c 77 The Schools Administration Amendment Act, 1972 (No. 1)

Ontario
CHAPTER 77

An Act to amend
The Schools Administration 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.—(1) Subparagraph i of paragraph 1a of subsection 2 of
section 1 of The Schools Administration Act, being chapter
424 of the Revised Statutes of Ontario, 1970, as enacted by the
Statutes of Ontario, 1971, chapter 90, section 1, subsection 1,
is amended by striking out "and" at the end of sub-subparagraphs c and d and by adding thereto the following sub-subparagraphs:

   e. for each pupil, except a pupil referred to in sub-
      subparagraph ii, who is registered for part-time attendance
      other than half-day attendance, the product of 0.06
      and the number of hours and fractions thereof of
      instruction for which such pupil is registered on the
      last school day in each of the months of January and
      April, and

   f. for each pupil, except a pupil referred to in sub-
      subparagraph ii, who is registered for part-time attendance
      other than half-day attendance, the product of 0.08
      and the number of hours and fractions thereof of
      instruction for which such pupil is registered on the
      last school day in September, and

(2) Paragraph 5 of subsection 2 of the said section 1 is
repealed.

(3) Subsection 2 of the said section 1, as amended by the
Statutes of Ontario, 1971, chapter 90, section 1, and the
Statutes of Ontario, 1972, chapter 1, section 62, is further
amended by adding thereto the following paragraphs:
11a. "head office" of a board means the place at which the minute book, financial statements and records, current accounts and seal of the board are ordinarily kept.

12a. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate.

(4) Paragraph 34 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

34. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister.

(5) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph:

40. "voters' list" or "revised voters' list" means a polling list as defined by The Municipal Elections Act, 1972.

(6) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following subsection:

3. Where any authority is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority or obligation or reimbursement shall, where the pupil has attained the age of eighteen years, be vested in or imposed upon or made to the pupil, as the case may be.

2. (1) Paragraph 2 of section 4 of the said Act is repealed.

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

4. One day in a school year as approved by the director of education, the superintendent of separate schools or the appropriate supervisory officer for an educational conference.
(3) The said section 4 is amended by adding thereto the following subsection:

(2) Where the head of the council of a municipality in which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day.

3. Clause a of subsection 2 of section 6 of the said Act is amended by striking out "in the opinion of the Minister" in the first line.

4. Subsections 2 and 3 of section 7 of the said Act are repealed and the following substituted therefor:

(2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 2 of section 6, and the appropriate school attendance counsellor or the provincial school attendance counsellor is of the opinion that the child should not be excused from attendance, the provincial school attendance counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child,

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child.

5. — (1) Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:

(1) Where a school attendance counsellor has reasonable and probable grounds for believing that a child is illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant.
(2) Subsection 2 of the said section 10 is amended by striking out "and annually to the provincial school attendance counsellor, on the prescribed forms" in the second and third lines.

(3) Subsection 4 of the said section 10 is amended by adding at the end thereof "and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 7".

6. Section 11 of the said Act is amended by striking out "children" in the first line and inserting in lieu thereof "persons".

7. (1) Subsection 3 of section 14 of the said Act is amended by striking out "a child of compulsory school age during school hours" in the first and second lines and inserting in lieu thereof "during school hours a child who is required to attend school under section 6".

(2) Subsection 5 of the said section 14 is amended by striking out "A child of compulsory school age who is habitually absent from school without being legally excused" in the first and second lines and inserting in lieu thereof "A child who is required by law to attend school and who refuses to attend or who is habitually absent from school".

(3) The said section 14 is amended by adding thereto the following subsection:

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 6, the provincial judge may refer the matter to the provincial school attendance counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 7, which subsection shall apply mutatis mutandis except that the provincial school attendance counsellor shall, in lieu of making an order, submit a report to the provincial judge.

8. Section 15 of the said Act is amended by adding thereto the following subsection:

(4) An order made under subsection 2 of section 7 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made.

9. Subsection 8 of section 16 of the said Act is repealed and the following substituted therefor:
A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness.

10. Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "British subject" in the second and third lines and inserting in lieu thereof "person".

11. Section 19 of the said Act is repealed.

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

20. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board.

13.—(1) Subsection 1 of section 21 of the said Act is amended by striking out "and" at the end of clause i, by adding "and" at the end of clause j and by adding thereto the following clause:

(k) to use and permit to be used as a text-book in a class that he teaches in an elementary or a secondary school,

(i) in a subject area for which text-books are approved by the Minister, only text-books that are approved by the Minister, and

(ii) in all subject areas, only text-books that are approved by the board.

(2) Clauses b and c of subsection 2 of the said section 21 are repealed and the following substituted therefor:

(b) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;
Pupil records

(c) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school.

s. 21 (3) (g), re-enacted

(3) Clause g of subsection 2 of the said section 21 is repealed and the following substituted therefor:

text-books

(g) to ensure that all text-books used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves text-books, those approved by the Minister.

s. 21a, enacted

14. The said Act is amended by adding thereto the following section:

Interpretation

21a.—(1) In this section, except in subsection 12, “record” in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records privileged

(2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(a) subject to subsections 3 and 5 is not available to any other person; and

(b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil has attained the age of eighteen years, the written permission of the pupil.

Right of parent or pupil

(3) A pupil, and his parent or guardian where the pupil has not attained the age of eighteen years, is entitled to examine the record of such pupil.

Idem

(4) Where, in the opinion of a pupil who has attained the age of eighteen years, or of the parent or guardian of a pupil who has not attained such age, information recorded upon the record of the pupil is,
(a) inaccurately recorded; or

(b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

(5) Where the principal refuses to comply with a request under subsection 4 and the pupil, parent or guardian who made the request does not agree with such refusal, the matter in disagreement shall be referred to the appropriate supervisory officer who shall forthwith submit the record and a statement of the disagreement to a person designated by the Minister, and such person shall, after affording the principal and the pupil, parent or guardian who made the request an opportunity to be heard, decide the matter and communicate the decision to the parties concerned, and such decision is binding upon the principal and the pupil or other person who made the request.

(6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of a report,

(a) for an educational institution or for the pupil or former pupil, in respect of an application for further education; or

(b) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he has attained the age of eighteen years, or the parent or guardian of the pupil where the pupil has not attained the age of eighteen years.

(7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.

(8) No action shall be brought against any person in respect of the content of a record.

(9) Except where the record has been introduced in evidence as provided in this section, no person shall
be required in any trial or other proceeding to give evidence in respect of the content of a record.

(10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

(a) as may be required in the performance of his duties; or

(b) with the written consent of the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or

(c) with the written consent of the pupil where the pupil has attained the age of eighteen years.

(11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

(12) This section, except subsections 3, 4 and 5, applies mutatis mutandis to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the coming into force of this section.

15. Section 29 of the said Act is amended by adding thereto the following subsection:

Where the entire report or the determination of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report, and the provisions of this Part apply mutatis mutandis in respect of the new Board of Reference.

16. Subsection 2 of section 30 of the said Act is amended by striking out "any" in the second line and inserting in lieu thereof "the Minister may direct that any portion of the".

17.—(1) Paragraph 6 of section 33 of the said Act is repealed and the following substituted therefor:

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the
board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

(2) The said section 33 is amended by adding thereto the following paragraph:

12. establish and maintain a head office and notify the Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change.

18.—(1) Paragraph 2 of section 34 of the said Act is repealed and the following substituted therefor:

2. appoint and remove such officers and servants and, appoint employees subject to Parts II and III, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, and fix their salaries and prescribe their duties.

(2) The said section 34, as amended by the Statutes of Ontario, 1971, chapter 90, section 5, is further amended by adding thereto the following paragraph:

2a. permit a principal to assign to a person who volunteers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment.

(3) Paragraphs 6 and 7 of the said section 34 are repealed.

(4) Paragraph 19 of the said section 34 is repealed.

(5) Paragraph 37 of the said section 34 is repealed and the following substituted therefor:

37. institute a program of records management that will subject to the regulations in respect of pupil records,

i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and
ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use.

(6) The said section 34 is further amended by adding thereto the following paragraph:

programs in detention homes
R.S.O. 1970, c. 369
s. 34, amended

38a. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in The Provincial Courts Act, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

(7) Paragraph 44 of the said section 34 is repealed.

(8) The said section 34 is further amended by adding thereto the following paragraph:

signatures on cheques
s. 34, par. 44, repealed

46. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(9) Section 36 of the said Act is repealed and the following substituted therefor:

Agreements to provide accommodation or services for another board
s. 36, re-enacted

36.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

(a) accommodation for administrative purposes;

(b) accommodation for instructional purposes; or

(c) the services of teachers and other personnel,

that the board, by this Act or the Act under which it is established, is authorized or required to provide for its own pupils.

(2) Where the building of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the
payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

20. The said Act is amended by adding thereto the following section:

36a.—(1) In this section,

(a) "board" includes The Metropolitan Toronto School Board;

(b) "municipality" includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

(2) One or more boards and the council of a municipality or the councils of two or more municipalities may enter into an agreement,

(a) in respect of the use of existing facilities owned by one of such parties; or

(b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

(c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;

(d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;

(e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses c and d and the times when such costs shall be paid;

(f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and
(g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

(3) Where pursuant to an agreement made under this section a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister.

(4) This section does not affect an agreement entered into before the coming into force of this section,

(a) under subsection 2 of section 143 of The Municipality of Metropolitan Toronto Act; or

(b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the coming into force of this section an amendment to an agreement referred to in clause a or b or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section.

21. Subsection 3 of section 37 of the said Act is repealed and the following substituted therefor:

(3) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 4, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 5, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

(a) where the agreement or agreements under this section are in respect of secondary school
pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively; and

(b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion that affects secondary schools exclusively.

(4) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 3, and the provisions of subsection 3 apply mutatis mutandis in respect of such persons.

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 3 may be made at the discretion of the board.

(6) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 4 and 5 shall be that of elementary school pupils only or secondary school pupils only, as the case may be.

(7) A member of the board appointed under subsection 3, 4 or 5 is in addition to the number of members of the board provided for in The Public Schools Act, member of The Secondary Schools and Boards of Education Act, or The Separate Schools Act, as the case may be, and the term of office of such member terminates on the same date as the term of office of the elected members.

22. Subsection 4 of section 40 of the said Act is repealed and the following substituted therefor:

23. Subsection 1 of section 43 of the said Act is repealed and the following substituted therefor:
(1) A board, by resolution, may provide pensions for employees or any class thereof under the provisions of The Ontario Municipal Employees Retirement System Act.

(1a) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of The Municipal Act, may continue to provide pensions under such plan, and the provisions of the said section 250 apply mutatis mutandis.

24. Section 46 of the said Act is repealed and the following substituted therefor:

46.—(1) Subject to The Health Insurance Act, 1972 a board by resolution may provide,

(a) by contract either with an insurer licensed under The Insurance Act or with an association registered under The Prepaid Hospital and Medical Services Act,

(i) group life insurance for its employees or any class thereof,
(ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and
(iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

(b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

(2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under The Health Insurance Act, 1972.

25. Section 54 of the said Act is amended by inserting after “hours” in the first line “at the head office of the board”.

26. Sections 55 and 56 of the said Act are repealed and the following substituted therefor:

55. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote therein.

27. Sections 61 and 62 of the said Act are repealed and the following substituted therefor:
61.—(1) Subject to the provisions of The Separate Schools Board may Act as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction or, in the case of a county or district combined separate school board, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 81 of The Separate Schools Act, R.S.O. 1970, and that is described in a resolution of the board.

(2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein, but the board shall not expropriate any such site.

(3) Subject to section 63, a board may build school buildings on school sites owned by the board.

(4) A board may build school buildings on property that is leased by the board where the lease is for a term satisfactory to the Minister and where such property is exempt from taxation under paragraph 1, 4, 5, 6 or 9 of section 3 of The Assessment Act, R.S.O. 1976, c. 32 or is property owned by a district, metropolitan or regional municipality or a local board thereof.

(5) A board may, with the approval of the Minister make an addition, alteration or improvement to a school building that is acquired by the board under a lease.

28. Section 63 of the said Act is repealed and the following substituted therefor:

63. Where a board plans to provide, other than by way of lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purpose may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister.
Section 64 of the said Act is repealed and the following substituted therefor:

64. — (1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(b) in the case of a separate school board within the area designated in respect of such board by regulation made under subsection 2 of section 81 of The Separate Schools Act,

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.
30. Subclause iv of clause i of subsection 1 of section 70, subsection (i), (iv), of the said Act is repealed.

31. Subsection 1 of section 71 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 9, is further amended by inserting after “bank” in the fourth line “or from a trust company or loan corporation that is registered under The Loan and Trust Corporations Act”.

32.--(1) Section 72 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 10, is further amended by adding thereto the following subsections:

(2) Subject to subsection 2a, where a board provides fees from another board for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned.

(2a) Subsection 2 shall not apply where education is provided for all the secondary school pupils from a specified area,

(a) under section 43 of The Secondary Schools and Boards of Education Act; or

(b) pursuant to an agreement made under subsection 1 of section 60 of The Secondary Schools and Boards of Education Act.

(2b) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final.

(2) Subsection 3a of the said section 72, as enacted by the Statutes of Ontario, 1971, chapter 90, section 10, subsection 5, is amended by striking out “subsection 3” in the third line and inserting in lieu thereof “subsections 3 and 7”.
s. 72, amended (3) The said section 72 is further amended by adding thereto the following subsections:

Pupil whose parent not Ontario resident

(6) Notwithstanding subsection 4, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled,

Idem

(7) Notwithstanding clause b of subsection 3, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one.

s. 73, amended

33. Section 73 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 11, is further amended by adding thereto the following subsection:

Where difference not dealt with under subs. 2, 3.

(4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972.

s. 85 (2), re-enacted

34. (1) Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Separate school board

(2) In the case of a separate school board,

(a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;
(b) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(c) where no recommendation and appointment is made under clause a, a recommendation and appointment of two persons may be made under clause b and, where no recommendation and appointment is made under clause b, a recommendation and appointment of two persons may be made under clause a.

(2) Subsection 3 of the said section 85 is amended by striking out "and" at the end of clause b, by striking out clause c and by inserting in lieu thereof the following:

(c) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(d) where no appointment is made under any two of clauses a, b or c, two members may be appointed under the remaining clause.

35. Subsection 1 of section 102 of the said Act is amended by striking out "The Public Schools Act" in the first line.

36. This Act, except subsection 1 of section 1, subsection 2 of section 7, section 14, subsection 1 of section 17, subsections 4 and 6 of section 18 and sections 19, 21, 22, 24, 26, 32, 33 and 34, comes into force on the day it receives Royal Assent.

(2) Subsection 6 of section 18 and sections 19 and 33 shall be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 1, subsection 2 of section 7, section 14 and subsections 2 and 3 of section 32 come into force on the 1st day of September, 1972.
(4) Subsection 1 of section 17, subsection 4 of section 18, sections 21, 22 and 24, subsection 1 of section 32 and section 34 come into force on the 1st day of January, 1973.

(5) Section 26 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

37. This Act may be cited as The Schools Administration Amendment Act, 1972.