1973

c 91 The Secondary Schools and Boards of Education Amendment Act, 1973

Ontario
CHAPTER 91

An Act to amend
The Secondary Schools and
Boards of Education Act

Assented to October 11th, 1973
Session Prorogued March 5th, 1974

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

1. The Secondary Schools and Boards of Education Act, being chapter 425 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

28a.—(1) Where the boundaries of a school division are altered, all lands and premises that,

(a) are situate in an area that is added to a school division, school section or secondary school district by such alteration;

(b) are used as schools on the last school day preceding the effective date of such alteration; and

(c) immediately prior to the effective date of such alteration are vested in another board of education, public school board or secondary school board except a public school board appointed under section 12 of The Public Schools Act and a board appointed or formed under section 4 of this Act,

shall, on and after such effective date, be vested without compensation, subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the board of the school division, school section or secondary school district to which such area is added, and the boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.
(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

(3) The employment contract of every employee of a board who, immediately before the effective date of the alteration of the boundaries of a school division, was required to perform his duties in a school that is vested under subsection 1 in the board of a school division, school section or secondary school district becomes an obligation of the board in which the school is vested.

(4) Subject to subsection 8, where one or more municipalities are detached from a school division and attached to an adjoining school division and a member of the board of the school division from which the municipality or municipalities are detached resides in one such municipality and was elected by public school electors to represent such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such member shall, on the effective date of the attaching of the municipality or municipalities, cease to be a member of the board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

(a) to have been elected by public school electors to the board of the school division to which the municipality in which he resides is attached; and

(b) to represent on such board the municipality in which he resides and the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 9 of section 38 at the time of his election and that are also attached to such school division,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 9 of section 38 as a municipality or municipalities to be represented by one member to be elected by the public school electors.

(5) Where one or more municipalities are detached from a school division and the number of members of the board of such school division elected by public school electors is reduced pursuant to subsection 4, for the remainder of the term of the board the number of members who remain on the board and who were elected by public school electors and the total number of members who remain on the board shall be deemed to be the number of members to be elected by public
school electors under subsection 4 of section 38 and the total number of members determined under subsection 2 of section 38 respectively.

(6) Subject to subsection 8, where a municipality or part thereof is detached from a school division and attached to an adjoining school division, school section or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division, school section or secondary school district, the public school electors of such municipality or part shall be represented thereon by the member or members last elected thereto by the public school electors of the municipality, combination of municipalities or ward that adjoins the attached municipality or part and, where there are two or more such organized municipalities, combinations of municipalities or wards, the members of the board elected by public school electors shall, by resolution, determine which member or members shall represent the public school electors in the attached municipality or part for the remainder of the term of office of the board, but this subsection does not apply to the municipality or municipalities that will be represented by a member by virtue of subsection 4.

(7) Subject to subsection 8, where one or more municipalities or part or parts thereof are detached from a school division and attached to an adjoining school division or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division or secondary school district, the separate school supporters in each such municipality or part shall be represented thereon by the member or members last elected thereto by the separate school electors in the area that adjoins such attached municipality and for which one or more members are elected to represent separate school supporters.

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held in the year preceding the effective date on which the municipality, municipalities or part or parts thereof are attached to the adjoining school division, school section or secondary school district, as the case may be.

2. Subsection 12 of section 32 of the said Act is amended by striking out "following year" in the seventh and eighth lines and inserting in lieu thereof "year following the year in which a final decision is received by the board except that, where such decision is received by the board in January, the adjustment shall be made in the levy for the year in which the decision is received".
3.—(1) Clause \(a\) of subsection 7 of section 38 of the said Act is amended by striking out "under subsection 1 of section 45" in the fifth line.

(2) Clause \(c\) of subsection 10 of the said section 38 is amended by striking out "under subsection 2 of section 28" in the second line.

4.—(1) Section 43 of the said Act is amended by adding thereto the following subsection:

(1a) Where, on the 31st day of December, 1973, a pupil is enrolled in a public or secondary school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any right that he may have under \(\text{The Ministry of Education Act, The Public Schools Act, The Schools Administration Act}\) or this Act, subject to subsection 5 of section 63, the right to attend the school until he completes his education in the school, and the divisional boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils.

(2) Subsection 3 of the said section 43 is amended by striking out "1" in the first line and inserting in lieu thereof "1, 1a".

5. Part V of the said Act is repealed and the following substituted therefor:

PART V

FRENCH-LANGUAGE SECONDARY SCHOOLS

47. In this Part,

\(a\) "board" means a board of education;

\(b\) "committee" means a French-language advisory committee formed under this Part;

\(c\) "French-language instructional unit" means a class, group of classes, or school in which French is the language of instruction;

\(d\) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board.

48.—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of
providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for the admission of resident pupils of the first-mentioned board to one or more French-language instructional units operated by such other board.

(2) Where, after the first school day in September and on or before the 1st day of April in any year, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year.

(3) Where the evidence referred to in subsection 2 is presented to the board after the 1st day of April and before the first school day in September in any year, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

(4) Where a board provides or is required to provide for the use of the French language in instruction in one or more classes in a secondary school and in the opinion of the board the number of French-speaking pupils who elect to be taught in the French language so warrants, the board shall provide an appropriate unit of a secondary school or, where practicable, a French-language secondary school.

(5) Where a board determines that the number of French-speaking pupils who elect to be taught in the French language is not sufficient to justify the establishment of a French-language secondary school, the board shall, in respect of the education of such pupils, consider the possibility of entering into an agreement with another board under subsection 1 of section 60 of this Act or section 36 of The Schools Administration Act.
49.—(1) Where,

(a) ten or more French-speaking ratepayers of a secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or

(b) a board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, by resolution, establish a committee and provide for the holding of elections of members thereof, and such elections shall, subject to subsection 6, be held within such period.

(2) The committee shall consist of nine members and shall be composed of,

(a) three members of the board appointed by the board; and

(b) six French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by French-speaking ratepayers of the secondary school district.

(3) A member of the committee under clause (b) of subsection 2 may be a member of an elementary school board.

(4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

(5) The board, subject to subsection 8, shall apportion the number of members under clause (b) of subsection 2 among the municipalities and the localities as defined in section 27, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking pupils who elect to be taught in the French language from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

(6) The board shall make provision for a meeting of its French-speaking ratepayers in respect of each area to which
one or more members are apportioned under subsection 5 for the purpose of electing such member or members to the committee, and shall advertise in each of its schools and in the public media serving the local population, the place, date and time of the meeting, and take such additional action to publicize the meeting as it considers expedient.

(7) Where the election of members of a committee under subsection 1 would otherwise be held within three months before the date of the regular election of members of the board, the election required under subsection 1 shall be held in accordance with section 50.

(8) For the purposes of the second and subsequent elections of members to a committee, the board shall consult with the committee before making the apportionment referred to in subsection 5 and shall make such apportionment on or before the 1st day of December in the year of a regular election of the board.

(9) Where a French-language committee has been established by a board before this section comes into force and the members thereof have not been appointed or elected in accordance with this section, the board shall establish a committee in accordance with this section, and elections of members of the committee shall be held before the 31st day of January, 1974, and the French-language committee established before this section comes into force is dissolved as of the date upon which such election is completed.

50. Where a committee has been established and a new board has been elected, a meeting provided under subsection 6 of section 49 to elect a member or members to the committee shall be held, on or before the second Wednesday following the first meeting of the newly-elected board, commencing at 8 o'clock in the afternoon on such date and at such place as the board may determine, and such meeting may also consider any other matters brought before it, and the provisions of subsection 6 of section 49 respecting the publicizing of the meeting apply.

51 - (1) The secretary of the board or a person appointed by the board shall call to order each meeting of French-speaking ratepayers under sections 49 and 50 and shall preside thereat for the purpose of electing a chairman of the meeting.

(2) The chairman of a meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman.
(3) The chairman of a meeting shall conduct the election of the member or members of the committee to be elected at such meeting and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion and, in the case of an equality of votes with respect to the election of a member of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected and a motion on which there is an equality of votes is deemed to be lost.

(4) Notice in writing shall be given by the secretary of a meeting to the secretary of the board designating by their names and addresses the person or persons elected as members of the committee.

52.—(1) At the first meeting of the committee, the members shall elect from among themselves a chairman and a vice-chairman.

(2) A majority of the members of the committee constitutes a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.

(3) On every motion, the chairman may vote, and any motion on which there is an equality of votes shall be deemed to be lost.

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting.

53. Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant.

54.—(1) A Committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,

(a) the provision of suitable sites, accommodation and equipment;
the establishment, operation and management of French-language instructional units;

c) the use of the French language and of the English language in French-language instructional units;

d) the recruitment and appointment of the required teaching, supervisory and administrative personnel;

e) the establishment of the courses of study and the use of text books;

f) the development and establishment of special education programs;

g) the establishment of attendance areas for French-language instructional units;

h) the provision of transportation for pupils;

i) the entering into agreements with other boards in respect of the provision of instruction in the French language and supervisory and consultative services;

j) the provision of board, lodging and transportation for pupils;

k) the development and establishment of adult education programs;

l) the use of any facility and means necessary to meet the educational and cultural needs of the French-speaking community;

m) the provision of summer school programs; and

n) any other matter pertaining to French language education for French-speaking pupils.

(2) The committee shall report at each regular meeting of the board.

(3) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of French-language instructional units before any final decision regarding such matters is taken by the board and shall provide adequate accommodation and staff to implement the decision of the board.

(4) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval.
without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal.

(5) Upon receipt of a refusal and the reasons therefor under subsection 4, the committee may, by motion, refer the matter to the Languages of Instruction Commission of Ontario, in which case it shall send to the Commission and to the board copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal.

55.—(1) The chairman of the committee or a member of the committee designated by him may attend any meeting of a committee of the board and shall be given the opportunity to be heard at such meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of such committee of the board.

(2) Notices, agendas and minutes in respect of meetings of the board shall be distributed to the members of the committee together with such supporting documents as may be agreed upon by the board and the committee.

(3) The committee may, at its discretion, form subcommittees to assist it in its work.

(4) The committee may hold such public meetings to report upon its work as it considers necessary or desirable.

56.—(1) The board shall make available to the committee the resources and services provided for a committee of the board.

(2) The chairman of the committee shall cause to be prepared in French and English an annual report, and the report shall be included in that of the board where the board publishes a report.

(3) The committee may, through the chief executive officer of the board, obtain the advice and assistance of such supervisory officers and teachers employed by the board as the committee may request.

57.—(1) Each member of the committee who is not a member of the board shall receive an honorarium in accordance with subsection 1 of section 40 of The Schools Administration Act, except that the maximum honorarium shall be based upon the enrolment in French-language instructional units and subsection 7 of the said section 40 applies mutatis mutandis to such member.
The board may authorize a member of the committee to attend on the same basis as a member of the board such conferences and meetings as the board considers necessary or desirable for the effective functioning of the committee, and subsections 5 and 6 of section 40 of The Schools Administration R.S.O. 1970, c. 521 apply mutatis mutandis to a member of the committee.

The board shall, on behalf of the members of the committee, pay all or part of a fee required for membership in a provincial association of French-language committees where the committee desires such membership.

Notwithstanding any other provision in this Part, English or Anglais shall be an obligatory subject of instruction for every pupil of grades 9 to 12 who is enrolled in a grades 9 to 12 French-language school and shall be a required subject for a certificate or diploma issued to such a pupil.

Where a board has provided one or more French-language secondary schools and a number of pupils of the board elect to be taught in the English language, section 48 applies mutatis mutandis in respect of provision for the use of the English language in instruction.

Where the number of English-speaking pupils of a board is fewer than the number of pupils of the board for whom French is the language of instruction and,

(a) ten or more English-speaking ratepayers of the secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the English language is or is to be used in instruction; or

(b) the board establishes or extends or decides to establish or extend a class, group or program in which the English language is or is to be used in instruction,

the board shall establish an English-language advisory committee, and the provisions of this Part that apply to a committee in respect of the French-speaking ratepayers, pupils and community and in respect of French-language instructional units apply mutatis mutandis to an English-language advisory committee in respect of the English-speaking ratepayers, pupils and community and in respect of schools or classes in which English is the language of instruction.

A board, on the request of an English-speaking pupil of the board or, where the pupil is a minor, of his parent or guardian, may admit the pupil to a French-language
Where board has no French-speaking supervisory officer

Clause d of subsection 6 of section 77 of the said Act is repealed and the following substituted therefor:

(d) where all or part of the municipality in which the school is located is in a separate school zone, a supervisory officer designated by the separate school board having jurisdiction in such zone and, where such zone is in a provincial separate school superintendency, an area superintendent designated by the Minister.

7. This Act comes into force on the day it receives Royal Assent.

8. This Act may be cited as The Secondary Schools and Boards of Education Amendment Act, 1973.