
4. Subsection 1 of section 17 of the said Act is amended by striking out "one of whom shall retire each year" in the third line.

5. Subsection 1 of section 19 of the said Act is repealed.

6. Section 20 of the said Act is repealed and the following substituted therefor:

20. A person is entitled to vote at the election of trustees in a school section if he is an elector in respect of such school section.

7. Section 21 of the said Act is repealed and the following substituted therefor:

21. The election of members of the board of an urban municipality shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality under The Municipal Elections Act, 1972.

8. Subsections 2 and 3 of section 22 of the said Act are repealed and the following substituted therefor:

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

(3) In the case of an urban school board or a township school area board,

(a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election; and

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be.

(3a) Notwithstanding subsections 1, 2 and 3, the board of an urban school section may by resolution require
that an election be held to fill a vacancy on the board and, where an election is held, the provisions of The Municipal Elections Act, 1972 that pertain to an election to fill a vacancy shall apply.

9. Sections 23 and 24 of the said Act are repealed.

10. Section 26 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 69, section 2, is amended by adding thereto the following subsection:

(7) A by-law of a municipality for altering a school section is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law has been made within thirty days after the clerk of the municipality has received notice from the Minister that he has approved the by-law.

11. Section 27 of the said Act is repealed and the following substituted therefor:

27.—(1) There shall be a board of five public school trustees for every township school area.

(2) The election of trustees for a township school area, except a township school area formed under section 29, shall be by ballot in accordance with section 21.

(3) The term of office of all trustees of a township school area now in office shall expire at the end of the year 1972 and elections for all trustees of a township school area shall be held in the year 1972 and in every second year thereafter, and trustees shall hold office for a term of two years.

12. Section 49 of the said Act is amended by adding thereto the following subsections:

(2) The moneys raised under subsection 1 shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings from such investments shall form part of the reserve account.

(3) Subject to subsection 4, where, in a municipality referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay
over to the board such moneys as are held by the municipality under this section, and such moneys,

(a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and

(b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

(4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause b of subsection 3.

50.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality.

(2) Where an area municipality, as defined in The Regional Municipality of Niagara Act holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities.

(3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the clerk of such
municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part.

14. Subclause iv of clause b of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

(iv) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of The Schools Administration Act, together with any sum allocated to a reserve fund, shall not exceed a sum calculated in the manner provided for public school purposes in respect of a divisional board of education in clause d of subsection 1 of section 31 of The Secondary Schools and Boards of Education Act.

15.—(1) This Act, except sections 13 and 14, comes into force on the day it receives Royal Assent.

(2) Sections 13 and 14 come into force on the 1st day of January, 1973.

16. This Act may be cited as The Public Schools Amendment Act, 1972.