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PURPOSE

Strong public education system

0.1 (1) A strong public education system is the foundation of a prosperous, caring and civil society. 2009, c. 25, s. 1.

Purpose of education

(2) The purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society. 2009, c. 25, s. 1.

Partners in education sector

(3) All partners in the education sector, including the Minister, the Ministry and the boards, have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education systems. 2009, c. 25, s. 1.

INTERPRETATION AND OTHER GENERAL MATTERS

Interpretation, other general matters

1. (1) In this Act and the regulations, except where otherwise provided in the Act or regulations,

"band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); ("bande", "conseil de bande")

"bullying" means aggressive and typically repeated behaviour by a pupil where,

(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or

(ii) creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education; ("intimidation")

"board" means a district school board or a school authority; ("conseil", "conseil scolaire")

"business property" means business property as defined in section 257.5; ("bien d'entreprise")

"combined separate school zone" means a union of two or more separate school zones; ("zone unifiée d'écoles séparées")

"continuing education instructor" means a person employed to provide instruction in a continuing education course or class established in accordance with the regulations, other than those courses or classes for which membership in the Ontario College of Teachers is required under the regulations; ("instructeur de l'éducation permanente")

"continuing education teacher" means a teacher employed to teach a continuing education course or class established in accordance with the regulations for which membership in the Ontario College of Teachers is required by the regulations; ("enseignant de l'éducation permanente")

"credit" means recognition granted to a pupil by a principal as proof, in the absence of evidence to the contrary, that the pupil has successfully completed a quantity of work that,

(a) has been specified by the principal in accordance with the requirements of the Minister, and

(b) is acceptable to the Minister as partial fulfilment of the requirements for the Ontario secondary school diploma, the secondary school graduation diploma or the secondary school honour graduation diploma, as the case may be; ("crédit")

"current expenditure" means an expenditure, for operating purposes or for a permanent improvement, from funds other than funds,

(a) advanced under a mortgage, or

(b) arising from the sale of a debenture or an instrument prescribed under clause 247 (3) (f), from a capital loan or from a loan pending the sale of a debenture or such an instrument; ("dépenses courantes")

"current revenue" means all amounts earned by a board, together with the amounts to

which it becomes entitled, other than by borrowing, that may be used to meet its expenditures; ("recettes courantes")

"debt charge" means the amount of money necessary annually,

(a) to pay the principal due on long-term debt not payable from a sinking fund, a retirement fund or a fund prescribed under clause 247 (3) (e),

(b) to provide a fund for the redemption of debentures or instruments prescribed under clause 247 (3) (f) payable from a sinking fund, a retirement fund or a fund prescribed under clause 247 (3) (e), and

(c) to pay the interest due on all debt referred to in clauses (a) and (b); ("service de la dette")

"designated early childhood educator" means an early childhood educator who is appointed by a board to a position in junior kindergarten, kindergarten or extended day programs that is designated by the board as requiring an early childhood educator; ("éducateur de la petite enfance désigné")

"district municipality" means a local municipality in a territorial district; ("municipalité de district")

"district school area" means a school section in the territorial districts that is not a school section of a district school board or a school section designated under section 68; ("secteur scolaire de district")

"district school board" means,

(a) an English-language public district school board,

(b) an English-language separate district school board,

(c) a French-language public district school board, or

(d) a French-language separate district school board; ("conseil scolaire de district")

"driver's licence" has the same meaning as in the *Highway Traffic Act*; ("permis de conduire")

"early childhood educator" means a member of the College of Early Childhood Educators; ("éducateur de la petite enfance")

"education authority" means a corporation that is incorporated by one or more bands or councils of bands for the purpose of providing for the educational needs of the members of the band or bands; ("commission indienne de l'éducation")

"elementary school" means a school in which instruction is given in some or all of the primary division, junior division and intermediate division but not in the senior division; ("école élémentaire")

"English-language district school board" means an English-language public district school board or an English-language separate district school board; ("conseil scolaire de district de langue anglaise")

"English-language public board" means,

(a) an English-language public district school board, or

(b) a public school authority; ("conseil public de langue anglaise")

"English-language public board supporter" means a person who is an owner or tenant of residential property in the area of jurisdiction of a board and who is not,

(a) a separate school supporter,

(b) a French-language public district school board supporter, or

(c) a Protestant separate school board supporter; ("contribuable des conseils publics de langue anglaise")

"English-language Roman Catholic board" means,

(a) an English-language separate district school board, or

(b) a Roman Catholic school authority; ("conseil catholique de langue anglaise")

"English-language Roman Catholic board supporter" means a Roman Catholic,

(a) who is shown as an English-language Roman Catholic board supporter on the school support list as prepared or revised by the assessment commissioner under section 16 of the *Assessment Act*, or

(b) who is declared to be an English-language Roman Catholic board supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

and includes his or her Roman Catholic spouse; ("contribuable des conseils catholiques de langue anglaise")

"equivalent learning" means a learning situation that falls outside the instruction traditionally provided by a board, that is approved under paragraph 3.0.1 of subsection 8 (1) and for which a pupil's success can be reasonably evaluated; ("apprentissage équivalent")

"exceptional pupil" means a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he or she is considered to need placement in a special education program by a committee, established under subparagraph iii of paragraph 5 of subsection 11 (1), of the board,

(a) of which the pupil is a resident pupil,

(b) that admits or enrols the pupil other than pursuant to an agreement with another board for the provision of education, or

(c) to which the cost of education in respect of the pupil is payable by the Minister; ("élève en difficulté")

"extended day program" means a program operated by a board under section 259; ("programme de jour prolongé")

"French-language district school board" means a French-language public district school board or a French-language separate district school board; ("conseil scolaire de district de langue française")

"French-language district school board supporter" means a French-language public district school board supporter or a French-language separate district school board supporter; ("contribuable des conseils scolaires de district de langue française")

"French-language instructional unit" means a class, group of classes or school in which the French language or Quebec sign language is the language of instruction but does

not include a class, group of classes or school established under paragraph 25 or 25.1 of subsection 8 (1); ("module scolaire de langue française")

"French-language public district school board supporter" means a French-language rights holder,

(a) who is shown as a French-language public district school board supporter on the school support list as prepared or revised by the assessment commissioner under section 16 of the *Assessment Act*, or

(b) who is declared to be a French-language public district school board supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

and includes his or her spouse if the spouse is a French-language rights holder; ("contribuable des conseils scolaires de district publics de langue française")

"French-language rights holder" means a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; ("titulaire des droits liés au français")

"French-language separate district school board supporter" means a Roman Catholic French-language rights holder,

(a) who is shown as a French-language separate district school board supporter on the school support list as prepared or revised by the assessment commissioner under section 16 of the *Assessment Act*, or

(b) who is declared to be a French-language separate district school board supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

and includes his or her Roman Catholic spouse if the spouse is a French-language rights holder; ("contribuable des conseils scolaires de district séparés de langue française")

"French-speaking person" means a child of a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French-language in Ontario; ("francophone")

"guardian" means a person who has lawful custody of a child, other than the parent of the child; ("tuteur")

"head office" of a board means the place at which the minute book, financial statements and records, and seal of the board are ordinarily kept; ("siège")

"Indian" has the same meaning as in the *Indian Act* (Canada); ("Indien")

"intermediate division" means the division of the organization of a school comprising the first four years of the program of studies immediately following the junior division; ("cycle intermédiaire")

"judge" means a judge of the Superior Court of Justice; ("juge")

"junior division" means the division of the organization of a school comprising the first three years of the program of studies immediately following the primary division;

(“cycle moyen”)

“Minister” means the Minister of Education and Training; (“ministre”)

“Ministry” means the Ministry of Education and Training; (“ministère”)

“municipality” means a local municipality; (“municipalité”)

“old board” has the same meaning as “board” in subsection 1 (1) of this Act, as it read immediately before the *Education Quality Improvement Act, 1997* received Royal Assent, and includes The Metropolitan Toronto School Board but does not include a school authority; (“ancien conseil”)

“part-time teacher” means a teacher employed by a board on a regular basis for other than full-time duty; (“enseignant à temps partiel”)

“permanent improvement” includes,

(a) a school site and an addition or improvement to a school site,

(b) a building used for instructional purposes and any addition, alteration or improvement to a building used for instructional purposes,

(c) any addition, alteration or improvement to an administration building,

(d) a teacher’s residence or caretaker’s residence, a storage building for equipment and supplies, and any addition, alteration or improvement to such a residence or storage building,

(e) furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property described in clauses (a) to (d) or in clause (f),

(f) a bus or other vehicle, including watercraft, for the transportation of pupils,

(g) the obtaining of a water supply or an electrical power supply on the school property or the conveying of a water supply or an electrical power supply to the school from outside the school property,

(h) initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board,

(i) any property, work, undertaking or matter prescribed under subsection (6); (“amélioration permanente”)

“population” means the population as determined by the assessment commissioner from the last municipal enumeration as updated under the provisions of the *Assessment Act*; (“population”)

“primary division” means the division of the organization of a school comprising junior kindergarten, kindergarten and the first three years of the program of studies immediately following kindergarten; (“cycle primaire”)

“principal” means a teacher appointed by a board to perform in respect of a school the duties of a principal under this Act and the regulations; (“directeur d’école”)

“private school” means an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section; (“école

privée”)

“provincial supervisory officer” means a supervisory officer employed in the Ministry; (“agent provincial de supervision”)

“public board” means,

(a) a public district school board, or

(b) a public school authority; (“conseil public”)

“public district school board” means,

(a) an English-language public district school board, or

(b) a French-language public district school board; (“conseil scolaire de district public”)

“public school” means a school under the jurisdiction of a public board; (“école publique”)

“public school authority” means,

(a) a board of a district school area,

(b) a board of a secondary school district established under section 67, or

(c) a board established under section 68; (“administration scolaire publique”)

“pupil” includes a child enrolled in an extended day program; (“élève”)

“regulations” means the regulations made under this Act; (“règlements”)

“reserve fund” means a reserve fund established under section 417 of the *Municipal Act, 2001* or section 7 or 8 of the *City of Toronto Act, 2006*, as the case may be; (“fonds de réserve”)

“residential property” means residential property as defined in section 257.5; (“bien résidentiel”)

“Roman Catholic” includes a member of an Eastern Rite Catholic Church that is in union with the See of Rome; (“catholique”)

“Roman Catholic board” means,

(a) a separate district school board, or

(b) a Roman Catholic school authority; (“conseil catholique”)

“Roman Catholic school authority” means,

(a) a board of a rural separate school zone, or

(b) a board of a combined separate school zone; (“administration scolaire catholique”)

“rural separate school” means a separate school for Roman Catholics that is not under the jurisdiction of a district school board; (“école séparée rurale”)

“rural separate school zone” means a separate school zone in respect of a rural separate school; (“zone d’école séparée rurale”)

“school” means,

(a) the body of elementary school pupils or secondary school pupils that is organized

as a unit for educational purposes under the jurisdiction of the appropriate board, or

(b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,

and includes the pupils who are enrolled in extended day programs in the unit or institution, the teachers, designated early childhood educators and other staff members associated with the unit or institution, and the lands and premises used in connection with the unit or institution; ("école")

"school authority" means,

(a) a board of a district school area,

(b) a board of a rural separate school,

(c) a board of a combined separate school zone,

(d) a board of a secondary school district established under section 67,

(e) a board established under section 68, or

(f) a board of a Protestant separate school; ("administration scolaire")

"school day" means a day that is within a school year and is not a school holiday; ("jour de classe")

"school section" means the area in which a public board has jurisdiction for elementary school purposes; ("circonscription scolaire")

"school site" means land or premises or an interest in land or premises required by a board for a school, school playground, school garden, teacher's residence, caretaker's residence, gymnasium, school offices, parking areas or for any other school purpose; ("emplacement scolaire")

"school year" means the period prescribed as such by, or approved as such under, the regulations; ("année scolaire")

"secondary school" means a school in which instruction is given in some or all of the last two years of the intermediate division and the senior division; ("école secondaire")

"secondary school district" means the area in which a public board has jurisdiction for secondary school purposes; ("district d'écoles secondaires")

"senior division" means the division of the organization of a school comprising the years of the program of studies following the intermediate division; ("cycle supérieur")

"separate district school board" means,

(a) an English-language separate district school board, or

(b) a French-language separate district school board; ("conseil scolaire de district séparé")

"separate school" means a school under the jurisdiction of a Roman Catholic board except,

(a) in the provisions of Part V, and

(b) in any other provision where the context indicates that a school under the jurisdiction of a Protestant separate school board is meant; ("école séparée")

"separate school supporter" means an English-language Roman Catholic board supporter or a French-language separate district school board supporter; ("contribuable des écoles séparées")

"separate school zone" means the area of jurisdiction of a Roman Catholic board; ("zone d'écoles séparées")

"special education program" means, in respect of an exceptional pupil, an educational program that is based on and modified by the results of continuous assessment and evaluation and that includes a plan containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil; ("programme d'enseignement à l'enfance en difficulté")

"special education services" means facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program; ("services à l'enfance en difficulté")

"supervisory officer" means a person who is qualified in accordance with the regulations governing supervisory officers and who is employed,

(a) by a board and designated by the board, or

(b) in the Ministry and designated by the Minister,

to perform such supervisory and administrative duties as are required of supervisory officers by this Act and the regulations; ("agent de supervision")

"teacher" means a member of the Ontario College of Teachers; ("enseignant")

"temporary teacher" means a person employed to teach under the authority of a letter of permission; ("enseignant temporaire")

"third party program" means a program operated by a person or entity other than a board under section 259. ("programme offert par un tiers") 1997, c. 31, s. 1 (1-3); 1997, c. 43, Sched. G, s. 20 (1); 1999, c. 6, s. 20 (1); 2000, c. 11, ss. 1 (1), 21; 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 21 (1); 2006, c. 28, s. 1 (1); 2006, c. 32, Sched. C, s. 15 (1); 2009, c. 25, s. 2 (1, 2); 2010, c. 10, s. 1; 2011, c. 1, Sched. 3, s. 1 (1); 2011, c. 9, Sched. 10, s. 1; 2012, c. 5, s. 1 (1).

Bullying

(1.0.0.1) For the purposes of the definition of "bullying" in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means. 2012, c. 5, s. 1 (2).

Cyber-bullying

(1.0.0.2) For the purposes of the definition of "bullying" in subsection (1), bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

(a) creating a web page or a blog in which the creator assumes the identity of another person;

(b) impersonating another person as the author of content or messages posted on the internet; and

(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals. 2012, c. 5, s. 1 (2).

Spouse

(1.0.1) In the definition of "French-language public district school board supporter" in subsection (1), in subsection (9), and in sections 164, 177 and 179,

"spouse" means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage. 1999, c. 6, s. 20 (2); 2002, c. 18, Sched. G, s. 1; 2005, c. 5, s. 21 (2-4).

Occasional teacher

(1.1) For the purposes of this Act, a teacher is an occasional teacher if he or she is employed by a board to teach as a substitute for a teacher or temporary teacher who is or was employed by the board in a position that is part of its regular teaching staff including continuing education teachers but,

(a) if the teacher substitutes for a teacher who has died during a school year, the teacher's employment as the substitute for him or her shall not extend past the end of the school year in which the death occurred; and

(b) if the teacher substitutes for a teacher who is absent from his or her duties for a temporary period, the teacher's employment as the substitute for him or her shall not extend past the end of the second school year after his or her absence begins. R.S.O. 1990, c. E.2, s. 1 (1.2). (See: 1997, c. 31, s. 1 (4).)

(1.2) Repealed: 2009, c. 25, s. 2 (3).

Municipal Property Assessment Corporation

(1.2.1) A reference in this Act to the assessment commissioner or to the appropriate assessment commissioner shall be deemed to be a reference to the Municipal Property Assessment Corporation. 2001, c. 8, s. 204.

When authority or obligation of parent vests in pupil

(2) Where by or under this Act any authority or right 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, right, obligation or reimbursement shall be vested in or imposed upon or made, as the case may be,

(a) to the pupil, if he or she is 18 years old or older; and

(b) with respect to a pupil who is at least 16 years old but under 18 years old, to the pupil in such circumstances or for such purposes as may be prescribed by the regulations. 2006, c. 28, s. 1 (2).

Questions re proceeding as to formation of school section

(3) Where any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to a judge, and no proceeding or by-law with respect to the formation, alteration or dissolution of a school section is invalid or shall be set aside because of failure to comply with the provisions of any Act applicable to the proceeding or by-law, unless, in the opinion of the judge before whom the proceeding or by-law is called in question, the proceeding or by-law, if allowed to stand, would cause substantial injustice to be done to any person affected thereby. R.S.O. 1990, c. E.2, s. 1 (3).

Constitutional rights and privileges

(4) This Act does not adversely affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867* or by section 23 of the *Canadian Charter of Rights and Freedoms*. 1997, c. 3, s. 2 (6).

Same

(4.1) Every authority given by this Act, including but not limited to every authority to make a regulation, decision or order and every authority to issue a directive or guideline, shall be exercised in a manner consistent with and respectful of the rights and privileges guaranteed by section 93 of the *Constitution Act, 1867* and by section 23 of the *Canadian Charter of Rights and Freedoms*. 1997, c. 31, s. 1 (5).

Existing school arrangements continued

(5) Until altered under the authority of this or any other Act, all school jurisdictions and boards, including the names of the boards, as they existed on the 31st day of July, 1981, are continued subject to the provisions of this Act. R.S.O. 1990, c. E.2, s. 1 (5).

Regulations re permanent improvements

(6) The Minister may make regulations prescribing any property, work, undertaking or matter for the purposes of the definition of "permanent improvement" in subsection (1). 1997, c. 31, s. 1 (6).

Separate school support in 1997

(7) A person who at any time in 1997 is a separate school supporter in connection with land assessed to the support of a separate school board is also, at that time, a separate school supporter for the purpose of qualifying as a separate school elector for the English-language separate district school board or the French-language separate district school board, as the case may be, the area of jurisdiction of which includes that land. 1997, c. 3, s. 2 (7).

Entitlement to vote based on residence

(8) Despite any provision of this Act, except subsection (9), or of any other Act, including clause 17 (2) (a) of the *Municipal Elections Act, 1996*, for the purposes of regular elections and by-elections, a person is not qualified to vote for a member of a board for an area unless the person resides in the area on voting day. 1997, c. 31, s. 1 (7); 2002, c. 17, Sched. D, s. 36 (1).

(8.1) Repealed: 1997, c. 31, s. 1 (7).

Exception

(9) Subsection (8) does not apply to a person who is an owner or tenant of residential property in the area referred to in subsection (8), or who is a spouse of that person. 1997, c. 31, s. 1 (7); 1999, c. 6, s. 20 (3); 2005, c. 5, s. 21 (5).

Entitlement to vote in the area of jurisdiction of a board

(10) For the purposes of sections 50.1, 54, 58.8 and 58.9, a person is entitled to vote in the area of jurisdiction of a board if, on voting day, he or she,

(a) resides in the area or is a person to whom subsection (9) applies;

(b) is a Canadian citizen;

(c) is at least 18 years of age; and

(d) is not a person referred to in clause 17 (2) (d) of the *Municipal Elections Act, 1996*. 2002, c. 17, Sched. D, s. 36 (2).

Interpretation

(11) For the purposes of subsections (8) and (10),

"resides" has the same meaning as in section 17 of the *Municipal Elections Act, 1996*. 2002, c. 17, Sched. D, s. 36 (3).

Trustee

(12) A member of a board may be referred to as a trustee for any purpose related to this Act. 1997, c. 31, s. 1 (7).

PART I
MINISTRY OF EDUCATION AND TRAINING

Ministry continued

2. (1) The ministry of the public service known in English as the Ministry of Education and Training and in French as ministère de l'Éducation et de la Formation is continued. 1997, c. 31, s. 3.

Minister to have charge

(2) The Minister shall preside over and have charge of the Ministry. R.S.O. 1990, c. E.2, s. 2 (2).

Administration

(3) The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to the Minister by the Lieutenant Governor in Council. R.S.O. 1990, c. E.2, s. 2 (3).

Delegation of powers and duties

(4) The Minister may in writing authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act. R.S.O. 1990, c. E.2, s. 2 (4).

Limitations

(5) The Minister may in writing limit an authorization made under subsection (4) in such manner as he or she considers advisable. R.S.O. 1990, c. E.2, s. 2 (5).

Application of *Executive Council Act*, s. 6

(6) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (4). R.S.O. 1990, c. E.2, s. 2 (6).

Annual report

3. The Minister shall, after the close of each fiscal year, submit to the Lieutenant Governor in Council a report upon the affairs of the Ministry for the immediately preceding fiscal year and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. E.2, s. 3.

Additions to enrolment in special cases

4. The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils who were absent from school because of any condition considered by the Minister to constitute a special circumstance or an emergency. R.S.O. 1990, c. E.2, s. 4.

Closing of school or class

5. (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may order the closing of a school or any class thereof for a specified period. R.S.O. 1990, c. E.2,

s. 5 (1).

Pupils deemed in attendance

(2) Where a school or class is closed for a specified period under subsection (1), the pupils in such school or class shall for all purposes, including the calculation of legislative grants and fees, be deemed to be in attendance. R.S.O. 1990, c. E.2, s. 5 (2); 1997, c. 31, s. 4.

6. Repealed: 1997, c. 31, s. 5.

7. Repealed: 1997, c. 31, s. 5.

Powers of Minister

8. (1) The Minister may,

diplomas and certificates

1. name the diplomas and certificates that are to be granted to pupils and prescribe their form and the conditions under which they are to be granted; R.S.O. 1990, c. E.2, s. 8 (1), par. 1.

courses of study

2. prescribe the courses of study that shall be taught and the courses of study that may be taught in the primary, junior, intermediate and senior divisions; R.S.O. 1990, c. E.2, s. 8 (1), par. 2.

courses and areas of study

3. in respect of schools under the jurisdiction of a board,

(a) issue curriculum guidelines and require that courses of study be developed therefrom and establish procedures for the approval of courses of study that are not developed from such curriculum guidelines,

(b) prescribe areas of study and require that courses of study be grouped thereunder and establish procedures for the approval of alternative areas of study under which courses of study shall be grouped, and

(c) approve or permit boards to approve,

(i) courses of study that are not developed from such curriculum guidelines, and

(ii) alternative areas of study under which courses of study shall be grouped,

and authorize such courses of study and areas of study to be used in lieu of or in addition to any prescribed course of study or area of study; R.S.O. 1990, c. E.2, s. 8 (1), par. 3.

junior kindergarten and kindergarten

3.0.0.1 issue and require boards to comply with policies and guidelines governing all aspects of the operation of junior kindergarten and kindergarten, including policies and guidelines,

i. respecting the schools at which junior kindergarten and kindergarten are required and are not required to be operated,

ii. respecting the hours during which and the days on which a board is required and is not required to operate junior kindergarten and kindergarten in one or more schools of the board,

iii. respecting curriculum and programs for junior kindergarten and kindergarten,

iv. respecting the circumstances in which a board is not required to designate a position in a junior kindergarten or kindergarten class as requiring an early childhood educator or to appoint an early childhood educator to such a position; 2010, c. 10, s. 2 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2006, chapter 28, subsection 2 (1) by adding the following paragraph:

equivalent learning

3.0.1 establish policies, guidelines and standards with respect to equivalent learning and may,

i. require that boards develop and offer equivalent learning opportunities to their pupils in accordance with the policies, guidelines or standards,

ii. subject to subsection (2), in accordance with criteria set out in the policies, guidelines or standards, designate groups, organizations or entities that are approved to provide equivalent learning to pupils of a board,

iii. in accordance with criteria set out in the policies, guidelines or standards, designate programs, courses of study or other activities that are approved for the purposes of equivalent learning; 2006, c. 28, s. 2 (1).

See: 2006, c. 28, ss. 2 (1), 14 (2).

reviews of effectiveness

3.1 conduct reviews of classroom practices and the effectiveness of educational programs and require a board or a private school inspected under subsection 16 (7) to participate in the reviews and to provide information to the Minister for that purpose in such form as the Minister may prescribe; 1993, c. 11, s. 10.

tests

3.2 assess the academic achievement of pupils attending schools under the jurisdiction of a board and, for the purpose, the Minister may,

(a) provide for the administering and marking of tests of academic achievement,

(b) require a board to administer tests of academic achievement to its pupils and mark the tests, within the time and in the manner and form specified by the Minister, and

(c) require a board to report on the results of the tests to the Minister and to the general public within the board's jurisdiction, within the time and in the manner and form specified by the Minister; 1996, c. 11, s. 29 (1).

policies, guidelines: assessment of academic achievement

3.3 establish policies and guidelines for the assessment of the academic achievement of pupils attending schools under the jurisdiction of a board and require boards to comply with the policies and guidelines; 1996, c. 11, s. 29 (1).

guidelines: role and responsibilities of board members, officials

3.4 establish policies and guidelines respecting the roles and responsibilities of board

members, directors of education, supervisory officers, principals, superintendents and other officials; 1997, c. 31, s. 6 (1).

policies and guidelines: policies re pupil representatives

3.5 establish policies and guidelines for the development and implementation of board policies dealing with the representation on boards of the interests of pupils and require boards to comply with the policies and guidelines; 1997, c. 31, s. 6 (2).

policies and guidelines: policies re electronic meetings

3.6 establish policies and guidelines for the development and implementation of board policies dealing with the use of electronic means for the holding of meetings of a board and meetings of a committee of a board, including a committee of the whole board, and require boards to comply with the policies and guidelines; 2002, c. 18, Sched. G, s. 2.

procedures

4. establish procedures by which and the conditions under which books and other learning materials are selected and approved by the Minister; R.S.O. 1990, c. E.2, s. 8 (1), par. 4.

textbooks and other learning materials

5. purchase and distribute textbooks and other learning materials for use in schools; R.S.O. 1990, c. E.2, s. 8 (1), par. 5.

textbooks, reference books, etc.

6. select and approve for use in schools textbooks, library books, reference books and other learning materials; R.S.O. 1990, c. E.2, s. 8 (1), par. 6.

publication of book lists

7. cause to be published from time to time lists of textbooks, learning materials, reference books and library books, selected and approved by the Minister for use in elementary and secondary schools; R.S.O. 1990, c. E.2, s. 8 (1), par. 7.

daily register

8. prescribe the form of the register of attendance and the manner of its use in recording the daily attendance of pupils of schools, or approve the use of an alternate method of recording such daily attendance, and prescribe the form in which enrolment and attendance data shall be submitted to the Minister; R.S.O. 1990, c. E.2, s. 8 (1), par. 8.

application of *Workplace Safety and Insurance Act, 1997*

9. prescribe the conditions under which and the terms upon which pupils of boards shall be deemed to be workers for the purposes of the insurance plan established under the *Workplace Safety and Insurance Act, 1997*, deem pupils to be workers for those purposes and require a board to reimburse Ontario for payments made by Ontario under the insurance plan in respect of such a pupil; 1997, c. 16, s. 5.

letter of permission

10. grant a letter of permission to a board authorizing the board to employ a person who is not a member of the Ontario College of Teachers to teach in an elementary or secondary school if the Minister is satisfied that no member is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify; 1996, c. 12, s. 64 (2).

letter of permission, early childhood educator position

10.1 grant a letter of permission to a board authorizing the board to appoint a person who is not an early childhood educator to a position designated by the board as requiring an early childhood educator if the Minister is satisfied that no early childhood educator is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify; 2010, c. 10, s. 2 (2).

letter of approval

11. grant a temporary letter of approval to a board authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the certificate required for teaching the subject; R.S.O. 1990, c. E.2, s. 8 (1), par. 11.

withdraw letter

12. withdraw any letter of permission or temporary letter of approval granted under this Act; R.S.O. 1990, c. E.2, s. 8 (1), par. 12.

13. Repealed: 2009, c. 33, Sched. 13, s. 1 (1).

accept equivalent qualification

14. accept in lieu of any requirement prescribed for a teacher, designated early childhood educator, head of a department, principal, director of education, supervisor or supervisory officer, or for a candidate for a certificate or for admission to a school, such experience, academic scholarship or professional training as the Minister considers equivalent thereto, and may require such evidence thereof as the Minister considers necessary; R.S.O. 1990, c. E.2, s. 8 (1), par. 14; 2009, c. 33, Sched. 13, s. 1 (2); 2010, c. 10, s. 2 (3).

medical examinations

15. require employees of school boards to submit to medical examinations; R.S.O. 1990, c. E.2, s. 8 (1), par. 15.

courses

16. provide or approve and review courses for teachers, designated early childhood educators, principals, supervisory officers, attendance counsellors and native counsellors and grant certificates in respect of the successful completion of such courses; R.S.O. 1990, c. E.2, s. 8 (1), par. 16; 2010, c. 10, s. 2 (4).

correspondence courses

17. provide for the development, distribution and supervision by the Ministry of correspondence courses; R.S.O. 1990, c. E.2, s. 8 (1), par. 17.

fees re correspondence courses

17.1 provide for fees in relation to anything referred to in paragraph 17; 1997, c. 31, s. 6 (3).

scholarships, bursaries

18. provide for, and prescribe the conditions of, the granting of scholarships, bursaries and awards to pupils and the granting of bursaries to teachers and designated early childhood educators; R.S.O. 1990, c. E.2, s. 8 (1), par. 18; 2010, c. 10, s. 2 (5).

19. Repealed: 2009, c. 33, Sched. 13, s. 1 (3).

provincial schools

20. in respect of schools for the deaf and the blind, determine the number of terms and the dates upon which each term begins and ends; R.S.O. 1990, c. E.2, s. 8 (1), par. 20.

apportion federal grants

21. 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 the Minister considers proper; R.S.O. 1990, c. E.2, s. 8 (1), par. 21.

educational advancement programs, activities and projects and accountable advances

22. make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,

    (a) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and

    (b) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers, designated early childhood educators and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

    and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, other than an individual employed under Part III of the *Public Service of Ontario Act, 2006*, who conducts or assists in conducting or participates in any such program, activity or project; R.S.O. 1990, c. E.2, s. 8 (1), par. 22; 2006, c. 35, Sched. C, s. 28 (1); 2010, c. 10, s. 2 (6).

agreements concerning learning materials

23. enter into an agreement with any board, person or organization in respect of the development and production of learning materials, and pay all or part of the costs in connection therewith; R.S.O. 1990, c. E.2, s. 8 (1), par. 23.

copyright licence agreements

23.1 enter into a licence agreement to permit boards to copy, under the terms of the licence agreement, works protected by copyright, and to,

    (a) extend the rights under the licence agreement to boards, and

    (b) require boards to comply with the terms of the licence agreement; 1991, c. 10, s. 1 (1).

educational research and grants for promotion of advancement of education

24. initiate educational research and make grants to a board, an individual, a voluntary association or a corporation for educational research programs, activities or projects to promote the advancement of education; R.S.O. 1990, c. E.2, s. 8 (1), par. 24.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2006, chapter 28, subsection 2 (2) by adding the following paragraph:

agreements concerning equivalent learning

24.1 subject to subsection (2), enter into an agreement with one or more groups, organizations or entities respecting the provision of equivalent learning to pupils of one or more boards; 2006, c. 28, s. 2 (2).

See: 2006, c. 28, ss. 2 (2), 14 (2).

discretion to establish French-language programs for English-speaking pupils

25. permit a board to establish for English-speaking pupils programs involving varying degrees of the use of the French language in instruction, provided that programs in which English is the language of instruction are made available to pupils whose parents desire such programs for their children and impose terms and conditions on the permission; R.S.O. 1990, c. E.2, s. 8 (1), par. 25; 2011, c. 1, Sched. 3, s. 1 (2).

discretion to establish French-language programs for English-speaking pupils

25.1 permit a board to establish for English-speaking pupils extended day programs involving varying degrees of the use of the French language, provided that extended day programs in which English is used are made available to pupils whose parents desire such programs for their children and impose terms and conditions on the permission; 2010, c. 10, s. 2 (7); 2011, c. 1, Sched. 3, s. 1 (3).

guidelines respecting school closings

26. in respect of schools under the jurisdiction of a board, issue guidelines respecting the closing of schools and require that boards develop policies therefrom with respect to procedures to be followed prior to the closing of a school by decision of the board; R.S.O. 1990, c. E.2, s. 8 (1), par. 26.

26.1, 26.2 Repealed: 2009, c. 25, s. 3 (1).

guidelines respecting pupil records

27. issue guidelines respecting pupil records and require boards to comply with the guidelines; R.S.O. 1990, c. E.2, s. 8 (1), par. 27; 1991, c. 10, s. 1 (2).

board reports

27.1 require a board,

(a) to prepare any report that the Minister may require,

(b) to submit, in the form directed by the Minister, a copy of the report to the Ministry and to such other persons as the Minister may direct, and

(c) to attach a copy of the report to the financial statements of the board referred to in section 252; 1997, c. 31, s. 6 (4).

same

27.2 issue guidelines respecting the form and content of a report referred to in paragraph 27.1; 1997, c. 31, s. 6 (4).

professional activity days

28. establish policies and guidelines respecting criteria and topics for the

professional activity days that are required by regulation and require boards to comply with the policies and guidelines; 2009, c. 25, s. 3 (2).

29. Repealed: 1995, c. 4, s. 2 (1).

equity and inclusive education

29.1 require boards to develop and implement an equity and inclusive education policy, and, if required by the Minister, submit the policy to the Minister and implement changes to the policy as directed by the Minister; 2012, c. 5, s. 2 (1).

drug education

29.2 establish a drug education policy framework and require boards to develop and implement a policy on drug education in accordance with the framework; 1992, c. 16, s. 2.

nutritional guidelines

29.3 establish policies and guidelines with respect to nutritional standards for food and beverages and for any ingredient contained in food and beverages provided on school premises or in connection with a school-related activity; 2008, c. 2, s. 1.

same

29.4 require boards to comply with the policies and guidelines established under paragraph 29.3; 2008, c. 2, s. 1.

duties of auditors

30. prescribe the duties to be performed by auditors appointed under section 253; 1997, c. 31, s. 6 (5).

surveys under s. 169.1 (2.1)

31. establish policies and guidelines respecting the surveys referred to in subsection 169.1 (2.1); 2012, c. 5, s. 2 (2).

32. Repealed: 1997, c. 31, s. 6 (5).

approval of agreements

33. approve the entering into of an agreement by boards under subsection 182 (1); R.S.O. 1990, c. E.2, s. 8 (1), par. 33.

34. Repealed: 1997, c. 31, s. 6 (5).

education costs outside Ontario

35. make payments towards the cost of elementary or secondary education that a person receives outside Ontario, if the person is outside Ontario for the purpose of receiving insured services within the meaning of the *Health Insurance Act* and the cost of the insured services is paid for in whole or in part by the Ontario Health Insurance Plan. 1993, c. 11, s. 10.

(2) Repealed: 1997, c. 31, s. 6 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 8 is amended by the Statutes of Ontario, 2006, chapter 28, subsection 2 (3) by adding the following subsections:

Minister's duties re equivalent learning

(2) In determining whether to approve an organization or entity under paragraph 3.0.1 of subsection (1) to provide equivalent learning and in entering agreements for the provision

of equivalent learning under paragraph 24.1 of that subsection, the Minister shall have regard to the need to ensure that a pupil who participates in equivalent learning will not, by so doing, receive educational benefits of a lesser quality than those provided in the traditional education system. 2006, c. 28, s. 2 (3).

Restriction re credits for equivalent learning

(2.1) The Minister may not, in the exercise of his or her authority under subsection (1), authorize any person other than the principal of a school to issue a credit to a pupil for his or her participation in equivalent learning. 2006, c. 28, s. 2 (3).

See: 2006, c. 28, ss. 2 (3), 14 (2).

Identification programs and special education programs and services

(3) The Minister shall ensure that all exceptional children in Ontario have available to them, in accordance with this Act and the regulations, appropriate special education programs and special education services without payment of fees by parents or guardians resident in Ontario, and shall provide for the parents or guardians to appeal the appropriateness of the special education placement, and for these purposes the Minister shall,

(a) require school boards to implement procedures for early and ongoing identification of the learning abilities and needs of pupils, and shall prescribe standards in accordance with which such procedures be implemented; and

(b) in respect of special education programs and services, define exceptionalities of pupils, and prescribe classes, groups or categories of exceptional pupils, and require boards to employ such definitions or use such prescriptions as established under this clause. R.S.O. 1990, c. E.2, s. 8 (3).

Application

(4) An act of the Minister under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. E.2, s. 8 (4); 2006, c. 21, Sched. F, s. 136 (1).

Collection and use of personal information

8.1 (1) The Minister may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

1. Administering this Act and the regulations, and implementing the policies and guidelines made under this Act.

2. Ensuring compliance with this Act, the regulations, and the policies and guidelines made under this Act.

3. Planning or delivering programs or services that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to any of them.

3.1 Planning or delivering extended day programs, allocating resources to them, evaluating or monitoring them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to them.

3.2 Providing for financial assistance related to extended day programs, evaluating or monitoring the provision of the assistance or detecting, monitoring and

preventing fraud or any unauthorized receipt of benefits related to the assistance.

4. Risk management, error management or activities to improve or maintain the quality of the programs or services that the Ministry provides or funds, in whole or in part.

4.1 Risk management, error management or activities to improve or maintain the quality of extended day programs.

4.2 Risk management, error management or activities to improve or maintain the provision of financial assistance related to extended day programs.

5. Research and statistical activities that relate to education and are conducted by or on behalf of the Ministry. 2006, c. 10, s. 1; 2010, c. 10, s. 3 (1, 2).

Limits on collection and use

(2) The Minister shall not collect or use personal information if other information will serve the purpose of the collection or use. 2006, c. 10, s. 1.

Same

(3) The Minister shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use. 2006, c. 10, s. 1.

Collection and use of personal information for research

(4) The collection or use of personal information for purposes related to research activities mentioned in paragraph 5 of subsection (1) is subject to any requirements and restrictions that may be prescribed. 2006, c. 10, s. 1.

Disclosure by educational and training institutions, etc.

(5) The Minister may require any of the following to disclose to him or her such personal information as is reasonably necessary for the purposes described in subsection (1):

1. Educational and training institutions that are prescribed for the purposes of sections 266.2 to 266.5.

2. Persons and entities that are prescribed for the purposes of subsections 266.3 (3) and (4). 2006, c. 10, s. 1; 2010, c. 10, s. 3 (3).

Same

(6) The Minister may specify the time at which, and the form in which, the information must be provided. 2006, c. 10, s. 1.

Notice required by s. 39 (2) of *FIPPA*

(7) If the Minister collects personal information indirectly under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

(a) a public notice posted on the Ministry's website; or

(b) any other method that may be prescribed. 2006, c. 10, s. 1.

Regulations

(8) The Lieutenant Governor in Council may make regulations for the purposes of this section,

(a) prescribing requirements and restrictions for the purposes of subsection (4);

(b) prescribing methods of giving the notice required by subsection 39 (2) of the

Freedom of Information and Protection of Privacy Act. 2006, c. 10, s. 1.

Accounting statement related to assistance by Ministry

9. The Minister may require a person or organization that has received financial assistance under this Act or the regulations to submit to the Minister a statement prepared by a person licensed under the *Public Accounting Act, 2004* that sets out the details of the disposition of the financial assistance by the person or organization. R.S.O. 1990, c. E.2, s. 9; 2004, c. 8, s. 46.

Powers of Minister

10. The Minister may,

advisory body

(a) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

commission of inquiry

(b) appoint as a commission one or more persons, as the Minister considers expedient, to inquire into and report upon any school matter, and section 33 of the *Public Inquiries Act, 2009* applies to that commission;

secure legal opinion

(c) submit a case on any question arising under this Act to the Divisional Court for opinion and decision. R.S.O. 1990, c. E.2, s. 10; 2009, c. 33, Sched. 6, s. 53 (1).

Report on new teacher induction program

10.1 (1) The Minister may require boards to prepare reports on the new teacher induction program required under Part X.0.1 and may issue guidelines respecting the form and content of the reports and the time periods within which or frequency with which they shall be submitted. 2006, c. 10, s. 2.

Minister's response

(2) If, in the opinion of the Minister, a report submitted under subsection (1) indicates that the board's new teacher induction program does not conform to the requirements of this Act or to any guidelines the Minister has issued respecting new teacher induction programs, he or she shall inform the board of that fact and may direct the board to further develop its program and resubmit the report within a time frame specified by him or her. 2006, c. 10, s. 2.

Regulations

11. (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money,

General

1. for the establishment, organization, administration and government thereof; R.S.O. 1990, c. E.2, s. 11 (1), par. 1.

admit pupils

2. governing the admission of pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 2.

pupil records

3. prescribing the manner in which records in respect of pupils of elementary and secondary schools shall be established and maintained, including the forms to be

used therefor and the type of information that shall be kept and recorded, and providing for the retention, transfer and disposal of such records; R.S.O. 1990, c. E.2, s. 11 (1), par. 3.

disposition of present pupil records

4. providing for the disposition of records established prior to the 1st day of September, 1972, in respect of pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 4.

special education programs

5. governing the provision, establishment, organization and administration of,

   i. special education programs,

   ii. special education services, and

   iii. committees to identify exceptional pupils and to make and review placements of exceptional pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 5; 2009, c. 33, Sched. 13, s. 1 (4).

identification and placement appeals

6. governing procedures with respect to parents or guardians for appeals in respect of identification and placement of exceptional pupils in special education programs; R.S.O. 1990, c. E.2, s. 11 (1), par. 6.

junior kindergarten and kindergarten

6.1 governing all aspects of the operation of junior kindergarten and kindergarten, including regulations,

   i. respecting the schools at which junior kindergarten and kindergarten are required and are not required to be operated,

   ii. respecting the hours during which and the days on which a board is required and is not required to operate junior kindergarten and kindergarten in one or more schools of the board,

   iii. respecting curriculum and programs for junior kindergarten and kindergarten,

   iv. respecting the circumstances in which a board is not required to designate a position in a junior kindergarten or kindergarten class as requiring an early childhood educator or to appoint an early childhood educator to such a position; 2010, c. 10, s. 4 (1).

evening classes

7. defining and governing evening classes; R.S.O. 1990, c. E.2, s. 11 (1), par. 7.

purchase books

8. requiring boards to purchase books for the use of pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 8.

accommodation and equipment

9. prescribing the accommodation and equipment of buildings and the arrangement of premises; R.S.O. 1990, c. E.2, s. 11 (1), par. 9.

recreation programs

10. defining and governing programs of recreation, camping, physical education and adult education; R.S.O. 1990, c. E.2, s. 11 (1), par. 10.

11., 12. Repealed: 2009, c. 33, Sched. 13, s. 1 (5).

letter of permission

13. governing the granting to a board of a letter of permission and a temporary letter of approval and providing for the withdrawal of such letters; R.S.O. 1990, c. E.2, s. 11 (1), par. 13.

14. Repealed: 1997, c. 31, s. 7 (1).

schools on Crown lands

15. governing the establishment and operation of public and secondary schools on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes; R.S.O. 1990, c. E.2, s. 11 (1), par. 15.

supervisory officers, examinations

16. providing for the holding of examinations for persons to become supervisory officers and governing such examinations; R.S.O. 1990, c. E.2, s. 11 (1), par. 16.

continuing education courses and classes

17. defining and governing continuing education courses and classes; R.S.O. 1990, c. E.2, s. 11 (1), par. 17.

same

18. prescribing the continuing education courses and classes for which membership in the Ontario College of Teachers is required; 1996, c. 12, s. 64 (3).

fees of examiners

19. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid; R.S.O. 1990, c. E.2, s. 11 (1), par. 19.

religious exercises and education

20. governing the provision of religious exercises and religious education in public schools and providing for the exemption of pupils from participating in such exercises and education and of a teacher from teaching, and a designated early childhood educator or public board from providing, religious education in any school, class or program; R.S.O. 1990, c. E.2, s. 11 (1), par. 20; 1997, c. 31, s. 7 (2); 2010, c. 10, s. 4 (2).

language of instruction

21. prescribing the language or languages in which any subject or subjects shall be taught in any year of the primary, junior, intermediate or senior division; R.S.O. 1990, c. E.2, s. 11 (1), par. 21.

sign language

21.1 respecting the use of American Sign Language and Quebec Sign Language as languages of instruction; 1993, c. 11, s. 11 (1).

exchange of teachers and designated early childhood educators

22. providing for and governing the exchange of teachers and designated early childhood educators between Ontario and other parts of Canada and between Ontario and other jurisdictions; R.S.O. 1990, c. E.2, s. 11 (1), par. 22; 2010, c. 10, s. 4 (3).

school libraries

23. governing school libraries; R.S.O. 1990, c. E.2, s. 11 (1), par. 23.

textbooks

24. listing the textbooks that are selected and approved by the Minister for use in schools; R.S.O. 1990, c. E.2, s. 11 (1), par. 24.

teachers' learning plans

25. respecting learning plans for teachers and temporary teachers, or classes of teachers and temporary teachers, including regulations requiring a board to ensure that learning plans are developed for the teachers and temporary teachers employed by it, requiring a board to ensure that each learning plan is reviewed on a periodic basis set out in the regulation, and requiring a board to use forms approved by the Minister for any purpose associated with this paragraph; 2001, c. 24, s. 2 (1).

early childhood educators' learning plans

25.1 respecting learning plans for,

i. designated early childhood educators, and

ii. persons who, under the authority of a letter of permission, are appointed by a board to positions designated by the board as requiring an early childhood educator,

including regulations requiring a board to ensure that learning plans are developed for those persons, requiring a board to ensure that each learning plan is reviewed on a periodic basis set out in the regulations, and requiring a board to use forms approved by the Minister for any purpose associated with this paragraph; 2010, c. 10, s. 4 (4).

powers and duties of teachers, etc.

26. prescribing the powers, duties and qualifications, and governing the appointment of teachers, designated early childhood educators, supervisors, directors of education, supervisory officers, heads of departments, principals, superintendents, residence counsellors, school attendance counsellors and other officials; R.S.O. 1990, c. E.2, s. 11 (1), par. 26; 2009, c. 33, Sched. 13, s. 1 (6); 2010, c. 10, s. 4 (5).

effect of certificates issued under the *Ontario College of Teachers Act, 1996* or the *Early Childhood Educators Act, 2007*

26.1 giving boards directions as to the effect and consequences of,

i. a certificate issued under the *Ontario College of Teachers Act, 1996* or the *Early Childhood Educators Act, 2007* being suspended, cancelled or revoked under that Act,

ii. a certificate issued under the *Ontario College of Teachers Act, 1996* or the *Early Childhood Educators Act, 2007* being subject to terms, conditions or limitations imposed under that Act,

iii. a certificate issued under the *Ontario College of Teachers Act, 1996* or the *Early Childhood Educators Act, 2007* being of a particular class prescribed under that Act,

iv. a certificate of qualification that is additional to the certificate of

qualification and registration being issued under *Ontario College of Teachers Act, 1996*; 1996, c. 12, s. 64 (5); 2009, c. 33, Sched. 13, s. 1 (7); 2010, c. 10, s. 4 (6).

pupils

27. prescribing the duties of pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 27.

28. Repealed: 1993, c. 11, s. 11 (2).

qualification to teach

29. prescribing specific qualifications and experience required for the purpose of qualifying a teacher to teach in specified areas or positions; 2010, c. 10, s. 4 (7).

qualifications, designated early childhood educator

29.1 prescribing specific qualifications and experience required for the purpose of qualifying a designated early childhood educator to work in specified areas or positions in junior kindergarten, kindergarten or extended day programs; 2010, c. 10, s. 4 (8).

forms

30. prescribing forms and providing for their use; R.S.O. 1990, c. E.2, s. 11 (1), par. 30.

transportation

31. governing the transportation of pupils; R.S.O. 1990, c. E.2, s. 11 (1), par. 31.

practice and procedure

32. regulating the practice and procedure to be followed at any hearing provided for by or under this Act; R.S.O. 1990, c. E.2, s. 11 (1), par. 32.

duties of supervisory officers

33. governing the assignment by a board of duties to directors of education and other supervisory officers and prescribing the procedures in respect thereof, and defining any word or expression used in such regulation; R.S.O. 1990, c. E.2, s. 11 (1), par. 33.

suspension or dismissal of supervisory officers

34. prescribing the practices and procedures to be followed by a board in the case of suspension or dismissal of a director of education or other supervisory officer; R.S.O. 1990, c. E.2, s. 11 (1), par. 34.

competition with private sector

35. despite paragraph 28 of subsection 171 (1), prohibiting or regulating and controlling any program or activity of a board that is or may be in competition with any business or occupation in the private sector and providing that such regulations have general application or application to a particular board; R.S.O. 1990, c. E.2, s. 11 (1), par. 35.

language programs

36. requiring boards to offer programs that deal with languages other than English or French and governing the establishment and operation of such programs. R.S.O. 1990, c. E.2, s. 11 (1), par. 36.

(2) Repealed: 1993, c. 11, s. 11 (3).

Regulations: fees for provision of education

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

(a) providing for the circumstances in which a fee is receivable by a board in respect of the provision of education by the board to elementary or secondary school pupils or any class or group of elementary or secondary school pupils; and

(b) providing for the method of determining the amount of any fee receivable under clause (a). 1997, c. 31, s. 7 (3).

Same

(4) A regulation made under subsection (3),

(a) Repealed: 2001, c. 24, s. 2 (2).

(b) may prescribe the maximum amount of any fee that may be charged and may provide for the determination of fees by boards; and

(c) may be made to apply with respect to any period specified in the regulation including a period before the regulation is made. 1997, c. 31, s. 7 (3); 2001, c. 24, s. 2 (2).

(5) Repealed: 1997, c. 31, s. 7 (3).

(6) Repealed: 1997, c. 31, s. 7 (3).

Regulations: school year, terms, holidays

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

(a) prescribing and governing the school year, school terms, school holidays, instructional days and professional activity days;

(b) authorizing a board to vary one or more school terms, school holidays or instructional days as designated by the regulations;

(c) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms, school holidays or instructional days for one or more schools under its jurisdiction that are different from those prescribed by the regulations; and

(d) respecting the preparation and implementation of school calendars by boards. 1997, c. 31, s. 7 (4); 2006, c. 10, s. 3 (1).

Same

(7.1) A school calendar prepared under a regulation made under clause (7) (d) shall not provide for more than 10 examination days in any school year determined in respect of a school under the regulations made under subsection (7). 2006, c. 10, s. 3 (2).

Regulations: exceptions, compulsory attendance

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations prescribing the conditions under which, and establishing the procedures by which, a child who is otherwise required to attend school under Part II and who has attained the age of fourteen years may be excused from attendance at school or required to attend school only part-time. R.S.O. 1990, c. E.2, s. 11 (8); 2002, c. 18, Sched. G, s. 3.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (8) is repealed by the Statutes of Ontario, 2006, chapter 28, section 3 and the following

substituted:

Regulations: excusal from compulsory attendance

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing the excusal of persons who are at least 14 years old from compulsory attendance at school under Part II. 2006, c. 28, s. 3.

Same

(8.1) Without limiting the generality of subsection (8), a regulation made under that subsection may,

(a) prescribe conditions under which and establish procedures by which a person may be excused from attendance at school;

(b) prescribe programs or other activities that participation in which will permit a person to be excused from attendance at school;

(c) prescribe criteria or standards for programs or other activities that participation in which will permit a person to be excused from attendance at school and establish procedures for determining whether the criteria or standards are satisfied. 2006, c. 28, s. 3.

Regulations: when authority of parent vests in pupil

(8.2) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, for the purposes of clause 1 (2) (b), prescribing the circumstances in which or purposes for which an authority or right shall be vested in, an obligation imposed upon or a reimbursement made to a pupil who is at least 16 years old but under 18 years old. 2006, c. 28, s. 3.

See: 2006, c. 28, ss. 3, 14 (2).

Regulations: miscellaneous

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

fee for transcripts

(a) prescribing the fee to be paid to the Ministry for a transcript of standing obtained in Ontario by a pupil;

fee for duplicates

(b) prescribing the fee to be paid to the Ministry for duplicates of Ontario Teacher's Qualifications Record Cards and duplicates of certificates issued under this Act;

(c) Repealed: 1996, c. 12, s. 64 (6).

fees for evaluations

(d) prescribing the conditions under which fees shall be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing, and prescribing the amounts of the fees;

fees for duplicates of certificates

(e) prescribing the fees to be paid for duplicates of diplomas and certificates granted to pupils;

fees for courses

(f) prescribing the fees to be paid for courses provided by the Ministry for teachers, designated early childhood educators, principals and supervisory officers or any class thereof;

(g), (h) Repealed: 2009, c. 33, Sched. 13, s. 1 (8).

R.S.O. 1990, c. E.2, s. 11 (9); 1996, c. 12, s. 64 (6); 2009, c. 33, Sched. 13, s. 1 (8); 2010, c. 10, s. 4 (9).

General or specific

(10) A regulation under this section may be general or specific. 2001, c. 24, s. 2 (3).

(11) Repealed: 1997, c. 3, s. 3.

(12) Repealed: 1997, c. 3, s. 3.

(13) Repealed: 1997, c. 31, s. 7 (6).

(14) Repealed: 1997, c. 31, s. 7 (7).

(15) Repealed: 1997, c. 31, s. 7 (8).

(15.1) Repealed: 1997, c. 31, s. 7 (9).

(16) Repealed: 1997, c. 31, s. 7 (10).

(17) Repealed: 1993, c. 41, s. 1 (1).

(18) Repealed: 1997, c. 31, s. 7 (10).

Regulations re provincial interest

11.1 (1) The Lieutenant Governor in Council may make regulations prescribing, respecting and governing the duties of boards, so as to further and promote the provincial interest in education. 2006, c. 10, s. 4.

Consultation

(2) Before the Lieutenant Governor in Council makes a regulation under subsection (1), the Minister shall consult with,

(a) the Ontario Public School Boards' Association;

(b) the Ontario Catholic School Trustees' Association;

(c) l'Association des conseillères et des conseillers des écoles publiques de l'Ontario;

(d) l'Association franco-ontarienne des conseils scolaires catholiques; and

(e) any other persons and entities that, in the Minister's opinion, have an interest in the proposed regulation. 2006, c. 10, s. 4.

Notice

(3) The Minister shall give the persons and entities listed in subsection (2) and members of the public notice of the proposed regulation, in the manner he or she considers appropriate, at least 60 days before the regulation is filed with the Registrar of Regulations. 2006, c. 10, s. 4.

Same

(4) The notice need not contain a draft of the proposed regulation, but shall summarize its content and intended effect. 2006, c. 10, s. 4.

Exception

(5) Subsections (2), (3) and (4) do not apply if the regulation, in the Minister's opinion,

(a) is needed to deal with an urgent situation;

(b) is needed only to clarify the intent or operation of this Act or the regulations; or

(c) is of a minor or technical nature. 2006, c. 10, s. 4.

Same

(6) A regulation made under subsection (1) may require a board to,

(a) adopt and implement measures specified in the regulation to ensure that the board's funds and other resources are applied,

(i) effectively, and

(ii) in compliance with this Act, the regulations and the policies and guidelines made under this Act;

(b) adopt and implement measures specified in the regulation to ensure that the board achieves student outcomes specified in the regulation;

(c) adopt and implement measures specified in the regulation to encourage involvement by parents of pupils of the board in education matters specified in the regulation;

(d) adopt and implement measures specified in the regulation with respect to the provision of special education services by the board;

(e) adopt and implement measures specified in the regulation to promote the health of the board's pupils;

(f) adopt and implement measures specified in the regulation to promote the safety of the board's pupils and staff;

(g) publish reports respecting the board's compliance with regulations made under this section, in accordance with such rules about form, frequency and content as may be specified in the regulation. 2006, c. 10, s. 4.

Same

(7) Without limiting the generality of clause (6) (b), a regulation may,

(a) specify outcomes for elementary school pupils relating to improved literacy and numeracy; and

(b) specify outcomes for secondary school pupils relating to improved graduation rates. 2006, c. 10, s. 4.

General or particular

(8) A regulation made under subsection (1) may be general or particular. 2006, c. 10, s. 4.

Agreements with Canada

Physical fitness

12. (1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada, represented by the Minister of National Health and Welfare of Canada respecting physical fitness, and the Minister may authorize a board to provide training in physical

fitness. R.S.O. 1990, c. E.2, s. 12 (1).

Pupils at Indian schools

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians, to schools for Indians operated under that Act. R.S.O. 1990, c. E.2, s. 12 (2).

Non-Indian pupils at Indian schools

(3) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with a band, the council of the band or an education authority where such band, council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians, for the admission of pupils who are not Indians to a school operated by the band, council of the band or education authority. R.S.O. 1990, c. E.2, s. 12 (3).

Bursaries and scholarships

(4) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Manpower and Immigration, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1990, c. E.2, s. 12 (4).

Learning materials

(5) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with the Crown in right of Canada in respect of the development and production of learning materials and the sharing of the costs thereof. R.S.O. 1990, c. E.2, s. 12 (5).

Schools for deaf, blind; demonstration schools

Continuation of school for deaf

13. (1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is continued under the name Ontario School for the Deaf in English and École provinciale pour sourds in French. R.S.O. 1990, c. E.2, s. 13 (1).

Continuation of school for blind

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is continued under the name Ontario School for the Blind in English and École provinciale pour aveugles in French. R.S.O. 1990, c. E.2, s. 13 (2).

Administration

(3) Both schools are under the administration of the Minister. R.S.O. 1990, c. E.2, s. 13 (3).

Additional schools

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind. R.S.O. 1990, c. E.2, s. 13 (4).

Idem

(4.1) A demonstration school may provide, in a residential or non-residential setting, special education programs and special education services for exceptional pupils with learning disabilities or with hearing or visual impairments. 1991, c. 10, s. 3.

Demonstration schools

(5) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and operate one or more demonstration schools; or

(b) enter into an agreement with a university to provide for the establishment, maintenance and operation by the university, under such terms and conditions as the Minister and the university may agree upon, of a demonstration school,

for exceptional pupils whose learning disabilities are such that a residential setting is required. R.S.O. 1990, c. E.2, s. 13 (5).

Idem

(6) A demonstration school referred to in subsection (5) that was established by the Minister before the 12th day of December, 1980 is deemed not to be a school operated by the Ministry of Education for the purposes of the *Provincial Schools Negotiations Act*, and the Provincial Schools Authority is not responsible for any matter relating to the employment of teachers at a demonstration school. R.S.O. 1990, c. E.2, s. 13 (6); 2002, c. 18, Sched. G, s. 4.

Regulations

(7) Subject to the approval of the Lieutenant Governor in Council, the Minister may, in addition to his or her powers under section 11, make regulations with respect to schools continued or established under this section,

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

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

(ii) reside in homes approved by a superintendent, and

(iii) be discharged from a school;

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

(c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;

(d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

(e) authorizing a superintendent to establish rules in respect of pupils admitted to the school;

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

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

(h) authorizing a superintendent to dismiss a pupil and prescribing procedures in respect thereof;

(i) authorizing the Minister to provide training for, and certification of, teachers of the deaf and of the blind;

(j) designating the name of each school continued or established under this section;

(k) respecting the operation of junior kindergarten, kindergarten and extended day

programs in the schools and respecting the appointment of early childhood educators to positions in junior kindergarten, kindergarten and extended day programs in the schools. R.S.O. 1990, c. E.2, s. 13 (7); 2010, c. 10, s. 5.

Teacher education

14. (1)-(3) Repealed: 2009, c. 33, Sched. 13, s. 1 (9).

Practice teaching

(3.1) Where the Ontario College of Teachers has accredited a teacher education program, the Minister may require that a board shall permit its schools to be used for observation and practice teaching purposes and shall provide for the services of any of its teachers under such terms and conditions as may be agreed on between the board and the institution conducting the program and failing agreement in accordance with the schedule of payments to boards, principals and teachers referred to in subsection (2). 1996, c. 12, s. 64 (7); 1997, c. 31, s. 8 (3).

(4) Repealed: 2009, c. 33, Sched. 13, s. 1 (9).

Leadership training camps

15. The Minister may establish, maintain and conduct camps for leadership training. R.S.O. 1990, c. E.2, s. 15.

Intention to operate private school

16. (1) No private school shall be operated in Ontario unless notice of intention to operate the private school has been submitted in accordance with this section. R.S.O. 1990, c. E.2, s. 16 (1).

Idem

(2) Every private school shall submit annually to the Ministry on or before the 1st day of September a notice of intention to operate a private school. R.S.O. 1990, c. E.2, s. 16 (2).

Idem

(3) A notice of intention to operate a private school shall be in such form and shall include such particulars as the Minister may require. R.S.O. 1990, c. E.2, s. 16 (3).

Offence to operate private school without filing notice of intent to operate

(4) Every person concerned in the management of a private school that is operated in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $50 for every day such school is so operated. R.S.O. 1990, c. E.2, s. 16 (4).

Return

(5) The principal, headmaster, headmistress or person in charge of a private school shall make a return to the Ministry furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. E.2, s. 16 (5).

Inspection of school

(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervisory officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on conviction is liable to a fine of not more than $500. R.S.O. 1990, c. E.2, s. 16 (6).

Inspection on request

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects leading to the Ontario secondary school diploma, the secondary school graduation diploma and to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection. R.S.O. 1990, c. E.2, s. 16 (7).

Inspection of teachers

(8) The Minister may, on the request of a person operating a private school or of a person in charge of a conservation authority school or field centre, provide for the inspection of a teacher in such school or centre who requires the recommendation of a supervisory officer for certification purposes. R.S.O. 1990, c. E.2, s. 16 (8).

Agreements re tests

(8.1) The Minister may enter into agreements with a person operating,

(a) a private school;

(b) a school provided by a band, the council of a band or an education authority where the band, the council of the band or the education authority is authorized by the Crown in right of Canada to provide education for Indians; or

(c) a school provided by the Crown in right of Canada,

about administering tests to pupils enrolled in the school, marking the tests and reporting the results of the tests. 1996, c. 11, s. 29 (2).

Same

(8.2) Without limiting the generality of subsection (8.1), an agreement may provide for the charging of fees by the Minister to a person operating a school described in subsection (8.1). 1996, c. 11, s. 29 (2).

Offence for false statement

(9) Every person who knowingly makes a false statement in a notice of intention to operate a private school or an information return under this section is guilty of an offence and on conviction is liable to a fine of not more than $500. R.S.O. 1990, c. E.2, s. 16 (9).

Variation of scholarships and awards

17. (1) Where the educational object of a gift or bequest accepted by the Minister of Finance under section 6 of the *Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

(a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;

(b) the school or teachers' college at which attendance is required for eligibility is no longer operated;

(c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate because the county or board no longer exists; or

(d) the course or program of instruction specified in the terms and conditions is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister of Education and Training may, from time to time, vary the terms and conditions of the gift or bequest in

respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest, and the Minister may delegate his or her powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section. R.S.O. 1990, c. E.2, s. 17 (1); 1997, c. 31, s. 9 (1, 2); 2000, c. 5, s. 11 (1).

Where award is repayable loan

(2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister of Education and Training and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Minister of Finance, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection (1) shall apply with necessary modifications. R.S.O. 1990, c. E.2, s. 17 (2); 1997, c. 31, s. 9 (3).

Regulations re parent involvement committees

17.1 The Lieutenant Governor in Council may make regulations respecting parent involvement committees, including regulations requiring boards to establish parent involvement committees and regulations relating to their establishment, composition and functions. 2009, c. 25, s. 4.

PART II
SCHOOL ATTENDANCE

Definition of "guardian": ss. 21, 24, 26, 28, 30

18. In sections 21, 24, 26, 28 and 30,

"guardian", in addition to having the meaning ascribed in section 1, includes anyone who has received into his or her home a person, other than his or her own child, of compulsory school age and that person resides with him or her or is in his or her care. 2006, c. 28, s. 4.

Closing of school or class by board

19. (1) A board may close or authorize the closing of a school or class for a temporary period where such closing appears unavoidable because of,

(a) failure of transportation arrangements; or

(b) inclement weather, fire, flood, the breakdown of the school heating plant, the failure of an essential utility or a similar emergency. R.S.O. 1990, c. E.2, s. 19.

Same

(2) In case of strike by members of a teachers' bargaining unit or a lockout of those members, the board may close one or more schools if it is of the opinion that,

(a) the safety of pupils may be endangered during the strike or lockout;

(b) the school building or the equipment or supplies in the building may not be adequately protected during the strike or lockout; or

(c) the strike or lockout will substantially interfere with the operation of the school.

1997, c. 31, s. 10.

Teachers' salary

(3) A teacher is not entitled to be paid his or her salary for the days on which the school in which he or she is employed is closed under subsection (2). 1997, c. 31, s. 10.

Definition

(4) In this section,

"strike" and "lock-out" have the same meaning as in the *Labour Relations Act, 1995*. 1997, c. 31, s. 10.

Closing of schools on civic holiday

20. 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. R.S.O. 1990, c. E.2, s. 20.

Compulsory attendance

21. (1) Unless excused under this section,

(a) every person who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the person attains the age of 18 years; and

(b) every person who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which the person attains the age of 18 years. 2006, c. 28, s. 5 (1).

Participation in equivalent learning

(1.1) A person shall be considered to be attending school when he or she is participating in equivalent learning if the equivalent learning program, course of study or other activity and the group, organization or entity providing it have been approved under paragraph 3.0.1 of subsection 8 (1). 2006, c. 28, s. 5 (1).

When attendance excused

(2) A person is excused from attendance at school if,

(a) the person is receiving satisfactory instruction at home or elsewhere;

(b) the person is unable to attend school by reason of sickness or other unavoidable cause;

(c) transportation is not provided by a board for the person and there is no school that he or she has a right to attend situated,

(i) within 1.6 kilometres from the person's residence measured by the nearest road if he or she has not attained the age of seven years on or before the first school day in September in the year in question, or

(ii) within 3.2 kilometres from the person's residence measured by the nearest road if he or she has attained the age of seven years but not the age of 10 years on or before the first school day in September in the year in question, or

(iii) within 4.8 kilometres from the person's residence measured by the nearest

road if he or she has attained the age of 10 years on or before the first school day in September in the year in question;

(d) the person has obtained a secondary school graduation diploma or has completed a course that gives equivalent standing;

(e) the person is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;

(f) the person is suspended, expelled or excluded from attendance at school under any Act or under the regulations;

(g) the person is absent on a day regarded as a holy day by the church or religious denomination to which he or she belongs; or

(h) the person is absent or excused as authorized under this Act and the regulations. 2006, c. 28, s. 5 (1).

Blind, deaf or developmental disability

(3) The fact that a person is blind, deaf or has a developmental disability is not of itself an unavoidable cause under clause (2) (b). 2006, c. 28, s. 5 (1).

Person under compulsory age

(4) Where a person under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the period for which the person is enrolled as if he or she were of compulsory school age. 2006, c. 28, s. 5 (1).

Duty of parent, etc.

(5) The parent or guardian of a person who is required to attend school under this section shall cause the person to attend school as required by this section unless the person is at least 16 years old and has withdrawn from parental control. 2006, c. 28, s. 5 (1).

Separate school supporters

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or a Protestant separate school, or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1990, c. E.2, s. 21 (6).

Persons 16 and over – religious rights

(7) Nothing in this section requires a person who is at least 16 years old and has withdrawn from parental control to attend,

(a) a Roman Catholic separate school, if he or she is qualified under section 36 to be a resident pupil in respect of a secondary school district of a public board; and

(b) a public school, if he or she is qualified under section 36 to be a resident pupil in respect of a separate school zone of a separate district school board. 2006, c. 28, s. 5 (2).

Transition, person who has already left school

21.1 (1) In this section,

"changeover date" means the day subsection 5 (1) of the *Education Amendment Act (Learning to Age 18), 2006* comes into force. 2006, c. 28, s. 6.

Same

(2) Subsection 21 (1), as it reads on the day before the changeover date, continues to apply on the changeover date with respect to a person who, before that day, turns 16 and,

(a) stops attending school; or

(b) if that day falls outside the school year, does not attend school at the commencement of the subsequent school year. 2006, c. 28, s. 6.

Same

(3) Despite subsection (2), if at any time after the changeover date a person described in subsection (2) begins attending school again, subsection 21 (1), as it reads on the changeover date, subsequently applies with respect to that person. 2006, c. 28, s. 6.

Same

(4) For greater certainty, subsection 21 (1), as it reads on the changeover date, applies on and after that day with respect to a person who, before that day, turns 16 and,

(a) does not stop attending school; or

(b) if that day does not fall within a school year, attends school at the commencement of the subsequent school year. 2006, c. 28, s. 6.

Where school year varied

22. Where a school year approved by the Minister does not commence on the day following Labour Day, references to the first school day in September and the last school day in June in section 21 shall be read as the first school day in the school year and the last school day in the school year respectively for the purpose of compulsory attendance of pupils of the school or schools or parts thereof to which the school year applies. R.S.O. 1990, c. E.2, s. 22.

23. Repealed: 2000, c. 12, s. 1.

Provincial School Attendance Counsellor

24. (1) The Lieutenant Governor in Council may appoint an officer, to be the Provincial School Attendance Counsellor, who shall, under the direction of the Minister, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1990, c. E.2, s. 24 (1).

Inquiry by Provincial Counsellor

(2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 21 (2), 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 the Provincial School Attendance Counsellor the result of the inquiry and may, by order in writing signed by him or her, 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. R.S.O. 1990, c. E.2, s. 24 (2).

Powers of Provincial Counsellor

(3) The Provincial School Attendance Counsellor has all the powers of a school

attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1990, c. E.2, s. 24 (3).

School attendance counsellors

25. (1) Every board shall appoint one or more school attendance counsellors. R.S.O. 1990, c. E.2, s. 25 (1).

Idem

(2) Two or more boards may appoint the same school attendance counsellor or counsellors. R.S.O. 1990, c. E.2, s. 25 (2).

Vacancies

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the board. R.S.O. 1990, c. E.2, s. 25 (3).

Notice of appointment

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the Provincial School Attendance Counsellor and to the supervisory officers concerned. R.S.O. 1990, c. E.2, s. 25 (4).

Jurisdiction and responsibility of school attendance counsellor

(5) A school attendance counsellor appointed by a board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of every child who is required to attend school and who,

(a) is qualified to be a resident pupil of the board; or

(b) is or has been enrolled during the current school year in a school operated by the board, except a child who is under the jurisdiction of a person appointed under section 119 of the *Indian Act* (Canada). R.S.O. 1990, c. E.2, s. 25 (5).

Powers and duties of counsellors

26. (1) Where a school attendance counsellor has reasonable and probable grounds for believing that a child is illegally absent from school, he or she 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 the child's parent or guardian or to the school from which the child is absent provided that, if exception is taken to the school attendance counsellor entering a dwelling place, he or she shall not enter therein. R.S.O. 1990, c. E.2, s. 26 (1).

Reports

(2) A school attendance counsellor shall report to the board that appointed him or her as required by the board. R.S.O. 1990, c. E.2, s. 26 (2).

To act under appropriate supervisory officer and provincial counsellor

(3) A school attendance counsellor is responsible to the appropriate supervisory officer, and shall carry out the instructions and directions of the Provincial School Attendance Counsellor. R.S.O. 1990, c. E.2, s. 26 (3).

Inquiry by counsellor and notice

(4) A school attendance counsellor shall inquire into every case of failure to attend school within his or her knowledge or when requested so to do by the appropriate supervisory officer or the principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the

child to attend school forthwith, and shall advise the parent or guardian in writing of the provisions of subsection 24 (2). R.S.O. 1990, c. E.2, s. 26 (4).

Census

27. A board may make or obtain a complete census of all persons in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1990, c. E.2, s. 27.

Reports and information

28. (1) The principal of every elementary and secondary school shall,

(a) report to the appropriate school attendance counsellor and supervisory officer the names, ages and residences of all pupils of compulsory school age who have not attended school as required;

(b) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance; and

(c) report in writing to the school attendance counsellor every case of expulsion and readmission of a pupil. R.S.O. 1990, c. E.2, s. 28 (1).

Where no school attendance counsellor

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the appropriate supervisory officer shall notify the parent or guardian of the child of the requirements of section 21. R.S.O. 1990, c. E.2, s. 28 (2).

Provincial counsellor as trustee

29. Where it appears to the Minister that the board of a district school area is not providing accommodation or instruction for its resident pupils either in schools operated by the board or under an agreement with another board in schools operated by such other board, or has in other respects failed to comply with this Act and the regulations, or that the election of members of the board has been neglected and no regular board is in existence, the Minister may authorize and direct the Provincial School Attendance Counsellor to do all things and exercise all powers that may be necessary for the provision and maintenance of accommodation and instruction for the resident pupils of the board including the erection of school buildings and the conduct of schools, and generally whatever may be required for the purpose of establishing, maintaining and conducting schools in accordance with this Act and the regulations, and thereupon the Provincial School Attendance Counsellor has, for such period as authorized by the Minister, all the authority and powers vested in, and may, during such period, perform the duties of, the board. R.S.O. 1990, c. E.2, s. 29; 1997, c. 31, s. 11.

Offences: non-attendance

Liability of parent or guardian

30. (1) A parent or guardian of a person required to attend school under section 21 who neglects or refuses to cause that person to attend school is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to a fine of not more than $200. 2006, c. 28, s. 7 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed by the Statutes of Ontario, 2006, chapter 28, subsection 7 (2) and the following substituted:

Offences: non-attendance

Liability of parent or guardian

(1) A parent or guardian of a person required to attend school under section 21 who neglects or refuses to cause that person to attend school is, unless the person is at least 16 years old and has withdrawn from parental control, guilty of an offence and on conviction is liable to a fine of not more than $1,000. 2006, c. 28, s. 7 (2).

See: 2006, c. 28, ss. 7 (2), 14 (2).

Bond for attendance

(2) The court may, in addition to or instead of imposing a fine, require a parent or guardian convicted of an offence under subsection (1) to submit to the Minister of Finance a personal bond, in a form prescribed by the court, in the penal sum of $200 with one or more sureties as required, conditioned that the parent or guardian shall cause the person to attend school as required under section 21 and, upon breach of the condition, the bond is forfeit to the Crown. 2006, c. 28, s. 7 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed by the Statutes of Ontario, 2006, chapter 28, subsection 7 (2) and the following substituted:

Bond for attendance

(2) The court may, in addition to or instead of imposing a fine, require a parent or guardian convicted of an offence under subsection (1) to submit to the Minister of Finance a personal bond, in a form prescribed by the court, in the penal sum of $1,000 with one or more sureties as required, conditioned that the parent or guardian shall cause the person to attend school as required under section 21 and, upon breach of the condition, the bond is forfeit to the Crown. 2006, c. 28, s. 7 (2).

See: 2006, c. 28, ss. 7 (2), 14 (2).

Employment during school hours

(3) Anyone who employs during school hours a person required to attend school under section 21 is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to a fine of not more than $200. 2006, c. 28, s. 7 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is repealed by the Statutes of Ontario, 2006, chapter 28, subsection 7 (2) and the following substituted:

Employment during school hours

(3) Subject to subsection (3.1), anyone who employs during school hours a person required to attend school under section 21 is guilty of an offence and on conviction is liable to a fine of not more than $1,000. 2006, c. 28, s. 7 (2).

Exception

(3.1) Subsection (3) does not apply when the person required to attend school is employed during school hours as part of equivalent learning if the equivalent learning and the group, organization or entity providing it have been approved under paragraph 3.0.1 of subsection 8 (1). 2006, c. 28, s. 7 (2).

See: 2006, c. 28, ss. 7 (2), 14 (2).

Offences by corporations

(4) Subsections (1) and (3) apply with necessary modifications to a corporation and, in addition, every director and officer of the corporation who authorizes, permits or acquiesces in the contravention is guilty of an offence and on conviction is liable to the same penalty as the corporation. R.S.O. 1990, c. E.2, s. 30 (4).

Habitually absent from school

(5) A person who is required by law to attend school and who refuses to attend or who is habitually absent from school is, unless the person is 16 years old or older, guilty of an offence and on conviction is liable to the penalties under Part VI of the *Provincial Offences Act* and subsection 266 (2) of this Act applies in any proceeding under this section. 2006, c. 28, s. 7 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (5) is repealed by the Statutes of Ontario, 2006, chapter 28, subsection 7 (4) and the following substituted:

Habitually absent from school

(5) A person who is required to attend school under section 21 and who refuses to attend or is habitually absent is guilty of an offence and for that purpose the following apply:

1. Subsection 266 (2) of this Act applies in a proceeding under this subsection.

2. A proceeding under this subsection shall be conducted in accordance with Part VI of the *Provincial Offences Act*.

3. Every reference to “sixteen years” in the definition of “young person” in section 93 of the *Provincial Offences Act* shall be read as a reference to “18 years”.

4. A court may, on convicting a person of an offence under this subsection, impose any penalty under Part VI of the *Provincial Offences Act*. 2006, c. 28, s. 7 (4).

Additional penalty: driver’s licence suspension

(5.1) In addition to any other penalty it imposes on convicting a person of an offence under subsection (5), a court may order that the person’s driver’s licence be suspended and for that purpose the following apply:

1. The order shall specify a date on which the suspension ends, which shall be no later than the date on which the person is no longer required to attend school under section 21.

2. Once the suspension ends, the person may apply for the reinstatement of his or her licence to the Registrar of Motor Vehicles appointed under the *Highway Traffic Act*. 2006, c. 28, s. 7 (4).

See: 2006, c. 28, ss. 7 (4), 14 (2).

Proceedings under subs. (5)

(6) Proceedings in respect of offences under subsection (5) shall be proceeded with only in accordance with such subsection. R.S.O. 1990, c. E.2, s. 30 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 30 is amended by the Statutes of Ontario, 2006, chapter 28, subsection 7 (5) by adding the following subsection:

Same

(6.1) No proceeding under subsection (5) shall be instituted against a person who has attained the age of 18 years. 2006, c. 28, s. 7 (5).

See: 2006, c. 28, ss. 7 (5), 14 (2).

Reference to provincial counsellor for inquiry

(7) Where, in a proceeding under this section, it appears to the court that the person may have been excused from attendance at school under subsection 21 (2), the court may refer the matter to the Provincial School Attendance Counsellor who shall direct that an inquiry shall be made as provided in subsection 24 (2) which subsection shall apply with necessary modifications except that the Provincial School Attendance Counsellor shall, in lieu of making an order, submit a report to the court. R.S.O. 1990, c. E.2, s. 30 (7); 2006, c. 28, s. 7 (6).

Proceedings under s. 30: rules

31. (1) Prosecutions under section 30 shall be instituted by the school attendance counsellor concerned. R.S.O. 1990, c. E.2, s. 31 (1).

Certificate of principal as evidence

(2) In prosecutions under section 30, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is proof in the absence of evidence to the contrary of the facts stated therein without any proof of the signature or appointment of the principal. R.S.O. 1990, c. E.2, s. 31 (2); 1993, c. 27, Sched.

Proof of age

(3) Where a person is charged under section 30 in respect of a child who is alleged to be of compulsory school age and the child appears to the court to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1990, c. E.2, s. 31 (3).

Order re school attendance

(4) An order made under subsection 24 (2) 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. R.S.O. 1990, c. E.2, s. 31 (4).

Resident pupil right to attend school

32. (1) A person has the right, without payment of a fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which the person is qualified to be a resident pupil. 1997, c. 31, s. 13.

Admission without fee

(2) Despite the other provisions of this Part, but subject to subsection 49 (6), where it appears to a board that a person who resides in the area of jurisdiction of the board is denied the right to attend school without the payment of a fee, the board, at its discretion, may admit the person from year to year without the payment of a fee. 1997, c. 31, s. 13.

Resident pupil qualification, elementary

Resident pupil qualification: elementary English-language public district school boards

and elementary public school authorities

33. (1) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a school section of an English-language public district school board or of a public school authority until the last school day in June in the year in which the person attains the age of 21 years if,

(a) the person resides in the school section; and

(b) the person's parent or guardian who is not a separate school supporter or a French-language district school board supporter resides in the school section. 1997, c. 31, s. 14.

Resident pupil qualification: elementary French-language public district school boards

(2) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a school section of a French-language public district school board until the last school day in June in the year in which he or she attains the age of 21 years if,

(a) the person is a French-speaking person;

(b) the person resides in the school section; and

(c) the person's parent or guardian resides in the school section and,

(i) is a supporter of the French-language public district school board, or

(ii) is not in respect of that residence a supporter of any board. 1997, c. 31, s. 14.

Resident pupil qualification: elementary English-language separate district school boards and elementary Roman Catholic school authorities

(3) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a separate school zone of an English-language separate district school board or of a Roman Catholic school authority for elementary school purposes until the last school day in June in the year in which he or she attains the age of 21 years if,

(a) the person resides in the separate school zone; and

(b) the person's parent or guardian who is a separate school supporter and who is not a French-language separate district school board supporter resides in the separate school zone. 1997, c. 31, s. 14.

Resident pupil qualification: elementary French-language separate district school boards

(4) Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a separate school zone of a French-language separate district school board for elementary school purposes until the last school day in June in the year in which he or she attains the age of 21 years if,

(a) the person is a French-speaking person;

(b) the person resides in the separate school zone; and

(c) the person's parent or guardian who is a French-language separate district school board supporter resides in the separate school zone. 1997, c. 31, s. 14.

Evidence as to right to attend

(5) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend an elementary school, including proof of age. 1997, c. 31, s. 14.

Resident pupil, elementary

(6) A person who is qualified to be a resident pupil in respect of a school section or a separate school zone is a resident pupil if the person enrols in an elementary school operated by the board of the school section or separate school zone, as the case may be, or in a school operated by another board,

(a) to which the board of the school section or separate school zone pays fees on the person's behalf; or

(b) with which the board of the school section or separate school zone has an agreement relating to the provision of education to the person. 1997, c. 31, s. 14.

Kindergarten

34. (1) If a board operates a kindergarten in a school, a child who is otherwise qualified may become a resident pupil at an age one year lower than that referred to in section 33. 1997, c. 31, s. 15.

Junior kindergarten

(2) If a board operates a junior kindergarten in a school, a child who is otherwise qualified may become a resident pupil at an age two years lower than that referred to in section 33. 1997, c. 31, s. 15.

Beginners class

(3) A board may provide a class or classes for children to enter school for the first time on or after the first school day in January and, where the board so provides, a child whose birthday is on or after January 1 and before July 1, who resides in an area determined by the board and who is eligible to be admitted to an elementary school or kindergarten, as the case may be, on the first school day in the following September, may become a resident pupil in respect of such class. 1997, c. 31, s. 15.

Resident pupil's right to attend more accessible elementary school

35. (1) Where a resident pupil who is an elementary school pupil of a school section or separate school zone resides,

(a) more than 3.2 kilometres by the shortest distance by road from the school that the pupil is required to attend;

(b) more than 0.8 kilometres by the shortest distance by road from any point from which transportation is provided to the school that the pupil is required to attend; and

(c) nearer by the shortest distance by road to another school of the same type that is in another section or zone than to the school that the pupil is required to attend,

the pupil shall be admitted to the nearer school of the same type, where the appropriate supervisory officer for the nearer school certifies that there is sufficient accommodation for the pupil in that school. 1997, c. 31, s. 16.

Same

(2) Where the pupil is admitted to a nearer school, the board of the school section or separate school zone of which the pupil is a resident pupil shall pay in respect of the pupil the fee, if any, payable for the purpose under the regulations. 1997, c. 31, s. 16.

Same

(3) For the purposes of this section, the following are types of schools:

1. English-language public schools, which are schools governed by an English-language public district school board or a public school authority.
2. French-language public schools, which are schools governed by a French-language public district school board.
3. English-language Roman Catholic schools, which are schools governed by an English-language separate district school board or a Roman Catholic school authority.
4. French-language Roman Catholic schools, which are schools governed by a French-language separate district school board. 1997, c. 31, s. 16.

Resident pupil qualification, secondary

Resident pupil qualification: secondary English-language public district school boards and secondary public school authorities

36. (1) A person is qualified to be a resident pupil in respect of a secondary school district of an English-language public district school board or of a public school authority if,

(a) the person and the person's parent or guardian who is not a separate school supporter or a French-language district school board supporter reside in the secondary school district;

(a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control and resides in the secondary school district;

(b) the person is an English-language public board supporter and resides in the secondary school district and is an owner or tenant of residential property in the secondary school district that is separately assessed; or

(c) the person is not a supporter of any board, is at least 18 years of age and resides in the secondary school district. 1997, c. 31, s. 17; 2006, c. 28, s. 8 (1, 2).

Resident pupil qualification: secondary French-language public district school boards

(2) A person is qualified to be a resident pupil in respect of a secondary school district of a French-language public district school board if,

(a) the person is a French-speaking person, the person and the person's parent or guardian reside in the secondary school district and,

(i) the person's parent or guardian is a supporter of the French-language public district school board, or

(ii) the person's parent or guardian is not in respect of that residence a supporter of any board;

(a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control, is a French-speaking person and resides in the secondary school district;

(b) the person is a French-language public district school board supporter and resides in the secondary school district and is an owner or tenant of residential property in the secondary school district that is separately assessed; or

(c) the person is a French-speaking person, is not a supporter of any board, is at least 18 years of age and resides in the secondary school district. 1997, c. 31, s. 17; 2006, c. 28, s. 8 (3, 4).

Resident pupil qualification: secondary English-language separate district school boards

(3) A person is qualified to be a resident pupil in respect of a separate school zone of an English-language separate district school board for secondary school purposes if,

(a) the person and the person's parent or guardian who is a separate school supporter and is not a French-language district school board supporter reside in the separate school zone;

(a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control, is a Roman Catholic and resides in the separate school zone;

(b) the person is a separate school supporter and is not a French-language district school board supporter and resides in the separate school zone and is an owner or tenant of residential property in the zone that is separately assessed; or

(c) the person is a Roman Catholic, is not a supporter of any board, is at least 18 years of age and resides in the secondary school district. 1997, c. 31, s. 17; 2006, c. 28, s. 8 (5, 6).

Resident pupil qualification: secondary French-language separate district school boards

(4) A person is qualified to be a resident pupil in respect of a separate school zone of a French-language separate district school board for secondary school purposes if,

(a) the person and the person's parent or guardian who is a French-language separate district school board supporter reside in the separate school zone;

(a.1) subject to any regulations made under section 43.3, the person is 16 or 17 years of age, has withdrawn from parental control, is a French-speaking person and a Roman Catholic and resides in the separate school zone;

(b) the person is a French-language separate district school board supporter and resides in the separate school zone and is an owner or tenant of residential property in the zone that is separately assessed; or

(c) the person is a French-speaking person and a Roman Catholic, is not a supporter of any board, is at least 18 years of age and resides in the secondary school district. 1997, c. 31, s. 17; 2006, c. 28, s. 8 (7, 8).

Resident pupil, secondary

(5) A person who is qualified to be a resident pupil in respect of a secondary school district or a separate school zone is a resident pupil if the person enrols in a secondary school operated by the board of the secondary school district or separate school zone, as the case may be, or in a secondary school operated by another board,

(a) to which the board of the secondary school district or separate school zone pays fees on the person's behalf; or

(b) with which the board of the secondary school district or separate school zone has an agreement relating to the provision of education to the person. 1997, c. 31, s. 17.

Certain elementary-only school authorities

(6) Subject to subsection (7), where a person is qualified to be a resident pupil of a school authority, other than a public school authority, that provides elementary education only, and the area of jurisdiction of the school authority is the same in whole or in part as the area of jurisdiction of a public district school board, the pupil shall be admitted to a secondary school operated by the public district school board or to a secondary school operated by another board,

(a) to which the first-mentioned district school board pays fees on the person's behalf; or

(b) with which the first-mentioned district school board has an agreement relating to the provision of education to the person. 1997, c. 31, s. 17.

French-speaking persons

(7) Only a French-speaking person may be admitted to a school of a French-language public district school board under subsection (6). 1997, c. 31, s. 17.

Evidence as to right to attend

(8) It is the responsibility of the person or the person's parent or guardian to submit evidence that the person has a right to attend a secondary school. 1997, c. 31, s. 17.

Admission of adult resident who is not a resident pupil

37. (1) Despite the provisions of this or any other Act, but subject to section 49.2, a person who resides in one secondary school district or separate school zone and who, except as to residence, is qualified to be a resident pupil at a secondary school in another secondary school district or in another separate school zone, as the case may be, shall be admitted, without the payment of a fee, to a secondary school of the same type that is in the other secondary school district or separate school zone operated by the board of the secondary school district or separate school zone, as the case may be, in which the person resides if,

(a) the person has attained the age of 18 years and has been promoted or transferred to a secondary school; and

(b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school. 1997, c. 31, s. 18.

Types of schools

(2) For the purposes of subsection (1), the following are types of schools:

1. English-language public schools, which are schools governed by an English-language public district school board or a public school authority.

2. French-language public schools, which are schools governed by a French-language public district school board.

3. English-language Roman Catholic schools, which are schools governed by an English-language separate district school board.

4. French-language Roman Catholic schools, which are schools governed by a French-language separate district school board. 1997, c. 31, s. 18.

38. Repealed: 2009, c. 25, s. 5.

Resident pupil's right to attend secondary school in another district or zone

39. (1) Subject to subsections (2) to (4), a person who is qualified to be a resident pupil at a secondary school in a secondary school district or a separate school zone has the right to attend any secondary school of the same type,

(a) that is more accessible to the person than any secondary school in the secondary school district of which the person is qualified to be a resident pupil; or

(b) for a purpose specified in subsection 49.2 (6). 1997, c. 31, s. 18.

Types of schools

(2) For the purposes of subsection (1), the types of schools are as set out in subsection 37 (2). 1997, c. 31, s. 18.

Restrictions

(3) Subsection (1) applies where the appropriate supervisory officer certifies that there is adequate accommodation for the person in the school. 1997, c. 31, s. 18.

Where agreement between boards

(4) Clause (1) (b) does not apply where the board of which the person is qualified to be a resident pupil has entered into an agreement with another board to provide the relevant subjects. 1997, c. 31, s. 18.

Admission to secondary school of resident pupil from other district or zone

40. (1) A person who is qualified to be a resident pupil at a secondary school in a secondary school district or separate school zone and who applies for admission to a secondary school of the same type situated in another secondary school district or separate school zone, as the case may be, shall furnish the principal of the school to which admission is sought with a statement signed by the person's parent or guardian or by the pupil where the pupil is an adult, stating,

(a) the name of the secondary school district or separate school zone in respect of which the person is qualified to be a resident pupil;

(b) whether or not the pupil or the pupil's parent or guardian is assessed in the secondary school district or separate school zone in which the school referred to in clause (a) is situated, and if so assessed the amount of the assessment; and

(c) the authority, under this Act, under which the pupil claims to have a right to attend the school to which admission is sought. 1997, c. 31, s. 19.

Same

(2) For the purposes of subsection (1), the types of schools are as set out in subsection 37 (2). 1997, c. 31, s. 19.

Notice of admission

(3) The principal of the school to which admission is sought shall forward the statement to the chief executive officer of the board that operates the school and, if the pupil is admitted, the chief executive officer of the board shall promptly notify the chief executive officer of the board of the secondary school district or separate school zone, as the case may be, of which the pupil is qualified to be a resident pupil of the fact of the admission and of the information included in the statement. 1997, c. 31, s. 19.

Same

(4) Where the board that operates the school to which admission is sought has no chief executive officer, the notice required by subsection (3) shall be sent to the secretary of the board. 1997, c. 31, s. 19.

Admission to secondary school

41. (1) Where a pupil has been promoted from elementary school, the pupil shall be admitted to secondary school. 1997, c. 31, s. 20.

Same

(2) A person who has not been promoted from elementary school shall be admitted to a secondary school if the principal of the secondary school is satisfied that the applicant is competent to undertake the work of the school. 1997, c. 31, s. 20.

Where admission denied

(3) Where an applicant for admission to a secondary school under subsection (2) is denied admission by the principal, the applicant may appeal to the board and the board may, after a hearing, direct that the applicant be admitted or refused admission to a secondary school. 1997, c. 31, s. 20.

Committee to perform board functions

(4) The board, by resolution, may direct that the powers and duties of the board under subsection (3) shall be exercised and performed by a committee of at least three members of the board named in the resolution or designated from time to time in accordance with the resolution. 1997, c. 31, s. 20.

Alternative course or program

(5) Where the pupil has clearly demonstrated to the principal that the pupil is not competent to undertake a particular course or program of studies, the principal shall not permit the pupil to undertake the course or program, in which case the pupil may take a prerequisite course, or select with the approval of the principal an appropriate alternative course or program provided that, where the pupil is a minor, the consent of the pupil's parent or guardian has been obtained. 1997, c. 31, s. 20.

Admission to continuing education class

(6) A person is entitled to enrol in a continuing education course or class that is acceptable for credit towards a secondary school diploma if the principal is satisfied that the person is competent to undertake the work of the course or class. 1997, c. 31, s. 20.

Movement between types of boards: secondary school

Secondary school instruction: movement from English-language public board to English-language Roman Catholic board

42. (1) A person who is qualified to be a resident pupil of an English-language public board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by an English-language Roman Catholic board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic board. 1997, c. 31, s. 20.

Secondary school instruction: movement from French-language public district school board to French-language separate district school board

(2) A person who is qualified to be a resident pupil of a French-language public district school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a French-language separate district school board if the area of jurisdiction of the public district school board is in whole or in part the same as the area of jurisdiction of the separate district school board. 1997, c. 31, s. 20.

Secondary school instruction: movement from English-language Roman Catholic board to English-language public board

(3) A person who is qualified to be a resident pupil of an English-language Roman Catholic board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by an English-language public board if

the area of jurisdiction of the Roman Catholic board is in whole or in part the same as the area of jurisdiction of the public board. 1997, c. 31, s. 20.

Secondary school instruction: movement from French-language separate district school board to French-language public district school board

(4) A person who is qualified to be a resident pupil of a French-language separate district school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a French-language public district school board if the area of jurisdiction of the separate district school board is in whole or in part the same as the area of jurisdiction of the public district school board. 1997, c. 31, s. 20.

Secondary school instruction: movement from French-language separate district school board to English-language public board

(5) A person who is qualified to be a resident pupil of a French-language separate district school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by an English-language public board if the area of jurisdiction of the French-language board is in whole or in part the same as the area of jurisdiction of the English-language board. 1997, c. 31, s. 20.

Secondary school instruction: movement from English-language public board to French-language separate district school board

(6) A French-speaking person who is qualified to be a resident pupil of an English-language public board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a French-language separate district school board if the area of jurisdiction of the English-language board is in whole or in part the same as the area of jurisdiction of the French-language board. 1997, c. 31, s. 20.

Secondary school instruction: movement from French-language public district school board to English-language separate district school board

(7) A French-speaking person who is qualified to be a resident pupil of a French-language public district school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by an English-language separate district school board if the area of jurisdiction of the French-language board is in whole or in part the same as the area of jurisdiction of the English-language board. 1997, c. 31, s. 20.

Secondary school instruction: movement from English-language separate district school board to French-language public district school board

(8) A French-speaking person who is qualified to be a resident pupil of an English-language separate district school board and to receive instruction in a secondary school grade is entitled to receive instruction provided in a secondary school operated by a French-language public district school board if the area of jurisdiction of the English-language board is in whole or in part the same as the area of jurisdiction of the French-language board. 1997, c. 31, s. 20.

Fee

(9) The board of which the person is qualified to be a resident pupil shall pay the fee, if any, to which the other board is entitled for providing secondary school education under this section. 1997, c. 31, s. 20.

Amount

(10) The fee to which a board is entitled under this section is the fee, if any, payable

for the purpose under the regulations or such lesser amount as may be set by the board. 1997, c. 31, s. 20.

Exemption from religious studies

(11) On written application, a Roman Catholic board shall exempt a person who is qualified to be a resident pupil in respect of a secondary school operated by a public board from programs and courses of study in religious education if,

(a) the person is enrolled in a program that is not otherwise available to the person in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic board; or

(b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multi-handicap for the person to attend a secondary school operated by a public board. 1997, c. 31, s. 20.

Same

(12) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic board for a reason other than the one mentioned in clause (11) (a) or (b) is considered to have enrolled in all of the school's programs and courses of study in religious education. 1997, c. 31, s. 20.

Additional exemptions

(13) In addition to the exemptions provided for in subsection (11), no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic board shall be required to take part in any program or course of study in religious education on written application to the Board of,

(a) the parent or guardian of the person;

(b) in the case of a person who is 16 or 17 years old who has withdrawn from parental control, the person himself or herself;

(c) in the case of a person who is 18 years old or older, the person himself or herself. 2006, c. 28, s. 9.

Movement between types of boards: overlapping areas

Movement from English-language public board to French-language public district school board

43. (1) A French-speaking person who is qualified to be a resident pupil of an English-language public board is entitled to receive instruction provided by a French-language public district school board if the area of jurisdiction of the English-language board is in whole or in part the same as the area of jurisdiction of the French-language board. 1997, c. 31, s. 21.

Movement from French-language public district school board to English-language public board

(2) A person who is qualified to be a resident pupil of a French-language public district school board is entitled to receive instruction provided by an English-language public board if the area of jurisdiction of the French-language board is in whole or in part the same as the area of jurisdiction of the English-language board. 1997, c. 31, s. 21.

Movement from English-language Roman Catholic board to French-language separate

district school board

(3) A French-speaking person who is qualified to be a resident pupil of an English-language Roman Catholic board is entitled to receive instruction provided by a French-language separate district school board if the area of jurisdiction of the English-language board is in whole or in part the same as the area of jurisdiction of the French-language board. 1997, c. 31, s. 21.

Movement from French-language separate district school board to English-language Roman Catholic board

(4) A person who is qualified to be a resident pupil of a French-language separate district school board is entitled to receive instruction provided by an English-language Roman Catholic board if the area of jurisdiction of the French-language board is in whole or in part the same as the area of jurisdiction of the English-language board. 1997, c. 31, s. 21.

Fee

(5) The board of which the person is qualified to be a resident pupil shall pay the fee, if any, to which the other board is entitled for providing education under this section. 1997, c. 31, s. 21.

Amount

(6) The fee to which a board is entitled under this section is the fee, if any, payable for the purpose under the regulations or such lesser amount as may be set by the board. 1997, c. 31, s. 21.

Regulations: supporter non-resident attendance rights

43.1 (1) The Lieutenant Governor in Council may make regulations governing the rights of a person to attend a school operated by a board where the person does not reside in the area of jurisdiction of the board but the person or the person's parent or guardian owns property assessed for school purposes in the board's area of jurisdiction. 1997, c. 31, s. 21.

General or particular

(2) A regulation made under subsection (1) may be general or particular. 1997, c. 31, s. 21.

Right to continue to attend in certain circumstances

(3) A pupil who, on December 31, 1997, is enrolled in a school that he or she has a right to attend under clause 33 (1) (b), 33 (2) (b) or 40 (1) (b) of this Act, as it read on December 31, 1997 and who on January 1, 1998, because of the repeal of those clauses, no longer has the right to attend the school under any other provision of this Part, has the right to continue to attend the school so long as the pupil, or the pupil's parent or guardian, continues to be the owner of the property or the owner or tenant of the business property in respect of which the pupil acquired the attendance right. 1997, c. 31, s. 21.

Exception

(4) A right under subsection (3) is extinguished if the school becomes another type of school within the meaning of subsection 37 (2). 2009, c. 25, s. 6.

Regulations: non-supporter resident – attendance rights based on business property

43.2 (1) The Lieutenant Governor in Council may make regulations governing the rights of a person to attend a school operated by a board where,

(a) the person and the person's parent or guardian reside in the area of jurisdiction of the board;

(b) the person and the person's parent or guardian are not a supporter of any board

the area of jurisdiction of which includes the residence of the person or of the person's parent or guardian; and

(c) the person or the person's parent or guardian is the owner or tenant of business property in the area of jurisdiction of the board. 1997, c. 31, s. 21.

General or particular

(2) A regulation made under this section may be general or particular. 1997, c. 31, s. 21.

Regulations: attendance rights of 16 and 17 year olds

43.3 (1) The Lieutenant Governor in Council may make regulations prescribing circumstances in which a person who would otherwise be qualified as a resident pupil under clauses 36 (1) (a.1), 36 (2) (a.1), 36 (3) (a.1) and 36 (4) (a.1) shall not be so qualified. 2006, c. 28, s. 10.

General or particular

(2) A regulation under this section may be general or particular. 2006, c. 28, s. 10.

Admission where pupil moves into residence not assessed in accordance with his or her school support

44. Where a child who would otherwise have the right to attend school in a school section, separate school zone or secondary school district moves with his or her parent or guardian to a residence the assessment of which does not support that right, and the latest date on which the assessment of the residence may be changed has passed, on the filing of a notice of change of support for the following year with the appropriate assessment commissioner, the child shall be admitted, without the payment of a fee, to a school that will be supported by the taxes on the assessment of the residence on the effective date of the change of school support. 1997, c. 31, s. 22.

Admission where one parent is sole support

45. (1) Subject to subsection (2), where, for any reason, one parent of a person is the sole support of the person, and that parent,

(a) resides in a residence in Ontario that is not assessed for the purposes of any board; and

(b) boards the person in a residence that is not a children's residence as defined in Part IX (Licensing) of the *Child and Family Services Act*,

the person shall, if otherwise qualified to be a resident pupil, be deemed to be qualified to be a resident pupil in respect of,

(c) a school section, if the residence is situate in the school section and the taxes on its assessment are directed to the support of public schools;

(d) a separate school zone, if the person is a Roman Catholic and the residence is situate in the separate school zone and the taxes on its assessment are directed to the support of separate schools; or

(e) a secondary school district, if the residence is situate in the secondary school district and the taxes on its assessment are directed to the support of public schools. 1997, c. 31, s. 22.

Exception: French-language rights

(2) No person has the right under subsection (1) to attend a French-language

instructional unit operated by a board unless the person is a French-speaking person. 1997, c. 31, s. 22.

Tax exempt land

46. (1) A person who resides in a school section, separate school zone or secondary school district in which the person's parent or guardian resides, on land that is exempt from taxation for the purposes of any board, is not qualified to be a resident pupil of the school section, separate school zone or secondary school district, unless the person or his or her parent or guardian is assessed with respect to other property for the purposes of a board in the school section, separate school zone or secondary school district. 1997, c. 31, s. 22.

Resident on land exempt from taxation

(2) Subject to subsection (3), a person whose education is not otherwise provided for and who is otherwise qualified to attend an elementary or secondary school and who resides on land that is exempt from taxation for the purposes of any board shall be admitted to a school that is accessible to the person where the appropriate supervisory officer has certified that there is sufficient accommodation for the person in the school for the current year. 1997, c. 31, s. 22.

Fee

(3) The fee, if any, that is payable under the regulations in respect of a person's attendance under subsection (2) shall, except where the regulations provide otherwise in respect of such fees, be prepaid monthly by the person or by his or her parent or guardian. 1997, c. 31, s. 22.

Residence on defence property

46.1 (1) In this section,

"defence property" means the prescribed lands and premises of defence establishments belonging to Canada. 1997, c. 31, s. 22.

Entitlement

(2) Despite section 46, a person who resides with his or her parent or guardian on defence property in a prescribed municipality is entitled to attend an elementary school or a secondary school, as the case requires, in accordance with this section without payment of a fee. 1997, c. 31, s. 22.

Same

(3) A person who resides with his or her parent or guardian on defence property in a prescribed municipality,

(a) whose parent or guardian is a Roman Catholic and a French-language rights holder, is entitled to attend a school operated by any district school board that has jurisdiction in the prescribed municipality;

(b) whose parent or guardian is a French-language rights holder but not a Roman Catholic, is entitled to attend a school operated by a public district school board that has jurisdiction in the prescribed municipality;

(c) whose parent or guardian is a Roman Catholic but not a French-language rights holder is entitled to attend a school that is operated by an English-language district school board that has jurisdiction in the prescribed municipality;

(d) in all cases other than those referred to in clauses (a), (b) and (c), is entitled to attend a school that is operated by an English-language public district school

board that has jurisdiction in the prescribed municipality. 1997, c. 31, s. 22.

Regulations

(4) The Lieutenant Governor in Council may make regulations respecting any matter that is referred to in this section as prescribed. 1997, c. 31, s. 22.

Retroactive

(5) A regulation is, if it so provides, effective with respect to a period before it is filed. 1997, c. 31, s. 22.

Admission of ward, etc., of children's aid society or training school

Elementary school

47. (1) A child who is under the care or supervision of a children's aid society, receives child protection services from a children's aid society or resides in a children's residence or foster home within the meaning of the *Child and Family Services Act*, and who is otherwise qualified to be admitted to an elementary school, shall be admitted without the payment of a fee to an elementary school operated by the board of the school section or separate school zone, as the case may be, in which the child resides. 1997, c. 31, s. 22; 2006, c. 5, s. 52 (1).

Secondary school

(2) A child who is under the care or supervision of a children's aid society, receives child protection services from a children's aid society or resides in a children's residence or foster home within the meaning of the *Child and Family Services Act*, and who is otherwise qualified to be admitted to a secondary school, shall be admitted without the payment of a fee to a secondary school operated by the board of the secondary school district or separate school zone, as the case may be, in which the child resides. 1997, c. 31, s. 22; 2006, c. 5, s. 52 (2).

48. Repealed: 2009, c. 33, Sched. 13, s. 1 (10).

Right to continue attending a school

48.1 (1), (2) Repealed: 2009, c. 33, Sched. 13, s. 1 (11).

Right to continue 1989/90 change in boundaries

(3) If, on December 31, 1989, a pupil was enrolled in a school that the pupil had a right to attend and on January 1, 1990 the pupil, because of alterations to school board boundaries, no longer had a right to attend the school under any other provision of this Part, the pupil has the same right to continue to attend the school after January 1, 1990 as before January 1, 1990. 1997, c. 31, s. 23.

Exception

(4) A right under this section is extinguished if the school becomes another type of school within the meaning of subsection 37 (2). 2009, c. 25, s. 7.

Agreement re transportation

(5) The board of which a pupil referred to in subsection (3) is qualified to be a resident pupil may enter into an agreement with the board that operates the school, referred to in subsection (1) or (3), in respect of the transportation of the pupil to and from the school. 1997, c. 31, s. 23; 2009, c. 33, Sched. 13, s. 1 (12).

Fee payable

49. (1) Where a person qualified to be a resident pupil of a secondary school district or separate school zone attends a secondary school that the person has a right to attend under subsection 39 (1), the board of which the person is qualified to be a resident pupil

shall pay to the board that operates the secondary school attended by the pupil the fee, if any, payable for the purpose under the regulations. 1997, c. 31, s. 24 (1).

Same

(2) Where a person qualified to be a resident pupil of a board attends a public or secondary school in the area of jurisdiction of another board under section 48.1, the board of which the person is qualified to be a resident pupil shall pay to the board that operates the school attended by the pupil the fee, if any, payable for the purpose under the regulations. 1997, c. 31, s. 24 (1).

(3) Repealed: 1997, c. 31, s. 24 (1).

Admission of resident pupil to another school by reason of distance to school

(4) A child who resides with his or her parent or guardian in a residence that is assessed to the support of public schools and who may be excused from attendance under clause 21 (2) (c) may be admitted to a public school in another school section if the appropriate supervisory officer certifies that there is sufficient accommodation for the child, and the board of the section in which the child resides shall pay to the board of the other school section the fee, if any, payable for the purpose under the regulations. R.S.O. 1990, c. E.2, s. 49 (4); 1997, c. 31, s. 24 (2).

Admission of qualified non-resident pupil

(5) A board may admit to a school that it operates a person whose admission with or without the payment of a fee is not otherwise provided for in this Act but who, except as to residence, is qualified to attend such school, and may, at its discretion, require the payment by or on behalf of the person of the fee, if any, payable for the purpose under the regulations. R.S.O. 1990, c. E.2, s. 49 (5); 1997, c. 31, s. 24 (3).

Fees for pupils

(6) Despite any other provision of this Part but subject to subsection (7), if a board admits to a school that it operates a person who is a temporary resident within the meaning of the *Immigration and Refugee Protection Act* (Canada) or a person who is in possession of a study permit issued under that Act, the board shall charge the person the maximum fee calculated in accordance with the regulations. 2002, c. 18, Sched. G, s. 5 (1); 2005, c. 21, s. 2.

Non-application of subs. (6)

(7) A board shall not charge a fee to,

(a) a person who is a participant in an educational exchange program under which a pupil of the board attends a school outside Canada without a fee;

(b) a person who is a dependant within the meaning of the *Visiting Forces Act* (Canada);

(c) a person if that person, his or her parent or someone else with lawful custody of him or her is in Canada,

(i) under a temporary resident permit issued under the *Immigration and Refugee Protection Act* (Canada),

(ii) under a diplomatic, consular or official acceptance issued by the Government of Canada, or

(iii) claiming refugee protection under the *Immigration and Refugee Protection Act* (Canada) or having had such protection conferred on him or her;

(d) a person if that person is awaiting determination of an application for permanent residence in Canada under the *Immigration and Refugee Protection Act* (Canada) or an application for Canadian citizenship and his or her parent or someone else with lawful custody of him is a Canadian citizen resident in Ontario;

(e) a person if his or her parent or someone else with lawful custody of him or her is in Canada,

(i) under a work permit or awaiting the determination of an application for a work permit under the *Immigration and Refugee Protection Act* (Canada),

(ii) as a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (Canada) or is awaiting determination of an application for permanent residence in Canada under the Immigration and Refugee Protection Act (Canada),

(iii) as a religious worker authorized to work in Canada under clause 186 (l) of the Regulations made under the *Immigration and Refugee Protection Act* (Canada),

(iv) in accordance with authorization under the *Immigration and Refugee Protection Act* (Canada) to study in Canada and is a full-time student at a university, college or institution in Ontario, including an institution that is an affiliate or federated institution of a university or college, that receives operating grants from the Government of Ontario, or

(v) in accordance with an agreement with a university outside Canada to teach at an institution in Ontario, including its affiliated or federated institutions, that receives operating grants from the Government of Ontario;

(f) a person who is a member of a class of persons prescribed by regulation for the purposes of this subsection. 2005, c. 21, s. 3.

Regulations

(8) The Minister may make regulations prescribing one or more classes of persons for the purposes of subsection (7). 2005, c. 21, s. 3.

Persons unlawfully in Canada

49.1 A person who is otherwise entitled to be admitted to a school and who is less than eighteen years of age shall not be refused admission because the person or the person's parent or guardian is unlawfully in Canada. 1993, c. 11, s. 21.

Adult persons

49.2 (1) Despite any other provision of this Act but subject to subsection (4), a board may direct a person described in subsection (2) who is enrolled in or seeks to be admitted to a secondary school operated by the board to enrol in a continuing education course or class operated by the board in which the person may earn a credit. 1996, c. 13, s. 4.

Same

(2) Subsection (1) applies to,

(a) a person who has attended one or more secondary schools for a total of seven or more school years;

(b) a person who did not attend secondary school for a total of four or more school years beginning after the end of the calendar year in which the person attained the

age of 16 years; or

(c) a person in respect of whom funding for a board is calculated in accordance with the regulations made under section 234 on the same basis as funding in respect of a person enrolled in a continuing education course or class. 1996, c. 13, s. 4; 1997, c. 31, s. 25.

Same

(3) Despite any other provision of this Act but subject to subsection (4), a person who has been directed in accordance with this section to enrol in a continuing education course or class does not have a right under this Act to attend or to be admitted to any class or course provided by the board that is not a continuing education course or class. 1996, c. 13, s. 4.

Exception: person requires particular course

(4) Where a person must take a subject for a purpose listed in subsection (6) and the board does not offer a course in the required subject as part of its continuing education courses and classes but does offer a course in the required subject in its secondary school day program, the person is entitled to enrol in the day program course in the required subject. 1996, c. 13, s. 4.

Same

(5) Subsection (4) applies only to persons who, but for subsections (1) and (3), would be entitled to enrol in the day program course offered by the board in the required subject. 1996, c. 13, s. 4.

Same

(6) The following are the purposes referred to in subsection (4):

1. To qualify for an Ontario secondary school diploma.
2. To qualify for admission to a university or college of applied arts and technology.
3. To enter a trade, profession or calling. 1996, c. 13, s. 4.

Exceptional pupils

(7) This section does not apply to,

(a) a person who is identified under this Act as an exceptional pupil and in respect of whom there is a recommendation by a Special Education Identification, Placement and Review Committee for placement in a day school program; or

(b) a person who is a member of a class of persons prescribed under subsection (8). 1996, c. 13, s. 4; 2006, c. 10, s. 5.

Regulations

(8) The Lieutenant Governor in Council may make regulations prescribing classes of persons for the purposes of clause (7) (b). 1996, c. 13, s. 4.

Classes

(9) A class prescribed under subsection (8) may be defined with respect to any characteristic and may be defined to consist of or to include or exclude any specified member. 1996, c. 13, s. 4.

PART II.1
MISCELLANEOUS

Provisions Relating to Public Boards

Visitors

50. (1) A parent or guardian of a child attending a public school and a member of the board that operates the school may visit the school. 1997, c. 31, s. 27.

Same

(2) A member of the Assembly may visit a public school in the member's constituency. 1997, c. 31, s. 27.

Same

(3) A member of the clergy may visit a public school in the area where the member has pastoral charge. 1997, c. 31, s. 27.

Residents other than supporters entitled to vote

50.1 (1) Despite the provisions of this or any other Act but subject to subsection (2), a person who is not a supporter of any board who is entitled under subsection 1 (10) to vote in the area of jurisdiction of a public board and who wishes to be an elector for the public board at an election is entitled,

(a) to cause his or her name to be entered on the preliminary list for the voting subdivision in which he or she resides, as an elector for the public board; and

(b) to be enumerated as an elector for the public board. 1997, c. 31, s. 27.

French-language rights

(2) Only a person who is a French-language rights holder has entitlements under subsection (1) in respect of a French-language public district school board. 1997, c. 31, s. 27.

Religious Instruction

Religious instruction

51. (1) Subject to the regulations, a pupil shall be allowed to receive such religious instruction as the pupil's parent or guardian desires or, where the pupil is an adult, as the pupil desires. R.S.O. 1990, c. E.2, s. 51 (1).

Religious exercises

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by the pupil's parent or guardian, or by the pupil, where the pupil is an adult. R.S.O. 1990, c. E.2, s. 51 (2).

Provisions Relating to Roman Catholic Boards

Religious education

52. A Roman Catholic board may establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction. 1997, c. 31, s. 28.

Visitors

53. (1) A parent or guardian of a child attending a Roman Catholic school and a member of the board that operates the school may visit the school. 1997, c. 31, s. 28.

Same

(2) A member of the Assembly may visit a Roman Catholic school in the member's constituency. 1997, c. 31, s. 28.

Same

(3) A member of the clergy of the Roman Catholic Church may visit a Roman Catholic

school in the area where the member has pastoral charge. 1997, c. 31, s. 28.

Residents other than supporters entitled to vote

54. (1) Despite the provisions of this or any other Act but subject to subsection (2), a Roman Catholic who is not a supporter of any board, who is a person entitled under subsection 1 (10) to vote in the area of jurisdiction of a Roman Catholic board and who wishes to be an elector for the Roman Catholic board at an election is entitled,

(a) to cause his or her name to be entered on the preliminary list for the voting subdivision in which he or she resides, as an elector for the Roman Catholic board; and

(b) to be enumerated as an elector for the Roman Catholic board. 1997, c. 31, s. 29.

French-language rights

(2) Only a person who is a French-language rights holder has entitlements under subsection (1) in respect of a French-language separate district school board. 1997, c. 31, s. 29.

STUDENT TRUSTEES

Student trustees

55. (1) The Minister may make regulations providing for elected student trustees to represent, on district school boards and on boards established under section 67, the interests of pupils in the last two years of the intermediate division and in the senior division. 2006, c. 10, s. 6.

No membership or binding vote

(2) A student trustee is not a member of the board and is not entitled to exercise a binding vote on any matter before the board or any of its committees. 2006, c. 10, s. 6.

Recorded vote

(3) A student trustee is entitled to require that a matter before the board or one of its committees on which the student trustee sits be put to a recorded vote, and in that case there shall be,

(a) a recorded non-binding vote that includes the student trustee's vote; and

(b) a recorded binding vote that does not include the student trustee's vote. 2006, c. 10, s. 6.

Motion

(4) A student trustee is not entitled to move a motion, but is entitled to suggest a motion on any matter at a meeting of the board or of one of its committees on which the student trustee sits, and if no member of the board or committee, as the case may be, moves the suggested motion, the record shall show the suggested motion. 2006, c. 10, s. 6.

Certain closed meetings

(5) A student trustee is not entitled to be present at a meeting that is closed to the public under clause 207 (2) (b). 2006, c. 10, s. 6.

Participation

(6) Subject to subsections (2) to (5), a student trustee shall have the same opportunities for participation at meetings of the board and of its committees as a member has. 2006, c. 10, s. 6.

Resources and training

(7) A student trustee has the same status as a board member with respect to access to board resources and opportunities for training. 2006, c. 10, s. 6.

Honorarium

(8) A student trustee is entitled to receive an honorarium from the board in accordance with the regulations, if the specified conditions are satisfied. 2006, c. 10, s. 6.

Regulations

(9) Without limiting the generality of subsection (1), a regulation under that subsection may,

(a) provide for and govern the student trustee election process, which may be direct or indirect;

(b) specify qualifications for electors of student trustees;

(c) specify qualifications for student trustees and the consequences of becoming disqualified;

(d) govern the number of student trustees who may sit on a board;

(e) govern student trustees' terms of office;

(f) authorize boards to reimburse student trustees for all or part of the out-of-pocket expenses reasonably incurred in connection with carrying out their responsibilities, subject to such limitations or conditions as may be specified in the regulation;

(g) provide for transitional matters that, in the Minister's opinion, are necessary or desirable in connection with the implementation of section 6 of the *Education Statute Law Amendment Act (Student Performance), 2006*. 2006, c. 10, s. 6.

Same

(10) Without limiting the generality of subsection (1), a regulation under that subsection dealing with the honorarium described in subsection (8) may,

(a) specify a method for calculating the amount of the honorarium;

(b) specify conditions for the purposes of subsection (8);

(c) provide that the honorarium for a student trustee who serves two or more terms shall be multiplied by the number of terms served or increased in some other way;

(d) relate the amount of the honorarium to the honoraria received by members of the board;

(e) govern the manner and timing of payment of the honorarium;

(f) provide for the payment of the honorarium to a third party on the former student trustee's behalf;

(g) prescribe classes of student trustees or former student trustees and treat the members of different classes differently. 2006, c. 10, s. 6.

Same

(11) Without limiting the generality of clause (9) (a), a regulation under subsection (1) may provide for and govern,

(a) student trustee elections at different times in the school year; and

(b) by-elections to fill vacancies. 2006, c. 10, s. 6.

Same

(12) In a regulation under subsection (1), the Minister may provide for any matter by authorizing a board to develop and implement a policy with respect to the matter, and may require that the policy comply with policies and guidelines established under paragraph 3.5 of subsection 8 (1). 2006, c. 10, s. 6.

General or particular

(13) A regulation under subsection (1) may be general or particular. 2006, c. 10, s. 6.

Transition

(14) The pupil representatives elected or appointed under Ontario Regulation 461/97 for the 2006-2007 school year are deemed to be student trustees elected under this section for that school year. 2006, c. 10, s. 6.

TERRITORY WITHOUT MUNICIPAL ORGANIZATION IN AREA OF JURISDICTION OF A SCHOOL AUTHORITY

Regulations

56. The Lieutenant Governor in Council may make regulations deeming, for any purpose, including but not limited to purposes related to taxation, any territory without municipal organization that is within the area of jurisdiction of a school authority,

(a) to be a district municipality, unless and until the territory becomes or is included in a municipality; or

(b) to be attached to a municipality, unless and until the territory becomes or is included in a municipality. 1997, c. 31, s. 31.

SPECIAL EDUCATION TRIBUNALS AND ADVISORY COMMITTEES

Special Education Tribunals

57. (1) The Lieutenant Governor in Council shall establish one or more Special Education Tribunals. 1997, c. 31, s. 31.

Appointment

(1.1) The Lieutenant Governor in Council may appoint members to a Special Education Tribunal and specify each member's term of office. 2006, c. 10, s. 7.

Remuneration and expenses

(1.2) Each member of a Special Education Tribunal shall receive the remuneration that the Lieutenant Governor in Council determines and reimbursement for the member's reasonable and necessary expenses incurred in attending meetings and in transacting the business of the Tribunal. 2006, c. 10, s. 7.

Chair

(1.3) The Minister may appoint one of the members of a Special Education Tribunal as chair. 2006, c. 10, s. 7.

Vice-chair

(1.4) The chair of a Special Education Tribunal may appoint one of the members of the Tribunal as vice-chair. 2006, c. 10, s. 7.

Same

(1.5) Any function, power or duty of the chair of a Special Education Tribunal may, if the chair is absent or unable to act, be exercised by the vice-chair. 2006, c. 10, s. 7.

Regulations

(2) The Lieutenant Governor in Council may make regulations governing,

(a) the organization and administration of a Special Education Tribunal;

(b) practices and procedures relating to a Special Education Tribunal; and

(c) the costs of persons before a Special Education Tribunal. 1997, c. 31, s. 31.

Right of appeal

(3) Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is dissatisfied with the decision in respect of the identification or placement, the parent or guardian may appeal to a Special Education Tribunal for a hearing in respect of the identification or placement. 1997, c. 31, s. 31.

Hearing by Special Education Tribunal

(4) The Special Education Tribunal shall hear the appeal and may,

(a) dismiss the appeal; or

(b) grant the appeal and make such order as it considers necessary with respect to the identification or placement. 1997, c. 31, s. 31.

Decision final

(5) The decision of the Special Education Tribunal is final and binding on the parties to the decision. 1997, c. 31, s. 31.

Special education advisory committees

57.1 (1) Every district school board shall establish a special education advisory committee. 1997, c. 31, s. 31.

Same

(2) The Lieutenant Governor in Council may make regulations requiring school authorities to establish special education advisory committees. 1997, c. 31, s. 31.

Same

(3) The Lieutenant Governor in Council may make regulations governing,

(a) the establishment and composition of special education advisory committees;

(b) practices and procedures relating to special education advisory committees;

(c) the powers and duties of special education advisory committees;

(d) the duties of district school boards or school authorities in relation to special education advisory committees. 1997, c. 31, s. 31.

General or particular

(4) A regulation under subsection (3) may be general or particular and may be made to apply to any class of board and for the purpose a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 31.

EDUCATION RELATIONS COMMISSION

Education Relations Commission

57.2 (1) In this section,

"lock-out" has the same meaning as in the *Labour Relations Act, 1995*; ("lock-out")

"Part X.1 teacher" has the same meaning as in Part X.1; ("enseignant visé par la partie X.1")

"strike", in relation to employees who are not Part X.1 teachers, has the same meaning as in the *Labour Relations Act, 1995*; ("grève")

"strike", in relation to Part X.1 teachers, has the meaning set out in clause 277.2 (4) (b). ("grève") 2001, c. 14, Sched. A, s. 1.

Same

(2) Despite the repeal of section 59 of the *School Boards and Teachers Collective Negotiations Act*, the Education Relations Commission is continued for the purposes of advising the Lieutenant Governor in Council when, in the opinion of the Commission, the continuation of a strike by board employees or of a lock-out of board employees will place in jeopardy the successful completion of courses of study by the affected pupils. 2001, c. 14, Sched. A, s. 1.

Non-application of repealed provisions

(3) Despite the continuation of the Education Relations Commission for the purposes set out in subsection (2), subsections 59 (5), (6) and (7) of the *School Boards and Teachers Collective Negotiations Act* do not apply to that commission. 2006, c. 34, s. 31.

MUNICIPAL CHARGES

Municipal charges

58. (1) Despite sections 9, 10 and 11 and Part XII of the *Municipal Act, 2001* and sections 7 and 8 and Part IX of the *City of Toronto Act, 2006* but subject to subsection (3), a by-law imposing fees and charges passed under those provisions does not apply to a board. 2006, c. 32, Sched. C, s. 15 (2).

Same

(2) Despite sections 9, 10 and 11 and Part XII of the *Municipal Act, 2001* and sections 7 and 8 and Part IX of the *City of Toronto Act, 2006*, a by-law passed under those provisions does not apply in respect of anything provided or done by or on behalf of the municipality or upper-tier municipality in connection with taxes levied under Division B of Part IX of this Act. 2006, c. 32, Sched. C, s. 15 (2).

Exception

(3) The Lieutenant Governor in Council may make regulations providing for exceptions to subsection (1). 2006, c. 32, Sched. C, s. 15 (2).

PART II.2
DISTRICT SCHOOL BOARDS

Regulations: district school boards

58.1 (1) In this section,

"English-language instruction" means instruction in the English language or in American Sign Language and includes instruction provided under a program of the type described in paragraph 25 of subsection 8 (1); ("enseignement en anglais")

"French-language instruction" means instruction in the French language or in Quebec Sign Language but does not include instruction provided under a program of the type described in paragraph 25 of subsection 8 (1); ("enseignement en français")

"school" does not include a school under the jurisdiction of a school authority or an

educational institution operated by the Government of Ontario. ("école") 1997, c. 31, s. 32.

Same

(2) The Lieutenant Governor in Council may make regulations providing for,

(a) the establishment of,

(i) English-language public district school boards, to govern the provision of elementary and secondary English-language instruction in schools other than Roman Catholic separate schools,

(ii) English-language separate district school boards, to govern the provision of elementary and secondary English-language instruction in Roman Catholic separate schools,

(iii) French-language public district school boards, to govern the provision of elementary and secondary French-language instruction in schools other than Roman Catholic separate schools, and

(iv) French-language separate district school boards, to govern the provision of elementary and secondary French-language instruction in Roman Catholic separate schools;

(b) the establishment of the areas of jurisdiction of district school boards;

(c) the assignment of names to district school boards;

(d) the alteration of the area of jurisdiction of a district school board;

(e) the dissolution of a district school board;

(f) the dissolution of a school authority the area of jurisdiction of which is to be included in the area of jurisdiction of a district school board;

(g), (h) Repealed: 2009, c. 25, s. 8 (1).

(i) the amalgamation or merger of one or more school authorities with a district school board to continue as a district school board;

(j) the amalgamation or merger of two or more district school boards to continue as a district school board;

(k) representation on and elections to district school boards, including but not limited to regulations providing for,

(i) the determination of the number of members of each district school board,

(ii) the establishment, for electoral purposes, of geographic areas within the areas of jurisdiction of district school boards,

(iii) the distribution of the members of a district school board to the geographic areas referred to in subclause (ii),

(iv) appeals to any person or body relating to anything done under a regulation made under subclause (i), (ii) or (iii),

(v) nomination procedures for the election of members of district school boards,

(vi) the duties to be performed by municipal clerks, officials of district school boards and others in respect of any matter relating to representation on or

elections to district school boards,

(vii) Repealed: 2009, c. 25, s. 8 (3).

(viii) the date in a regular election year before which a resolution under subsection (10.1) may be passed;

(l) the holding in trust, transfer and vesting of assets, including but not limited to real and personal property, the transfer of liabilities and the transfer of employees among district school boards or school authorities or both, in connection with,

(i) the establishment, continuation or dissolution of a district school board,

(ii) the dissolution of a school authority the area of jurisdiction of which is to be included in the area of jurisdiction of a district school board, or

(iii) the merger or amalgamation of a school authority the area of jurisdiction of which is to be included in the area of jurisdiction of a district school board with the district school board;

(m) the deeming, for any purpose, including but not limited to purposes related to elections and taxation, of any territory without municipal organization that is within the area of jurisdiction of a district school board,

(i) to be a district municipality, unless and until the territory becomes or is included in a municipality, or

(ii) to be attached to a municipality, unless and until the territory becomes or is included in a municipality;

(n) the recovery of some or all of the costs incurred by a district school board in meeting any requirements under this section relating to elections in territory without municipal organization or elections to a school authority;

(o) the conduct of elections to a school authority the area of jurisdiction of which is entirely or partly the same as the area of jurisdiction of a district school board;

(p), (q) Repealed: 2009, c. 25, s. 8 (4).

(r) such other matters, including transitional matters, that the Lieutenant Governor in Council considers necessary or advisable in connection with the establishment, merger, amalgamation, continuation or dissolution of one or more boards under this section, or with the alteration of the area of jurisdiction of a board under this section, including but not limited to transitional matters relating to,

(i) representation, by election or appointment, on a board pending the next regular elections,

(ii) the rights of pupils to continue to attend schools that they were enrolled in and entitled to attend immediately before the establishment, merger, amalgamation, continuation, dissolution or alteration. 1997, c. 31, s. 32; 2002, c. 18, Sched. G, s. 6 (1); 2009, c. 25, s. 8 (1-4).

Provisions in regulations: effect for electoral purposes

(3) A regulation made under subsection (2) may provide that it shall be deemed to have come into force and taken effect on the day of filing or at such earlier or later time as is stated in the regulation, for any purpose related to representation on or elections to a district school board or school authority. 1997, c. 31, s. 32.

Same

(4) Subsection (3) applies only to the extent necessary to permit the next regular election after the regulation is made, or any by-election preceding that next regular election, to be held in a way that takes account of the provisions of the regulation. 1997, c. 31, s. 32.

Regulations: school outside jurisdiction of a board to be school of the board

(5) The Lieutenant Governor in Council may make regulations providing that a school described in subsection (6) that is outside the area of jurisdiction of a district school board is a school of the district school board. 1997, c. 31, s. 32.

Same

(6) Subsection (5) applies only to schools to which section 101 of this Act, as it read on December 31, 1997, applied. 1997, c. 31, s. 32.

Purpose of clauses (2) (d), (e)

(7) The purpose of clauses (2) (d) and (e) is to provide authority to the Lieutenant Governor in Council to make changes in the jurisdiction of boards on a case by case basis. 1997, c. 31, s. 32.

Limitation re clauses (2) (d), (e)

(8) A regulation shall not be made under clause (2) (d) or (e) if an area that, immediately before the regulation takes effect, was within the area of jurisdiction of a board would, immediately after the regulation takes effect, not be within the area of jurisdiction of a board. 1997, c. 31, s. 32.

Subdelegation

(9) In a regulation under subclauses (2) (k) (i) to (iii), the Lieutenant Governor in Council may delegate to a person or body the authority to provide for anything relating to the matters mentioned in subclauses (2) (k) (i) to (iii), subject to such conditions and restrictions as are specified in the regulation. 1997, c. 31, s. 32.

Number of members on a district school board

(10) A regulation under subclause (2) (k) (i) shall not provide for more than 22 or fewer than five members on any district school board. 1997, c. 31, s. 32.

Same

(10.0.1) Subject to subsections (10.0.2) to (10.1) and to the regulations, the number of members of a district school board, not including members appointed under subsection 188 (5), shall be the number of members determined for the board for the purposes of the regular election in 2006. 2009, c. 25, s. 8 (5).

Same

(10.0.2) A district school board whose area of jurisdiction was increased in 2009 may by resolution request the Minister to increase its number of members. 2009, c. 25, s. 8 (5).

Same

(10.0.3) In response to a request by a district school board under subsection (10.0.2), the Minister may by order increase the number of members of the board if, in the Minister's opinion, the increase is justified by,

(a) a demographic change in the board's geographical area of jurisdiction;

(b) the change in the size of the board's geographical area of jurisdiction; or

(c) any other circumstances that the Minister considers relevant. 2009, c. 25, s. 8 (5).

Same

(10.0.4) A request under subsection (10.0.2) shall not be made after March 15, 2010. 2009, c. 25, s. 8 (5).

Same

(10.0.5) A Minister's order under subsection (10.0.3) shall not be made after April 15, 2010. 2009, c. 25, s. 8 (5).

Same

(10.0.6) An increase under subsection (10.0.3) may be smaller than that requested by the board under subsection (10.0.2). 2009, c. 25, s. 8 (5).

Same

(10.1) Subject to subsections (10.2) and (10.3), a district school board may by resolution reduce the number of members to be elected at the next regular election. 2002, c. 18, Sched. G, s. 6 (2); 2009, c. 25, s. 8 (6).

Same

(10.2) The resolution shall be passed before the prescribed date in the year of the regular election. 2002, c. 18, Sched. G, s. 6 (2).

Same

(10.3) The resolution shall not provide for fewer than five members. 2002, c. 18, Sched. G, s. 6 (2).

Same

(11) The numbers referred to in subsections (10) to (10.3) do not include any person elected or appointed to a district school board under section 188. 2002, c. 18, Sched. G, s. 6 (3).

Geographic areas

(12) A geographic area established under subclause (2) (k) (ii) for a district school board may,

(a) be the same as or less than the entire area of jurisdiction of the district school board;

(b) include areas within the area of jurisdiction of the district school board that do not adjoin one another; and

(c) consist of,

(i) all or part of one or more municipalities, or

(ii) territory without municipal organization,

or both. 1997, c. 31, s. 32.

Same

(13) A person who establishes a geographic area under a regulation made under subclause (2) (k) (ii) shall have regard to any relevant submissions made by any person. 1997, c. 31, s. 32.

(13.1) Repealed: 2009, c. 33, Sched. 2, s. 25 (1).

Purpose of clause (2) (l)

(14) The purpose of clause (2) (l) is to provide authority to the Lieutenant Governor in Council to resolve questions relating to assets, liabilities and employees that arise in

connection with any changes in the jurisdiction of boards that may be made on a case by case basis. 1997, c. 31, s. 32.

Limitation

(15) The Lieutenant Governor in Council has no authority under clause (2) (l) to transfer employees of a public board to a Roman Catholic board or to transfer employees of a Roman Catholic board to a public board. 1997, c. 31, s. 32.

Exception

(16) The limitation provided in subsection (15) does not apply in relation to the transfer of an employee between two boards if,

(a) both boards agree that the limitation should not apply in respect of the transfer; and

(b) the Minister approves the agreement referred to in clause (a). 1997, c. 31, s. 32.

Transfers among district school boards and school authorities

(17) Without limiting the generality of clause (2) (l), a regulation under that clause may provide for,

(a) processes to permit participation by classes of persons or bodies specified in the regulation in decision-making processes related to anything done under clause (2) (l);

(b) processes for the resolution of disputes among classes of persons or bodies specified in the regulation;

(c) the continuation of legal and other proceedings commenced by or against a district school board or school authority affected by anything done under clause (2) (l) and the enforcement of court orders and other orders or determinations relating to such a district school board or school authority;

(d) deadlines for complying with any provision of the regulation; and

(e) any other matter that the Lieutenant Governor in Council considers advisable in order to achieve an efficient and fair transfer of assets, liabilities and employees among the affected district school boards and school authorities. 1997, c. 31, s. 32.

Dispute

(18) Without limiting the generality of clause (17) (b), a regulation providing for a matter referred to in that clause may provide for disputes as to the disposition of property to be referred to an arbitrator selected by the Minister. 1997, c. 31, s. 32.

Same

(19) Where a dispute is referred to an arbitrator as described in subsection (18), the arbitrator shall determine the matters in dispute and the decision of the arbitrator is final. 1997, c. 31, s. 32.

Clause (17) (c)

(20) Without limiting the generality of clause (17) (c), a regulation providing for a matter referred to in that clause,

(a) may substitute or add persons as parties to a proceeding continued under the clause; and

(b) may substitute or add persons against which or by which an order or

determination referred to in the clause may be enforced. 1997, c. 31, s. 32.

Employees

(21) The following rules apply where an employee is transferred under a regulation made under clause (2) (l):

1. A person who is an employee of a board on the day the regulation transferring the employee to another board is made and who would, but for that regulation, still be an employee of the transferor board on the day the regulation is to take effect is an employee of the transferee board referred to in the regulation on the day the regulation is to take effect.

2. A person's employment shall be deemed not to have been terminated for any purpose by anything done under this Part. 1997, c. 31, s. 32.

Tax exemption

(22) Taxes are not payable under the *Land Transfer Tax Act* or the *Retail Sales Tax Act* with respect to a holding in trust, transfer or vesting under clause (2) (l). 1997, c. 31, s. 32.

Transfer not a closing

(23) A transfer of a school under clause (2) (l) is not a closing of the school. 1997, c. 31, s. 32.

No compensation

(24) Except as provided in the regulations made under clause (2) (l), no compensation or damages are payable in connection with anything done under clause (2) (l). 1997, c. 31, s. 32.

Powers of board if regulation made under subclause (2) (m) (i)

(25) Where a board includes within its area of jurisdiction territory without municipal organization that is deemed under clause (2) (m) to be a district municipality for the purposes of elections, the officers appointed by the board have all the same powers and duties with respect to elections of members of the board in that territory as similar officers have in a municipality with respect to similar elections. 1997, c. 31, s. 32.

Powers of municipality if regulation made under subclause (2) (m) (ii)

(26) Where a board includes within its area of jurisdiction territory without municipal organization that is deemed under clause (2) (m) to be attached to a municipality for the purposes of elections, the officers of the municipality have all the same powers and duties with respect to elections of members of the board in that territory as with respect to such elections in any part of the area of jurisdiction of the board that is within the municipality. 1997, c. 31, s. 32.

Deemed district municipality

(27) In addition to any area prescribed under subclause (2) (m) (i), an area that satisfies the following conditions shall be deemed to be a district municipality for the purposes of clause 257.12 (3) (a) from January 1, 1998 until it becomes or is included in a municipality or is deemed to be a district municipality by a regulation made under clause (2) (m):

1. The area is without municipal organization.

2. As of December 31, 1997, the area was deemed to be a district municipality under subsection 54 (2), as it read on that day.

3. The area is under the jurisdiction of a district school board. 2002, c. 18, Sched. G,

s. 6 (5).

Deemed separate district municipalities

(28) Despite subsection (27), the part, if any, of an area described in subsection (27) that is in a separate school zone shall be deemed to be a discrete district municipality. 2002, c. 18, Sched. G, s. 6 (5).

58.2, 58.3 Repealed: 2009, c. 25, s. 9.

General or particular

58.4 (1) A regulation made under section 58.1 may be general or particular. 2009, c. 25, s. 10 (1).

Classes

(2) A class under section 58.1 may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 32; 2009, c. 25, s. 10 (2).

Corporate status

58.5 (1) Every district school board is a corporation and has all the powers and shall perform all the duties that are conferred or imposed on it under this or any other Act. 1997, c. 31, s. 32.

Amalgamation or merger

(2) Subsection (3) applies where,

(a) Repealed: 2009, c. 25, s. 11.

(b) one or more school authorities are merged or amalgamated with a district school board to continue as a district school board; or

(c) two or more district school boards are merged or amalgamated to continue as a district school board. 1997, c. 31, s. 32; 2009, c. 25, s. 11.

Same

(3) The district school board that is continued is a corporation and, except as otherwise provided by the regulations made under this Part, subsection 180 (7) of the *Business Corporations Act* applies with necessary modifications as if the board had been continued under that Act. 1997, c. 31, s. 32.

District school boards deemed to be local boards

58.6 A district school board shall be deemed to be a local board and a school board for the purposes of the *Municipal Elections Act, 1996*. 1997, c. 31, s. 32.

Conduct of elections

58.7 The election of members of a district school board shall be conducted in the same manner as the election of members of the council of a municipality. 1997, c. 31, s. 32.

Electors for French-language district school boards

58.8 (1) Subject to section 58.9, a person is qualified to be an elector for a French-language district school board if the person is entitled under subsection 1 (10) to vote in the area of jurisdiction of the board and,

(a) the person is a French-language district school board supporter;

(b) the person is entered on a preliminary list under section 54 in respect of a French-language separate district school board; or

(c) the person is entered on a preliminary list under section 50.1 in respect of a French-language public district school board. 1997, c. 31, s. 32.

Same

(2) A person qualified to be an elector for a French-language district school board may not vote for members of an English-language district school board. 1997, c. 31, s. 32.

Entitlement to vote: general

58.9 (1) The members of a district school board to be elected for a geographic area established under section 58.1 shall be elected by general vote of the electors qualified to vote in the geographic area for the members of that district school board. 1997, c. 31, s. 32.

Entitlement to vote: English-language public district school boards

(2) The members of an English-language public district school board shall be elected by persons entitled under subsection 1 (10) to vote in the area of jurisdiction of the board who,

(a) are not qualified under subsection 58.8 (1) to be electors for a French-language district school board; and

(b) are not separate school supporters or persons entered on a preliminary list under section 54. 1997, c. 31, s. 32.

Entitlement to vote: English-language separate district school boards

(3) The members of an English-language separate district school board shall be elected by persons entitled under subsection 1 (10) to vote in the area of jurisdiction of the board who,

(a) are not qualified under subsection 58.8 (1) to be electors for a French-language district school board; and

(b) are separate school supporters or persons entered on a preliminary list under section 54. 1997, c. 31, s. 32.

Entitlement to vote: French-language public district school boards

(4) The members of a French-language public district school board shall be elected by persons entitled under subsection 1 (10) to vote in the area of jurisdiction of the board who,

(a) are qualified under subsection 58.8 (1) to be electors for a French-language district school board; and

(b) are not separate school supporters or persons entered on a preliminary list under section 54. 1997, c. 31, s. 32.

Entitlement to vote: French-language separate district school boards

(5) The members of a French-language separate district school board shall be elected by persons entitled under subsection 1 (10) to vote in the area of jurisdiction of the board who,

(a) are qualified under subsection 58.8 (1) to be electors for a French-language district school board; and

(b) are separate school supporters or persons entered on a preliminary list under section 54. 1997, c. 31, s. 32.

PART III
SCHOOL AUTHORITIES — PUBLIC

DISTRICT SCHOOL AREAS

District school area boards

59. (1) Every school section that is in a territorial district but is not in the area of jurisdiction of a public district school board or designated as a school section under section 68 is a district school area, and the board of each such school section is a public board and shall be known as a district school area board. R.S.O. 1990, c. E.2, s. 59 (1); 1997, c. 31, s. 34 (1).

Formation and alteration of district school area

(2) In respect of the territorial districts, the Lieutenant Governor in Council may, by regulation,

(a) form any part thereof that is not in a school section into a district school area;

(b) combine two or more district school areas into one district school area;

(c) add a part thereof that is not in the area of jurisdiction of a public district school board to a district school area;

(d) detach a portion thereof from one district school area and attach it to another district school area or form it into a new district school area; or

(e) detach a portion thereof from a district school area. R.S.O. 1990, c. E.2, s. 59 (2); 1997, c. 31, s. 34 (2, 3).

Notification of assessment commissioner

(3) Where a district school area is formed or altered under subsection (2), the Minister shall notify the assessment commissioner concerned. R.S.O. 1990, c. E.2, s. 59 (3); 1997, c. 31, s. 34 (4).

Arbitration

(4) Where the boundaries of a district school area are altered in accordance with clause (2) (b) or (d), the Minister shall, by order, provide for arbitration of the assets and liabilities of the boards concerned. R.S.O. 1990, c. E.2, s. 59 (4).

Name of board

(5) The board of a district school area is a corporation by the name of "The ..... District School Area Board" or "Conseil du secteur scolaire de district de ....." or both (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1990, c. E.2, s. 59 (5).

New district school areas

60. (1) Where a district school area is formed under clause 59 (2) (b), upon the effective date of such formation the existing public boards in the new district school area are dissolved, and, subject to subsection 59 (4),

(a) the property vested in such boards is vested in the new district school area board; and

(b) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the district school area board. R.S.O. 1990, c. E.2, s. 60 (1); 1997, c. 31, s. 35.

Alteration and formation: disposition of assets and liabilities

(2) Where the boundaries of a district school area are altered or a new district school area is formed under clause 59 (2) (d), upon the effective date of such alteration or

formation, and, subject to subsection 59 (4),

(a) all real and personal property of the board situate in the part of the district school area that is detached is vested in the board of the district school area to which such part is attached, or in the board of the new district school area, as the case may be; and

(b) all debts, contracts, agreements and liabilities of the board in respect of the part of the district school area that is detached become obligations of the board of the district school area to which such part is attached or of the board of the new district school area, as the case may be. R.S.O. 1990, c. E.2, s. 60 (2).

Composition of district school area boards

61. (1) In this section and in sections 62 and 63,

"public school elector", in relation to a district school area board, means a person who,

(a) resides in the area of jurisdiction of the board or is the owner or tenant of residential property in the area of jurisdiction of the board,

(b) is a Canadian citizen,

(c) is at least 18 years of age,

(d) is neither a separate school supporter nor a person entered on a preliminary list under section 54, and

(e) is not qualified under subsection 58.8 (1) to be an elector for a French-language district school board. 1997, c. 31, s. 36 (1).

Composition of board

(2) Subject to subsections (3), (4) and (4.1), a district school area board shall be composed of three members. R.S.O. 1990, c. E.2, s. 61 (2); 2009, c. 25, s. 12 (1).

Idem

(3) Where a school section that became a district school area on the 1st day of January, 1975, had a board of five members, the district school area board shall be composed of five members. R.S.O. 1990, c. E.2, s. 61 (3).

Increase in number of members

(4) Before the 1st day of July of an election year, the board of a district school area may, by resolution approved at a meeting of the public school electors, determine that the number of members to be elected shall be increased from three to five and, at the next following election, five members shall be elected. R.S.O. 1990, c. E.2, s. 61 (4); 1997, c. 31, s. 36 (2).

Decrease in number of members

(4.1) Before the first day of July of an election year, the board of a district school area that has four or five members may, by resolution approved at a meeting of the public school electors, determine that the number of members to be elected shall be decreased to a number not less than three and, at the next following election, that number of members shall be elected. 2009, c. 25, s. 12 (2).

Election year end term of office

(5) The election of members of the board of a district school area shall be held in each year in which a regular election is held under the *Municipal Elections Act, 1996* and the members shall hold office until the next regular election is held under that Act and their

successors are elected under this Act and the new board is organized except that,

(a) where a new district school area is formed to take effect on the 1st day of January in a year that is not a year of a regular election under the *Municipal Elections Act, 1996*, the first members of such board shall be elected in the year preceding such 1st day of January and shall hold office until the next regular election is held under the *Municipal Elections Act, 1996* and their successors are elected under this Act and the new board is organized; or

(b) where the boundaries of a district school area are altered to take effect on the 1st day of January in a year that is not a year in which a regular election is held under the *Municipal Elections Act, 1996*, a new district school area board shall be elected in the year preceding such 1st day of January and the members so elected shall hold office until the next regular election is held under the *Municipal Elections Act, 1996* and their successors are elected under this Act and the new board is organized. R.S.O. 1990, c. E.2, s. 61 (5); 1997, c. 31, s. 36 (3).

Term of office

(6) The term of office of members of the board of a district school area shall commence on the 1st day of December in the election year. R.S.O. 1990, c. E.2, s. 61 (6); 1997, c. 31, s. 36 (4).

Elections and meetings of electors

62. (1) Except as provided in section 63 and subject to subsection (4), a district school area board shall be elected at a meeting of the public school electors held on the second Monday in November or, where that day is Remembrance Day, on the next succeeding day in the year of an election at a time and place selected by the board. R.S.O. 1990, c. E.2, s. 62 (1).

Notice of meeting

(2) At least six days before a meeting under subsection (1) or (6), the secretary of the board shall post notice of the meeting, including notice of any resolution required to be approved by the electors, in three or more of the most prominent places in the district school area and may advertise the meeting in such other manner as the board considers expedient. R.S.O. 1990, c. E.2, s. 62 (2).

Meeting

(3) Meetings of public school electors shall be conducted in the manner determined by the public school electors present at the meeting by a presiding officer selected by such electors, but the election of members of the board shall be by ballot, and the minutes of the meeting shall be recorded by a secretary selected by such electors. R.S.O. 1990, c. E.2, s. 62 (3).

First meeting

(4) Despite subsection 61 (5), the first meeting for the election of a board of a district school area formed or altered under subsection 59 (2) shall be held at a time and place named by a person, designated by the Minister, who shall make the necessary arrangements for the meeting and the person so elected shall hold office until the date the next regular election is held under the *Municipal Elections Act, 1996* and their successors are elected under this Act and the new board is organized. R.S.O. 1990, c. E.2, s. 62 (4); 1997, c. 31, s. 37 (1).

Minutes to be sent to Ministry

(5) A correct copy of the minutes of every meeting of the public school electors, signed by the presiding officer and the secretary of the meeting, shall, within ten days after the meeting, be transmitted by the presiding officer to the Ministry. R.S.O. 1990, c. E.2, s. 62 (5).

Special meetings

(6) A special meeting of the public school electors shall be called by the secretary when directed by the board or upon the request in writing of five public school electors of the area, by posting notice of the meeting in three or more of the most prominent places in the district school area, and such notice shall include a clear statement of the date, time, place and objects of the meeting, and the meeting may be advertised in such other manner as is deemed necessary. R.S.O. 1990, c. E.2, s. 62 (6).

Declaration where right to vote objected to

(7) If objection is made to the right of a person in territory without municipal organization to vote at a meeting under this section, or at an election under section 63, the presiding officer or the returning officer, as the case may be, shall require the person to make the following declaration in English or in French:

I, ..., declare and affirm that:

1. I am a public school elector within the meaning of subsection 61 (1) of the *Education Act* in relation to The ..... District School Area; and
2. I have a right to vote at this election (*or* on the question submitted to this meeting).

1997, c. 31, s. 37 (2).

Same

(7.1) After making the declaration under subsection (7), the person is entitled to vote. 1997, c. 31, s. 37 (2).

Election procedures

(8) Subsections 92 (8), (9), (10), (11), (12), (13), (15), (16), (17), (18), (19), (21) and (22) apply with necessary modifications to an election under this section. R.S.O. 1990, c. E.2, s. 62 (8).

Conduct of elections under *Municipal Elections Act, 1996*

63. (1) The election of the board of the district school area shall be conducted under the *Municipal Elections Act, 1996* where a district school area comprises,

(a) a municipality;

(b) a municipality and territory without municipal organization;

(c) all or part of two or more municipalities; or

(d) all or parts of two or more municipalities and territory without municipal organization. 1997, c. 31, s. 38.

Same

(2) Before July 1 in an election year, the board of a district school area may, by resolution approved at a meeting of the public school electors, determine that the board shall conduct the elections in the same manner as for the members of a district school board, except that the members shall be elected by general vote of the public school electors of the district school area. 1997, c. 31, s. 38.

Same

(3) The board shall give notice of the determination made under subsection (2) to the electors in the same manner as provided in subsection 62 (2). 1997, c. 31, s. 38; 2006, c. 10, s. 8.

Same

(4) For the purposes of an election under this section in territory without municipal organization, the secretary of the board shall be the returning officer in respect of the territory without municipal organization and shall perform all the duties that are required of a municipal clerk in relation to the election of members of a district school board. 1997, c. 31, s. 38.

Elections

64. (1) Despite subsection 62 (3) and (8) and section 63, where a district school area is formed under clause 59 (2) (b), the Lieutenant Governor in Council may make regulations,

(a) determining the number of members to be elected to the board of the district school area;

(b) determining the areas each member referred to in clause (a) shall represent;

(c) providing for the nomination of candidates to be elected; and

(d) prescribing the manner in which the election of the members shall be conducted,

and the election of the members shall be in accordance with such regulations. R.S.O. 1990, c. E.2, s. 64 (1).

Validity of election

(2) No election under this section is invalid by reason of noncompliance with the provisions of the regulations made under subsection (1) or by reason of any mistake or irregularity if it appears that the election was conducted in accordance with the principles laid down in the regulations and that the non-compliance, mistake or irregularity did not affect the result of the election. R.S.O. 1990, c. E.2, s. 64 (2).

65. Repealed: 1997, c. 31, s. 39.

District school area board to be inactive

66. (1) Where the number of public school pupils of compulsory school age residing in a district school area is fewer than ten and the board has ceased to operate a school, the Minister may declare the district school area board inactive as of the 31st day of December in any year. R.S.O. 1990, c. E.2, s. 66 (1).

Accounts in inactive area

(2) When a district school area board is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited, and forward to the Ministry the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund. R.S.O. 1990, c. E.2, s. 66 (2).

Board dissolved

(3) If the Minister is satisfied that the board has carried out its duties under subsection (2), the Minister shall dissolve the board and the district school area shall cease to exist as of the date that the district school area board was declared inactive under subsection (1). R.S.O. 1990, c. E.2, s. 66 (3).

Records to be forwarded to Ministry

(4) The records of the dissolved board of the district school area shall be filed as the Minister may direct and, for the purposes of this Act, the pupils resident in such area shall be deemed not to reside in a school section. R.S.O. 1990, c. E.2, s. 66 (4).

Closing of school by Minister

(5) Where in any district school area there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the area shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs. R.S.O. 1990, c. E.2, s. 66 (5).

SECONDARY SCHOOL AUTHORITIES

Secondary school districts

67. (1) The Lieutenant Governor in Council may establish any area in the territorial districts that is not part of the area of jurisdiction of a public district school board as a secondary school district and may discontinue or decrease or increase the area of any such secondary school district and, if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. R.S.O. 1990, c. E.2, s. 67 (1); 1997, c. 31, s. 41 (1).

Same

(2) Where a secondary school district is established under subsection (1), the Lieutenant Governor in Council may make regulations providing for,

(a) the formation and composition of a secondary school board;

(b) the dissolution of a secondary school board;

(c) elections to a secondary school board, including but not limited to qualifications to vote in those elections;

(d) disqualifications for the purposes of subsection 219 (4). 1997, c. 31, s. 41 (2).

Same

(3) A secondary school board established under this section is a corporation by the name designated by the Lieutenant Governor in Council. 1997, c. 31, s. 41 (2).

(4) Repealed: 1997, c. 31, s. 41 (2).

(5) Repealed: 1997, c. 31, s. 41 (2).

(6) Repealed: 1997, c. 31, s. 41 (2).

(7) Repealed: 1997, c. 31, s. 41 (2).

SCHOOL AUTHORITIES ON TAX EXEMPT LAND

Schools on exempt land

Public elementary

68. (1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school authority for elementary school purposes on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a school section and may appoint as members of the board such persons as the Minister considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the school section and has all the powers and duties of a public district

school board for elementary school purposes. 1997, c. 31, s. 42 (1).

Public secondary

(2) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school authority for secondary school purposes on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a secondary school district, and may appoint as members of the board such persons as the Minister considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district and has all the powers and duties of a public district school board for secondary school purposes. 1997, c. 31, s. 42 (1).

Public secondary and elementary

(3) Where a secondary school district has been designated under subsection (2), the Minister may authorize the formation of a public school authority for elementary and secondary school purposes for the district and may provide for the name of the school authority, its composition and the term or terms of office of its members, and for all other purposes the provisions in respect of public district school boards apply to the school authority. 1997, c. 31, s. 42 (1).

Area of jurisdiction: other boards

(4) A school section or secondary school district designated under this section shall be deemed not to be included in the area of jurisdiction of,

(a) a district school board;

(b) a board established under section 59; or

(c) a board established under section 67. 1997, c. 31, s. 42 (1).

Fee payable by non-resident

(5) Where a pupil attends a school that is operated by a board appointed under this section in a children's treatment centre and the pupil is not a resident pupil of the board, the board of which the pupil is a resident pupil or is qualified to be a resident pupil shall pay to the board that operates the school the fee, if any, payable for the purpose under the regulations. 1997, c. 31, s. 42 (2).

Same

(5.1) Where the pupil is not a resident pupil or qualified to be a resident pupil of a board and the pupil's cost of education is not payable by the Minister under the regulations, the pupil's parent or guardian shall pay to the board that operates the school a fee fixed by such board. 1997, c. 31, s. 42 (2).

Same

(5.2) A fee fixed under subsection (5.1) shall not be greater than the fee, if any, payable for the purpose under the regulations. 1997, c. 31, s. 42 (2).

Revocation of order

(6) If an order under subsection (1) or (2) is to be revoked on the 1st day of January next following a regular election under the *Municipal Elections Act, 1996*, the order shall, for the purpose of the election, be deemed to have been revoked. R.S.O. 1990, c. E.2, s. 68 (6); 1997, c. 31, s. 42 (3).

69.-76. Repealed: 1993, c. 11, s. 22.

PART IV

SCHOOL AUTHORITIES — ROMAN CATHOLIC

77. Repealed: 1997, c. 31, s. 44.

Zones

Boundaries of zones

78. (1) Unless otherwise determined in accordance with regulations made under subsection 58.1 (2) or section 86.1, the boundaries of a separate school zone shall, in accordance with sections 80 and 84, be the boundaries of,

(a) a municipality;

(b) a geographic township;

(c) a combination of municipalities;

(d) a combination of geographic townships; or

(e) a combination of the areas referred to in clauses (a) to (d). R.S.O. 1990, c. E.2, s. 78 (1); 1997, c. 31, s. 45 (1).

Zones not in municipalities or geographic townships

(2) The boundaries of a separate school zone, in those parts of the territorial districts that are neither geographic townships nor municipalities, shall be the boundaries of a 9.6 kilometre square of land of which two sides are parallel to a line of latitude. R.S.O. 1990, c. E.2, s. 78 (2).

Zone description

(3) If a separate school zone is a 9.6 kilometre square of land, the location of the zone shall be determined by the latitude and longitude of its northwest corner. R.S.O. 1990, c. E.2, s. 78 (3).

(4) Repealed: 1997, c. 31, s. 45 (2).

79. Repealed: 1997, c. 31, s. 46.

Formation And Discontinuance of Zones

Establishment of separate school zones

80. (1) A public meeting of persons desiring to establish a separate school zone may be convened by,

(a) not fewer than five members of five families, with each member being Roman Catholic, at least 18 years of age and a householder or freeholder resident within a municipality or a geographic township that is not within the area of jurisdiction of a separate district school board, who desire to establish the area of the municipality or geographic township as a separate school zone;

(b) not fewer than 10 members of 10 families, with each member being Roman Catholic, at least 18 years of age and a householder or freeholder resident within a 9.6 kilometre square of land, that is not part of a municipality, a geographic township or a separate school zone, who desire to establish the square of land as a separate school zone; or

(c) not fewer than five members of five families, with each member being Roman Catholic, at least 18 years of age and a householder or freeholder resident within a 9.6 kilometre square of land, that is not part of a municipality, a geographic

township or a separate school zone, who desire to establish the square of land as a separate school zone and unite the zone with one or more separate school zones, other than the separate school zone of a district school board. 1997, c. 31, s. 47 (1).

Procedure

(2) Where a meeting is held under subsection (1), the persons present shall,

(a) elect a chair and a secretary for the meeting;

(b) pass a motion to determine that the area of the municipality or geographic township or 9.6 kilometre square of land, as the case requires, be established as a separate school zone;

(c) if clause (1) (a) or (b) applies, elect the required number of board members; and

(d) require the chair of the meeting to transmit notice in writing of the holding of the meeting and of the election of board members to the clerks of the municipalities affected and to the secretary of any board that has jurisdiction in all or part of the area in which the separate school zone is to be established, designating by name and residence each of the persons elected as board members. 1997, c. 31, s. 47 (1).

Certification

(3) Each of the officers receiving the notice shall certify thereon the date of its receipt, and shall transmit a copy of the notice so certified to the chair of the meeting. R.S.O. 1990, c. E.2, s. 80 (3).

Notification

(4) The chair of the meeting shall forthwith transmit the copy of the certified notice, a copy of the minutes of the meeting, and of the notice calling it, to,

(a) the Minister; and

(b) the appropriate assessment commissioner. R.S.O. 1990, c. E.2, s. 80 (4).

Corporate name

(5) On and after transmission to the Minister of the documents referred to in subsection (4), the separate school zone is established and the board members named therein are a body corporate under the name of "The ..... Roman Catholic Separate School Board" or "Conseil des écoles séparées catholiques de ....." or both (*inserting the name selected by the board and approved by the Minister*). R.S.O. 1990, c. E.2, s. 80 (5); 1997, c. 31, s. 47 (2).

Formation not rendered invalid

(6) The formation of a separate school zone is not rendered invalid by reason only of a vacancy in the office of a board member occurring before the board members become a body corporate, provided that the vacancy is filled promptly and the Minister is provided with the information required under clause (2) (d) in respect of the filling of the vacancy. 1997, c. 31, s. 47 (3).

Qualifications of members

(7) A person is qualified to be elected as a board member at a meeting to establish a separate school zone if he or she is,

(a) resident in the zone;

(b) a Canadian citizen;

(c) at least 18 years of age; and

(d) a Roman Catholic. 1997, c. 31, s. 47 (4).

Powers of board members

81. (1) The board members elected at a meeting convened under subsection 80 (1) have all the powers of a district school area board in territory without municipal organization and are in all other respects subject to the provisions of this Act that apply to boards of rural separate schools. 1997, c. 31, s. 48.

Where school not united

(2) Where in any year a separate school zone is established by not fewer than five members of five families under clause 80 (1) (c), the public meeting for the election of board members shall be held before June 1 in that year, and the only powers and duties of the board so formed are to proceed in the same year to implement the provisions of section 84, and if the separate school zone is not united with one or more separate school zones to form a combined separate school zone before August 1 in that year under section 84, the board is dissolved on that date. 1997, c. 31, s. 48.

Right to vote in year of establishment of zone

82. A Roman Catholic who is a householder or freeholder, who is eighteen years of age and who desires to establish the area in which the Roman Catholic is resident as a separate school zone under section 80, is entitled, in the year in which the separate school zone is established, to vote on any matter that relates to the separate school. R.S.O. 1990, c. E.2, s. 82.

Legislative grants

83. On receipt by the Minister of the documents required under section 80 that a separate school zone has been established and where the Minister is satisfied that suitable accommodation has been provided for school purposes, the Minister may pay to the board for educational purposes the sums approved for the purpose by the Lieutenant Governor in Council. 1997, c. 31, s. 49.

Formation of combined separate school zones

84. (1) A Roman Catholic school authority or five supporters of the Roman Catholic school authority may, before July 1 in any year, hold a meeting of the supporters of the school authority to consider the question of uniting the separate school zone with one or more other separate school zones, other than the zone of a separate district school board, to form a combined separate school zone and, where the majority of the supporters present at the meeting who vote on the question, vote in favour of the union each board shall give notice of the decision, before August 1 of the same year, to the Minister, the clerks of the municipalities affected, and the appropriate assessment commissioner, and the combined separate school zone formed under this section shall be deemed to be one zone for all Roman Catholic school purposes on December 1 of the same year, except that, for the purposes of the election of board members, it shall be deemed to be one zone on the day of nomination for board members of the combined separate school board. 1997, c. 31, s. 50 (1).

(2) Repealed: 1997, c. 31, s. 50 (1).

Dissolution of boards

(3) When a combined separate school zone is formed, the board of each zone forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school zone. R.S.O. 1990, c. E.2, s. 84 (3);

1997, c. 31, s. 50 (2).

Corporate name

(4) The members of a combined separate school board are a corporation by the name of "The ..... Combined Roman Catholic Separate School Board" or "Conseil unifié des écoles séparées catholiques de ....." or both (*inserting the name selected by the board and approved by the Minister*). 1997, c. 31, s. 50 (3).

Detaching school zone from combined school zone

85. (1) Where, in an area that is not part of the area of jurisdiction of a separate district school board, a petition to detach a separate school zone from a combined separate school zone is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within 90 days of the receipt of the petition. 1997, c. 31, s. 51 (1).

Same

(1.1) A petition under subsection (1) must be from at least 10 members of 10 families, with each member being at least 18 years of age, a householder or freeholder and a supporter of a combined separate school. 1997, c. 31, s. 51 (1).

Qualified voters detaching a separate school zone

(2) The persons who are entitled to vote on the question are the supporters of the combined separate school who reside in the portion of the combined separate school zone that it is proposed to detach. R.S.O. 1990, c. E.2, s. 85 (2); 1997, c. 31, s. 51 (2).

When school zone detached

(3) If, before July 1 in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the zone, it is detached on January 1 of the following year, except that, for the purposes of the election of board members, it shall be deemed to be detached on the day of nomination for board members, and the requisite number of board members of the separate school zone so detached shall be elected as provided under section 92 or 93, as the case may be. 1997, c. 31, s. 51 (3).

Discontinuing school authority: vote of supporters

86. (1) A Roman Catholic school authority or five supporters of the school authority may, before July 1 in any year, hold a meeting of its supporters to consider the question of discontinuing the school authority and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the school authority shall within 30 days notify the Minister, the clerk of each municipality concerned and the secretary of any board that may be affected and, for assessment purposes, the zone shall be discontinued on September 30 following the meeting. 1997, c. 31, s. 52 (1).

Discontinuing school authority: other conditions

(2) A Roman Catholic school authority is discontinued on November 30 in any year, if,

(a) for any continuous four month period in a school year, after the year in which the school authority was established, the school authority,

(i) fails to operate a school, or

(ii) fails to make an agreement with another Roman Catholic board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause 21 (2) (c);

(b) no one is assessed as a separate school supporter in the separate school zone in relation to property in respect of which taxes are to be levied in the following year; or

(c) the supporters fail to elect the required number of board members in two successive regular elections. 1997, c. 31, s. 52 (1).

Notice to Minister, etc., of discontinuance

(3) When a board is discontinued under subsection (2), the appropriate supervisory officer shall promptly notify the Minister, the clerks of the municipalities concerned and the secretaries of the affected boards. 1997, c. 31, s. 52 (1).

Settling accounts

(4) The board members who are in office in the year in which the school authority is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the school authority and, following an audit by a person licensed under the *Public Accounting Act, 2004*, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. 1997, c. 31, s. 52 (1); 2004, c. 8, s. 46.

Records

(5) The records of a school authority that has been discontinued under this section shall be filed with the Ministry. R.S.O. 1990, c. E.2, s. 86 (5); 1997, c. 31, s. 52 (2).

Boundaries to be revised

(6) The boundaries of the zones that are altered as a result of discontinuing a separate school zone shall be revised by the appropriate supervisory officer. R.S.O. 1990, c. E.2, s. 86 (6).

Sale of real property

(7) Where a school authority that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the appropriate supervisory officer is notified that an offer to purchase the real property has been made, he or she shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the school authority was discontinued to elect three persons who, when elected, are a school authority for the purpose of selling the property. R.S.O. 1990, c. E.2, s. 86 (7); 1997, c. 31, s. 52 (3).

Deposit of funds from sale

(8) When the school authority has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping. R.S.O. 1990, c. E.2, s. 86 (8); 1997, c. 31, s. 52 (4).

Re-establishing school authority

(9) A school authority that has been discontinued in any year may, in any subsequent year, be re-established in the manner provided for in section 80, and the funds that were deposited by the school authority that was discontinued shall be returned to the school authority. 1997, c. 31, s. 52 (5).

Regulation

86.1 If the board of a separate school zone in the territorial districts applies to the Minister to extend the boundaries of the separate school zone so as to include parcels of land on which a separate school zone cannot be established because of the operation of

subsection 80 (1), the Lieutenant Governor in Council may by regulation extend the boundaries of the separate school zone. 1997, c. 31, s. 53.

SEPARATE SCHOOL ELECTORS

87. Repealed: 1997, c. 31, s. 54.

Residing outside municipality

88. Except as otherwise provided under this Act or the *Municipal Elections Act, 1996*, when a supporter of a separate school in a local municipality resides outside the municipality, he or she is entitled to vote in the ward or polling subdivision in which the separate school nearest to his or her residence is situate. 2002, c. 17, Sched. F, Table.

RURAL SEPARATE SCHOOLS

Rural separate school boards

89. (1) The board of a rural separate school shall consist of three members who, subject to subsection (3), shall be elected in each year in which a regular election is held under the *Municipal Elections Act, 1996* and shall hold office until the date the next regular election is held under that Act and their successors are elected under this Act and the new board is organized. 1997, c. 31, s. 55.

Same

(2) The term of office of members of a rural separate school board shall commence on December 1 in the year of a regular election. 1997, c. 31, s. 55.

Same

(3) Where the first election of a newly established rural separate school board is held in a year in which no regular election is held under the *Municipal Elections Act, 1996*, the members so elected shall hold office until the date on which the next regular election is held under that Act and their successors are elected under this Act and the new board is organized. 1997, c. 31, s. 55.

Organization and quorum

(4) A majority of the board members is a quorum, and the board shall be organized by the election of a chair and by the appointment of a treasurer. 1997, c. 31, s. 55; 2009, c. 25, s. 13.

Regularity

(5) No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required under section 90 and at which at least two board members are present. 1997, c. 31, s. 55.

Entitlement to vote

(6) Subject to subsection (7), the following are entitled to vote at any election of members of a board of a rural separate school and on any school question at any meeting of the supporters of the board:

1. A person who is at least 18 years of age, a Canadian citizen and a supporter of the rural separate school and who either resides in the area of jurisdiction of the board or is the owner or tenant of residential property in the area of jurisdiction of the board.
2. A Roman Catholic spouse of a person mentioned in paragraph 1.
3. A person entitled to vote under section 54 for the board. 1997, c. 31, s. 55.

Exception

(7) Only a person described in paragraph 1 of subsection (6) is entitled to vote on a question involving the selection of a school site or an expenditure for a permanent improvement. 1997, c. 31, s. 55.

Duties, rural boards

90. (1) It is the duty of every rural separate school board and it has power,

time and place of meetings

(a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,

(i) filling any vacancy in the board,

(ii) the approval of a site selected by the board for a new school,

(iii) the appointment of a school auditor, or

(iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

annual report

(b) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the revenues and expenses of the school board during such year, and signed by the chair and by one or both of the school auditors. R.S.O. 1990, c. E.2, s. 90 (1); 2009, c. 34, Sched. I, s. 1.

Appointment of auditor by the Minister

(2) Where a rural separate school board neglects or the supporters at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1990, c. E.2, s. 90 (2).

Approval of new school site

(3) No site for a new school shall be acquired by a rural separate school board without approval of the site by the majority of the supporters of the rural separate school who are present at an annual or a special meeting of the board. R.S.O. 1990, c. E.2, s. 90 (3).

91. Repealed: 1997, c. 31, s. 56.

Annual meeting

92. (1) An annual meeting of the supporters of a rural separate school shall be held on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school. R.S.O. 1990, c. E.2, s. 92 (1).

Election of board

(2) A rural separate school board shall be elected at a meeting of the separate school supporters held on the second Monday in November or, where that day is Remembrance

Day, on the next succeeding day, in the year of a municipal election at a time and place selected by the board. R.S.O. 1990, c. E.2, s. 92 (2).

Idem

(3) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection (1), the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, which shall be held on that day in each year thereafter until some other day is similarly named. R.S.O. 1990, c. E.2, s. 92 (3).

Organization of meeting

(4) The supporters of the school present at a meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of the secretary by this section. R.S.O. 1990, c. E.2, s. 92 (4).

Order of business

(5) The business of the annual meeting may be conducted in the following order,

(a) receiving and dealing with the annual report of the board members;

(b) receiving and dealing with the annual report of the auditors;

(c) appointing one or more auditors for the current year;

(d) electing a board member or members to fill any vacancy or vacancies; and

(e) miscellaneous business. R.S.O. 1990, c. E.2, s. 92 (5); 1997, c. 31, s. 57 (1, 2).

Duties of presiding officer

(6) The presiding officer shall submit all motions to the meeting in the manner desired by the majority, and is entitled to vote on any motion, and,

(a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost. R.S.O. 1990, c. E.2, s. 92 (6).

Granting poll and proceedings in case of a poll

(7) Where a poll is demanded by two supporters of the school at a meeting for the election of a board member, the presiding officer shall forthwith grant the poll. R.S.O. 1990, c. E.2, s. 92 (7); 1997, c. 31, s. 57 (3).

Entries in poll book

(8) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him or her, at the time of voting, with a ballot paper on the back of which the secretary has placed his or her initials, and shall provide a pencil for the marking of the ballot paper. R.S.O. 1990, c. E.2, s. 92 (8).

Form of ballot paper

(9) Ballot papers shall be pieces of plain white paper of uniform size. R.S.O. 1990, c. E.2, s. 92 (9).

Marking of ballot paper

(10) A voter shall mark his or her ballot,

(a) in the election of a board member, by marking the name of the board member on it; and

(b) on a question, by marking thereon "for" or "pour" if in favour or "against" or "contre" if opposed. R.S.O. 1990, c. E.2, s. 92 (10); 1997, c. 31, s. 57 (4).

Number of votes

(11) A voter is entitled to as many votes as there are board members to be elected, but may not give more than one vote to any one candidate. R.S.O. 1990, c. E.2, s. 92 (11); 1997, c. 31, s. 57 (5).

Manner of voting

(12) Each voter shall mark his or her ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which the voter marks the ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that the secretary's initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose. R.S.O. 1990, c. E.2, s. 92 (12).

Appointment of scrutineer

(13) Every candidate may appoint a person to act as the candidate's scrutineer during the election. R.S.O. 1990, c. E.2, s. 92 (13).

Declaration where right to vote objected to

(14) When an objection is made to the right of a person to vote at a meeting of the supporters of a rural separate school, either for a board member or on a school question, the presiding officer shall require the person whose right to vote is objected to to make the following declaration in English or in French, after which the person making the declaration is entitled to vote:

I, ..., declare and affirm that I have the right to vote at this election for ..... *(insert name of board)* [*or* on the question submitted to this meeting of the .....*(insert name of board)*].

1997, c. 31, s. 57 (6).

When poll shall close

(15) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. R.S.O. 1990, c. E.2, s. 92 (15).

Polling at afternoon meetings

(16) When a meeting for the election of one or more board members is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. R.S.O. 1990, c. E.2, s. 92 (16); 1997, c. 31, s. 57 (7).

Counting votes, tie vote

(17) When the poll is closed, the presiding officer and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,

(a) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(b) in the case of an equality of votes on a motion, the motion is lost. R.S.O. 1990, c. E.2, s. 92 (17).

Declaration of result

(18) In the case of an election of board members, the presiding officer shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a motion the presiding officer shall declare it carried or lost as the majority of votes is in favour of or against the motion. R.S.O. 1990, c. E.2, s. 92 (18); 1997, c. 31, s. 57 (8).

Statement of result of poll

(19) A statement of the result of the vote shall be certified by the presiding officer and secretary and in the case of an election of board members the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate. R.S.O. 1990, c. E.2, s. 92 (19); 1997, c. 31, s. 57 (9).

Secretary to transmit minutes to Ministry

(20) A correct copy of the minutes of every meeting, signed by the presiding officer and secretary of the meeting, shall be transmitted forthwith by the secretary to the Ministry. R.S.O. 1990, c. E.2, s. 92 (20).

Meetings called in default of first or annual meeting

(21) If from want of proper notice or other cause any meeting for the election of board members is not held at the proper time, the appropriate separate school supervisory officer or any two supporters of the school may call a meeting by giving six days notice posted in at least three of the most public places in the locality in which the school is situate. R.S.O. 1990, c. E.2, s. 92 (21); 1997, c. 31, s. 57 (10).

Validity of election

(22) No election under this section is invalid by reason of non-compliance with the provisions of this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this section, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1990, c. E.2, s. 92 (22).

Where municipality may conduct election

93. (1) Despite section 92, if the rural separate school zone is a municipality or combination of municipalities, the board of the rural separate school may, by resolution passed before July 1 in the year of an election and approved at a meeting of the supporters of the rural separate school, determine that the election of members of the board shall be conducted by the municipality having the greatest population under the *Municipal Elections Act, 1996* and the members of the board shall be elected by general vote of the persons entitled to vote in the election. 1997, c. 31, s. 58 (1).

***Municipal Elections Act, 1996* applies**

(2) Despite section 92, if any part of the area of a rural separate school zone is in a municipality in the year of a regular election, the *Municipal Elections Act, 1996* applies with necessary modifications to the election of members of the rural separate school board except

that the voter shall take the following oath or make the following affirmation in English or French:

> You swear (*or* affirm) that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*); That you are eighteen years of age; That you have the right to vote at this election; That you have not voted before at this election; That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election. So help you God. (*delete this sentence in an affirmation*).

R.S.O. 1990, c. E.2, s. 93 (2); 1997, c. 31, s. 58 (2); 2002, c. 17, Sched. F, Table.

COMBINED SEPARATE SCHOOL ZONES

Secretary of board as returning officer

94. (1) If territory without municipal organization is part of a combined separate school zone and the election of members of the board for a part of the combined zone is conducted under the *Municipal Elections Act, 1996*, the secretary of the board shall be the returning officer and shall perform all the duties of a municipal clerk in the election for the territory without municipal organization. 1997, c. 31, s. 60.

Reporting of vote

(2) The secretary of the board shall report forthwith the vote recorded in the territory to the returning officer for the municipality having the greatest population in the electoral area, of which the territory without municipal organization forms part. R.S.O. 1990, c. E.2, s. 94 (2).

Reporting if no municipality

(3) If there is no municipality in the electoral area, the secretary of the board shall report to the returning officer of the municipality that has the greatest population in the area of jurisdiction of the board and the returning officer shall prepare the final summary and announce the result of the vote. R.S.O. 1990, c. E.2, s. 94 (3).

Board members where combined zone is formed or altered

95. (1) Where a combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone, the board members in office shall retire on December 1 following the election of the members of the board of the combined separate school zone and, subject to the number of board members being determined under subsection (4) or (5), five board members shall be elected by the supporters of the newly-created or altered combined separate school zone,

(a) as provided in section 92, where the combined separate school zone is formed, or where another separate school zone is added to or detached from a combined separate school zone during the three years following the year in which a regular election was held under the *Municipal Elections Act, 1996*, in which case the provisions of section 89 apply; or

(b) as provided in section 93, where the combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone in the year in which a regular election is to be held under the *Municipal Elections Act, 1996*. 1997, c. 31, s. 62; 2006, c. 9, Sched. H, s. 6.

Board members in office until organization of new board

(2) Every board member shall continue in office until his or her successor has been elected and the new board is organized. 1997, c. 31, s. 62.

First board members

(3) For the purpose of electing the first board members for a combined separate school zone, the boards of the separate schools forming the combined separate school zone shall, before September 1, each appoint a person to a committee, which shall arrange for the election of board members in accordance with section 92 or 93 as the case may be. 1997, c. 31, s. 62.

Combined separate school zone

(4) The board of a combined separate school zone that exists on January 1, 2003 shall be composed of eight members and the zone shall be deemed to be one separate school zone. 2002, c. 17, Sched. F, Table.

Resolution providing for board members

(5) Despite subsections (1) and (4), the board of a combined separate school zone may be composed of such number of members, not fewer than five or more than nine, representing such municipalities or parts of municipalities, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school zone, by the committee formed under subsection (3). 1997, c. 31, s. 62.

Election and term of office

(6) Where a resolution is passed under subsection (5), the board members shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 54 and 93 apply with necessary modifications, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards. 1997, c. 31, s. 62.

Distribution of members

(7) Where one or more board members represent two or more municipalities or parts of municipalities, or two or more municipalities or parts of municipalities and one or more separate school zones in territory without municipal organization, and the election is conducted as provided in section 93, the provisions of the regulations made under clause 58.1 (2) (k) apply with necessary modifications. 1997, c. 31, s. 62.

Copy of resolution to be sent to Minister

(8) The board or committee that passes a resolution under subsection (5) shall promptly send a copy of it to the Minister. 1997, c. 31, s. 62.

Electors' qualifications, combined separate school zone

(9) Every person who resides in a combined separate school zone and is entitled to vote at the election of board members under section 89 is entitled to vote at the election of board members of the combined separate school zone and, subject to subsection 89 (7), on any school question. 1997, c. 31, s. 62.

PART IV.1
EXTENSION OF ROMAN CATHOLIC ELEMENTARY SCHOOLS

Separate School Extension Post-1997

Plan re secondary school

96. (1) A Roman Catholic school authority may adopt a plan for the provision of

secondary school education in the area of jurisdiction of the school authority. 1997, c. 31, s. 63.

Resolution

(2) The adoption of a plan under subsection (1) shall be by resolution. 1997, c. 31, s. 63.

Implementation document

(3) A school authority that adopts a plan under subsection (1) shall prepare an implementation document explaining how secondary school education would be provided in the area of jurisdiction of the school authority. 1997, c. 31, s. 63.

Same

(4) The Minister may establish guidelines respecting the preparation of an implementation document. 1997, c. 31, s. 63.

Transmittal

(5) The secretary of a school authority that adopts a plan under subsection (1) shall transmit to the Minister a copy of the resolution, certified by the secretary, together with a copy of the implementation document. 1997, c. 31, s. 63.

Review by Minister

(6) The Minister shall review the implementation document and determine whether he or she is satisfied that the proposals set out in it would permit the provision of viable secondary school education in the area of jurisdiction of the school authority. 1997, c. 31, s. 63.

Notice

(7) The Minister shall notify the school authority of his or her determination under subsection (6). 1997, c. 31, s. 63.

Same

(8) If the Minister determines that the school authority's proposals would permit the provision of viable secondary school education in the area of jurisdiction of the school authority, the Minister shall advise the following persons of the determination and of the fact that implementation of the plan would require a regulation to be made under subsection 58.1 (2) and provide them with a copy of the implementation document:

1. The secretary of every affected board.
2. The clerk of every municipality all or part of which is within the area of jurisdiction of the school authority.
3. The appropriate assessment commissioner. 1997, c. 31, s. 63.

97.-132. Repealed: 1997, c. 31, s. 63.

133. Repealed: 1994, c. 27, s. 108 (4).

134. Repealed: 1997, c. 31, s. 64.

Rights relating to separate school extension

135. (1) In this section,

"designated person" means a person designated or deemed to be designated under section 135 of this Act, as it read immediately before the *Education Quality Improvement Act, 1997* received Royal Assent; ("personne désignée")

"transferred" means transferred under section 135 of this Act, as it read immediately before the *Education Quality Improvement Act, 1997* received Royal Assent. ("muté") 1997, c. 31, s. 66 (1).

(2) Repealed: 1997, c. 31, s. 66 (2).

(3) Repealed: 1997, c. 31, s. 66 (2).

(4) Repealed: 1997, c. 31, s. 66 (2).

(5) Repealed: 1995, c. 4, s. 2 (2).

(6)-(23) Repealed: 1997, c. 31, s. 66 (3).

Gratuity

(24) On termination of employment with the board to which a designated person's teaching contract, employment contract or employment relationship is transferred, the person is entitled to payment of an amount calculated in accordance with,

(a) the collective agreement that applied on the last date the person was employed by the public board that designated the person, as though the person had been in the continuous employ of the public board, if a collective agreement applied in respect of the person on that date; or

(b) the policy of the public board that designated the person as of the last date he or she was employed by the public board, as though the person had been in the continuous employ of the public board, if no collective agreement applied in respect of the person on that date. R.S.O. 1990, c. E.2, s. 135 (24); 1997, c. 31, s. 66 (4).

Idem

(25) In lieu of the payment under subsection (24), the designated person is entitled to require payment of an amount calculated in accordance with,

(a) the collective agreement that applies in respect of the person on the last date the person is employed before the termination of employment, if a collective agreement applies in respect of the person on that date; or

(b) the policy of the board with which the person is employed as of the last date he or she is employed by that board, if no collective agreement applies in respect of the person on that date. R.S.O. 1990, c. E.2, s. 135 (25).

Idem

(26) The amount of the payment under subsection (24) or (25) shall be shared by the public board that designated the person and the board or boards to which the person's employment was transferred under this section in the ratio that the number of years of service of the person with each board bears to the total number of years of service of the person with such boards. R.S.O. 1990, c. E.2, s. 135 (26).

Idem

(26.1) Despite subsection (26), the boards concerned may agree to share the amount of the payment under subsection (24) or (25) in any manner, including the payment of the entire amount by one of the boards. 1991, c. 10, s. 4 (1).

(27) Repealed: 1997, c. 31, s. 66 (5).

Employment, advancement and promotion

(28) Section 5 of the *Human Rights Code* applies to designated persons employed by a

Roman Catholic school board in respect of their employment, advancement and promotion by the Board, despite section 23 of the said Code. R.S.O. 1990, c. E.2, s. 135 (28).

(29) Repealed: 1997, c. 31, s. 66 (6).

Deemed designated persons

(30) This section applies with necessary modifications in respect of entitlements of teachers who were employed by a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board and who subsequent to a report to the Minister by the Commission under subsection 136f (1) as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, but before the 24th day of June, 1986 accepted employment with the Roman Catholic school board. R.S.O. 1990, c. E.2, s. 135 (30).

Interpretation

(31) For the purposes of this section, the following rules apply:

1. "Public board" in subsections (24) and (30) has the same meaning as it did immediately before the *Education Quality Improvement Act, 1997* received Royal Assent.
2. A reference in subsection (26) to the public board that designated a person shall be deemed to be a reference to the successor to the old board that designated the person.
3. A reference to the board or boards to which a person's employment is transferred shall be deemed to be a reference to the successor or successors to the old board or old boards to which the person's employment was transferred.
4. Except as otherwise provided by regulation, for the purposes of paragraph 2, the successor to an old board that designated a person,
   i. in the case of a person designated in relation to schools and classes operated under Part XII of this Act, as it read on December 31, 1997, is the French-language public district school board the area of jurisdiction of which includes all or the major part of the area of jurisdiction of the old board that designated the person, and
   ii. in the case of a designated person other than one described in subparagraph i, is the English-language public district school board the area of jurisdiction of which includes all or the major part of the area of jurisdiction of the old board that designated the person.
5. Except as otherwise provided by regulation, for the purposes of paragraph 3, the successor to an old board to which a person's employment was transferred is,
   i. in the case of a person designated in relation to schools and classes operated under Part XII of this Act, as it read on December 31, 1997, is the French-language separate district school board the area of jurisdiction of which includes all or the major part of the area of jurisdiction of the old board to which the person's employment was transferred, and
   ii. in the case of a designated person other than one described in subparagraph i, is the English-language separate district school board the area of jurisdiction of which includes all or the major part of the area of jurisdiction of the old board to which the person's employment was transferred. 1997, c. 31,

s. 66 (7).

Regulations: exceptions re successor board determinations

(32) The Lieutenant Governor in Council may make regulations providing for exceptions to paragraphs 4 and 5 of subsection (31). 1997, c. 31, s. 66 (7).

Application of *Interpretation Act*

(33) The fact that section 66 of the *Education Quality Improvement Act, 1997* repeals some but not all parts of section 135 of the *Education Act*, as that section read immediately before the coming into force of section 66 of the *Education Quality Improvement Act, 1997*, shall not be construed as having any effect on the application of section 14 of the *Interpretation Act* to the repealed parts. 1997, c. 31, s. 66 (7).

Interpretation: references to ten school year period and to Roman Catholic school board

135.1 (1) A reference in this Act to hiring after the ten school year period mentioned in subsection 135 (6) shall,

(a) in the case of a teacher hired by an old board after the expiration of the old board's ten-year period, as determined under subsection 135 (6) of this Act as it read on December 31, 1997, be deemed to be a reference to hiring after that ten-year period; and

(b) in every other case, be deemed to be a reference to hiring on or after January 1, 1998. 1997, c. 31, s. 67.

Same

(2) A reference in this Act to a Roman Catholic school board shall be deemed to be a reference to a separate district school board. 1997, c. 31, s. 67.

136. Repealed: R.S.O. 1990, c. E.2, s. 136 (3). See 44 O.R. (3d) 349, leave to appeal to the Supreme Court of Canada denied on October 21, 1999.

Enforcement

137. A right referred to in section 135 may be enforced by order of the Divisional Court on application to the court. 1997, c. 31, s. 68.

138.-142. Repealed: 1997, c. 31, s. 68.

143. Repealed: 1997, c. 31, s. 69.

144. Repealed: 1997, c. 31, s. 70.

145. Repealed: 1997, c. 31, s. 70.

146. Repealed: 1997, c. 31, s. 70.

147.-153. Repealed: R.S.O. 1990, c. E.2, s. 154.

154. Repealed: 1997, c. 31, s. 70.

155. Repealed: 1997, c. 31, s. 70.

156. Repealed: 1997, c. 31, s. 70.

157. Repealed: 1997, c. 31, s. 70.

PART V
SCHOOL AUTHORITIES — PROTESTANT

Establishment of Protestant separate school

158. (1) Subject to subsection (3), before July 1 in any year, not fewer than five members of five families, with each member being Protestant, at least 18 years of age and resident in a municipality, may apply in writing for permission to establish in the municipality one or more separate schools for Protestants. 1997, c. 31, s. 72 (1).

Application

(1.1) The application shall be made,

(a) if the municipality is located in whole or in part within the area of jurisdiction of one English-language public board, to that board;

(b) if the municipality is located in whole or in part within the area of jurisdiction of two or more English-language public boards, to the English-language public board that has territorial jurisdiction over the places of residence of the greatest number of the applicants; and

(c) if the municipality is located outside the area of jurisdiction of an English-language public board, to the council of the municipality. 2002, c. 17, Sched. F, Table.

(1.2) Repealed: 2002, c. 17, Sched. F, Table.

Permission to establish

(2) Subject to subsection (3), the council or the public board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants. R.S.O. 1990, c. E.2, s. 158 (2); 1997, c. 31, s. 72 (2).

Restrictions on establishment

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. R.S.O. 1990, c. E.2, s. 158 (3).

Effective date

(4) A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public board, as the case may be. R.S.O. 1990, c. E.2, s. 158 (4); 1997, c. 31, s. 72 (3).

Protestant board: share of legislative grants

159. A Protestant separate school board shall share in the legislative grants in like manner as an English-language public board. 1997, c. 31, s. 73.

160. Repealed: 1997, c. 31, s. 73.

161. Repealed: 1997, c. 31, s. 73.

162. Repealed: 1997, c. 31, s. 73.

163. Repealed: 1997, c. 31, s. 73.

Qualification of a voter

164. Every person who is assessed as a Protestant separate school supporter and whose name appears on the list of voters of the municipality in which the land in respect of which he or she is assessed is situate, and the spouse of such supporter, if she or he is a Protestant, is entitled to vote at the election of members for the Protestant separate school board and on any school question having to do with the Protestant separate school or board.

R.S.O. 1990, c. E.2, s. 164; 1997, c. 31, s. 74; 2005, c. 5, s. 21 (6).

Members of board

165. (1) A Protestant separate school board shall have three members and section 58.7 applies with necessary modifications to the election of members of a Protestant separate school board. 2002, c. 17, Sched. F, Table.

Special case

(2) Despite subsection (1), The Protestant Separate School Board of the Town of Penetanguishene shall be composed of eight members. 2002, c. 17, Sched. F, Table.

Transition, special case

(3) Despite subsection (2), before the first day of July of an election year, the Protestant Separate School Board of the Town of Penetanguishene may, by resolution approved at a meeting of the Protestant separate school supporters, determine that the number of members to be elected shall be decreased to a number not less than three and, at the next following election, that number of members shall be elected. 2009, c. 25, s. 14.

Corporate name of board

166. The members of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the ....." or "Conseil des écoles séparées protestantes de ....." or both (*inserting the name of the municipality*). R.S.O. 1990, c. E.2, s. 166; 1997, c. 31, s. 76; 2002, c. 17, Sched. F, Table.

Powers of board

167. A Protestant separate school board has the same powers as a district school area board. R.S.O. 1990, c. E.2, s. 167.

Attendance rights

167.1 The provisions of Part II respecting attendance rights in relation to a Roman Catholic school authority apply with necessary modifications in relation to a Protestant separate school board. 1997, c. 31, s. 77.

Discontinuing board

168. A Protestant separate school board is discontinued in the same manner as a Roman Catholic rural separate school board is discontinued and may be re-established in the manner provided in section 158. R.S.O. 1990, c. E.2, s. 168; 1997, c. 31, s. 78.

Application of other sections

169. Subsections 89 (3) and (4), subsection 90 (2), clause 198 (1) (d) and section 239 apply in respect of Protestant separate schools and Protestant separate school boards. R.S.O. 1990, c. E.2, s. 169; 1997, c. 31, s. 79.

PART VI
BOARDS

Duties and Powers

Board responsibility for student achievement and effective stewardship of resources

169.1 (1) Every board shall,

(a) promote student achievement and well-being;

(a.1) promote a positive school climate that is inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression,

age, marital status, family status or disability;

(a.2) promote the prevention of bullying;

(b) ensure effective stewardship of the board's resources;

(c) deliver effective and appropriate education programs to its pupils;

(d) develop and maintain policies and organizational structures that,

(i) promote the goals referred to in clauses (a) to (c), and

(ii) encourage pupils to pursue their educational goals;

(e) monitor and evaluate the effectiveness of policies developed by the board under clause (d) in achieving the board's goals and the efficiency of the implementation of those policies;

(f) develop a multi-year plan aimed at achieving the goals referred to in clauses (a) to (c);

(g) annually review the plan referred to in clause (f) with the board's director of education or the supervisory officer acting as the board's director of education; and

(h) monitor and evaluate the performance of the board's director of education, or the supervisory officer acting as the board's director of education, in meeting,

(i) his or her duties under this Act or any policy, guideline or regulation made under this Act, including duties under the plan referred to in clause (f), and

(ii) any other duties assigned by the board. 2009, c. 25, s. 15; 2012, c. 5, s. 3 (1).

Multi-year plan

(2) A multi-year plan is a plan for three or more school years. 2009, c. 25, s. 15.

School climate surveys

(2.1) In fulfilling its duties under clause (1) (e) with respect to the effectiveness of policies developed by the board to promote the goals referred to in clauses (1) (a.1) and (a.2), every board shall use surveys to collect information from its pupils and staff, and parents and guardians of its pupils at least once every two years in accordance with any policies and guidelines made under paragraph 31 of subsection 8 (1). 2012, c. 5, s. 3 (2).

Same

(2.2) In collecting information under subsection (2.1), a board shall not collect any name or any identifying number, symbol or other particular assigned to a person. 2012, c. 5, s. 3 (2).

Measures in plan

(3) Every board shall ensure that the plan referred to in clause (1) (f) includes measures respecting the allocation of resources to improve student outcomes that fall below the outcomes specified in regulations made under section 11.1. 2009, c. 25, s. 15.

Communication

(4) Every board shall take steps to,

(a) bring the plan referred to in clause (1) (f) to the attention of supporters and employees of the board; and

(b) report to supporters and employees of the board about progress in implementing

the plan referred to in clause (1) (f). 2009, c. 25, s. 15.

Effective stewardship

(5) Every board shall,

(a) effectively use the resources entrusted to it;

(b) use the resources entrusted to it for the purposes of delivering effective and appropriate education; and

(c) manage the resources entrusted to it in a manner that upholds public confidence. 2009, c. 25, s. 15.

Duties of boards

170. (1) Every board shall,

appoint treasurer

1. appoint a treasurer who, in the case of a board of not more than five elected members, may be a member of the board; R.S.O. 1990, c. E.2, s. 170 (1), par. 1; 2009, c. 25, s. 16 (1).

security of treasurer

2. take proper security from the treasurer; R.S.O. 1990, c. E.2, s. 170 (1), par. 2; 2009, c. 25, s. 16 (2).

order payment of bills

3. give the necessary orders on the treasurer for payment of all money expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the regulations and by the board; R.S.O. 1990, c. E.2, s. 170 (1), par. 3.

meetings

4. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; R.S.O. 1990, c. E.2, s. 170 (1), par. 4.

head office

5. 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; R.S.O. 1990, c. E.2, s. 170 (1), par. 5.

provide instruction and accommodation

6. provide instruction and adequate accommodation during each school year for the pupils who have a right to attend a school under the jurisdiction of the board; R.S.O. 1990, c. E.2, s. 170 (1), par. 6.

provide education and accommodation

6.1 subject to payment of fees charged under section 260.1, provide education and adequate accommodation for pupils enrolled in extended day programs operated by the board; 2010, c. 10, s. 6 (1).

junior kindergartens and kindergartens

6.2 subject to paragraph 3.0.0.1 of subsection 8 (1) and paragraph 6.1 of subsection 11 (1), operate full day junior kindergartens and kindergartens on every school day, other than professional activity days, in every elementary school of the board; 2010, c. 10, s. 6 (1).

special education programs and services

7. provide or enter into an agreement with another board to provide in accordance with the regulations special education programs and special education services for its exceptional pupils; 1997, c. 31, s. 80 (1).

professional development programs, bullying and school climate

7.1 establish and provide annual professional development programs to educate teachers and other staff of the board about bullying prevention and strategies for promoting positive school climates; 2012, c. 5, s. 4.

programs, interventions and other supports, bullying

7.2 provide programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board; 2012, c. 5, s. 5.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2006, chapter 28, section 11 by adding the following paragraph:

equivalent learning

7.3 in accordance with any policies, guidelines or standards issued under paragraph 3.0.1 of subsection 8 (1), develop and offer equivalent learning opportunities to their pupils; 2006, c. 28, s. 11.

See: 2006, c. 28, ss. 11, 14 (2).

repair property

8. keep the school buildings and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board; R.S.O. 1990, c. E.2, s. 170 (1), par. 8.

insurance

9. 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; R.S.O. 1990, c. E.2, s. 170 (1), par. 9.

conduct schools

10. ensure that every school under its charge is conducted in accordance with this Act and the regulations; R.S.O. 1990, c. E.2, s. 170 (1), par. 10.

school open

11. keep open its schools during the whole period of the school year determined under the regulations, except where it is otherwise provided under this Act; R.S.O. 1990, c. E.2, s. 170 (1), par. 11.

appoint principal and teachers

12. appoint a principal and an adequate number of teachers for each school of the board; 2010, c. 10, s. 6 (2).

designate early childhood educator positions

12.0.1 subject to paragraph 3.0.0.1 of subsection 8 (1) and paragraph 6.1 of subsection 11 (1), designate at least one position in each junior kindergarten and kindergarten class in each school of the board as requiring an early childhood educator; 2010, c. 10, s. 6 (2).

appoint early childhood educators

12.0.2 subject to paragraph 3.0.0.1 of subsection 8 (1) and paragraph 6.1 of subsection 11 (1), appoint early childhood educators to positions designated under paragraph 12.0.1; 2010, c. 10, s. 6 (2).

duties – charges, convictions

12.1 on becoming aware that a person who is employed by the board as a teacher or temporary teacher, or a person who is employed by the board in a position designated by the board as requiring an early childhood educator, has been charged with or convicted of an offence under the *Criminal Code* (Canada) involving sexual conduct and minors, or of any other offence under the *Criminal Code* (Canada) that in the opinion of the board indicates that pupils may be at risk, take prompt steps to ensure that the person performs no duties in the classroom, no duties in an extended day program and no duties involving contact with pupils, pending withdrawal of the charge, discharge following a preliminary inquiry, stay of the charge or acquittal, as the case may be; 2010, c. 10, s. 6 (3).

provide textbooks

13. subject to paragraph 31.1 of subsection 171 (1), provide, without charge, for the use of the pupils attending the school or schools operated by the board, the textbooks that are required by the regulations to be purchased by the board; R.S.O. 1990, c. E.2, s. 170 (1), par. 13; 1993, c. 11, s. 30 (3).

vehicle insurance

14. where it furnishes transportation for pupils in a vehicle that is owned by the board, provide and carry with an insurer licensed under the *Insurance Act* for each such vehicle at least the amount of insurance that is required to be provided in respect of such a vehicle by the licensee of a school vehicle under the *Public Vehicles Act*; R.S.O. 1990, c. E.2, s. 170 (1), par. 14.

report children not enrolled

15. ascertain and report to the Ministry at least once in each year in the manner required by the Minister the names and ages of all children of compulsory school age within its jurisdiction who are not enrolled in any school or private school and the reasons therefor; R.S.O. 1990, c. E.2, s. 170 (1), par. 15.

reports

16. transmit to the Minister all reports and returns required by this Act and the regulations; R.S.O. 1990, c. E.2, s. 170 (1), par. 16.

statement of sick leave credits

17. where applicable, issue to an employee, upon the termination of his or her employment with the board, a statement of the sick leave credits standing to the employee's credit with the board at the time of such termination; R.S.O. 1990, c. E.2, s. 170 (1), par. 17; 1996, c. 13, s. 5 (2).

school councils

17.1 establish a school council for each school operated by the board, in accordance

with the regulations; 1997, c. 31, s. 80 (2).

requirements

18. do anything that a board is required to do under any other provision of this Act or under any other Act. 1997, c. 31, s. 80 (3).

19., 20. Repealed: 1997, c. 31, s. 80 (4).

Full day junior kindergarten and kindergarten

(2) For the purposes of paragraph 6.2 of subsection (1), a board operates full day junior kindergarten and kindergarten in a school if junior kindergarten and kindergarten operate during substantially the same period of time that classes in the first three years of the program of studies immediately following kindergarten are held in the school. 2010, c. 10, s. 6 (4).

Designated early childhood educator additional to teacher

(2.1) An early childhood educator appointed to a position under paragraph 12.0.2 of subsection (1) shall be in addition to the teacher assigned or appointed to teach the junior kindergarten or kindergarten class. 2010, c. 10, s. 6 (4).

Appoint or assign teachers

(2.2) For greater certainty, a board shall assign or appoint a teacher to each junior kindergarten and kindergarten class in each school of the board. 2010, c. 10, s. 6 (5).

(2.3), (2.4) Repealed: 2001, c. 14, Sched. A, s. 2 (1).

(2.5)-(2.8) Repealed: 2009, c. 25, s. 16 (4).

***Legislation Act, 2006*, Part III**

(2.9) An act of the Minister under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2000, c. 11, s. 3 (6); 2006, c. 21, Sched. F, s. 136 (1).

Regulations re school councils

(3) The Lieutenant Governor in Council may make regulations respecting school councils, including regulations relating to their establishment, composition and functions. 1997, c. 31, s. 80 (5).

Class size

Regulations

170.1 (1) The Lieutenant Governor in Council may make regulations,

(a) governing class size in schools of a board;

(b) establishing the methods to be used by a board in determining class size for the purposes of this section;

(c) requiring boards to,

(i) prepare reports and plans containing the specified information relating to class size,

(ii) make the reports and plans available to the public in the specified manner, and

(iii) submit the reports and plans required to the Minister in the specified manner;

(d) defining terms used in this section for the purposes of a regulation made under

this section. 2006, c. 10, s. 10.

General or particular

(2) A regulation made under subsection (1) may be general or particular. 2006, c. 10, s. 10.

Board duties

(3) Every board shall ensure that class size in its schools conforms to the requirements set out in the regulations made under clause (1) (a). 2006, c. 10, s. 10.

(4) Repealed: 2009, c. 25, s. 17.

Minimum teaching time

Regulations

170.2 (1) The Lieutenant Governor in Council may make regulations,

(a) governing the minimum teaching time for teachers in the elementary and secondary schools of a board;

(b) establishing the methods to be used by a board in determining the minimum teaching time for the purposes of this section;

(c) requiring boards to,

(i) prepare reports and plans containing the specified information relating to minimum teaching time,

(ii) make the reports and plans available to the public in the specified manner, and

(iii) submit the reports and plans to the Minister in the specified manner;

(d) defining terms used in this section for the purposes of a regulation made under this section. 2006, c. 10, s. 11.

General or particular

(2) A regulation made under subsection (1) may be general or particular. 2006, c. 10, s. 11.

Board duties

(3) Every board shall ensure that the minimum teaching times of its teachers conform to the requirements set out in the regulations made under clause (1) (a). 2006, c. 10, s. 11.

170.2.1-170.2.2 Repealed: 2006, c. 10, s. 11.

Teachers' assistants, etc.

170.3 The Lieutenant Governor in Council may make regulations governing duties and minimum qualifications of persons who are assigned,

(a) to assist teachers or to complement instruction by teachers in elementary or secondary schools, except in junior kindergarten or kindergarten;

(b) to assist teachers and designated early childhood educators or to complement instruction by teachers and the work of designated early childhood educators in junior kindergarten or kindergarten; or

(c) to assist designated early childhood educators or to complement the work of designated early childhood educators in extended day programs. 2010, c. 10, s. 7.

Powers of boards

171. (1) A board may,

committees

1. establish committees composed of members of the board to make recommendations to the board in respect of education, finance, personnel and property; R.S.O. 1990, c. E.2, s. 171 (1), par. 1.

idem

2. establish committees that may include persons who are not members of the board in respect of matters other than those referred to in paragraph 1; R.S.O. 1990, c. E.2, s. 171 (1), par. 2.

appoint employees

3. except as otherwise provided under this Act, appoint and remove such officers and servants and appoint and remove such teachers and designated early childhood educators, as it considers expedient, determine the terms on which such officers, servants, teachers and designated early childhood educators are to be employed, prescribe their duties and fix their salaries, except that in the case of a secretary of a board who is a member of the board, the board may pay only such compensation for his or her services as is approved by the electors at a meeting of the electors; R.S.O. 1990, c. E.2, s. 171 (1), par. 3; 2001, c. 24, s. 3; 2010, c. 10, s. 8 (1).

voluntary assistants

4. 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; R.S.O. 1990, c. E.2, s. 171 (1), par. 4.

supervisors, teachers

5. appoint persons to supervise teaching staff and every appointee shall hold the qualifications and perform the duties required under any Act or regulation administered by the Minister; 2010, c. 10, s. 8 (2).

supervisors, designated early childhood educators

5.1 appoint persons to supervise persons in positions designated by the board as requiring an early childhood educator and every appointee shall hold the qualifications and perform the duties required under any Act or regulation administered by the Minister; 2010, c. 10, s. 8 (2).

psychiatrist or psychologist

6. appoint one or more,

   i. psychiatrists who are on the register of specialists in psychiatry of The Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario,

   ii. psychologists who are legally qualified medical practitioners or are members of the College of Psychologists of Ontario; R.S.O. 1990, c. E.2, s. 171 (1), par. 6; 1997, c. 31, s. 82 (1).

schools and attendance areas

7. determine the number and kind of schools to be established and maintained and the attendance area for each school, and close schools in accordance with policies established by the board from guidelines issued by the Minister; R.S.O. 1990, c. E.2, s. 171 (1), par. 7.

courses of study

8. provide instruction in courses of study that are prescribed or approved by the Minister, developed from curriculum guidelines issued by the Minister or approved by the board where the Minister permits the board to approve courses of study; R.S.O. 1990, c. E.2, s. 171 (1), par. 8.

instruction by electronic or other means

8.1 provide instruction in courses of study described in paragraph 8, by electronic or other means, to pupils who are not present in the classroom; 2006, c. 10, s. 12.

computer programming

9. in lieu of purchasing a computer or system of computer programming, enter into an agreement for the use thereof by the board; R.S.O. 1990, c. E.2, s. 171 (1), par. 9.

playgrounds, parks, rinks

10. operate the school ground as a park or playground and rink during the school year or in vacation or both, and provide and maintain such equipment as it considers advisable, and provide such supervision as it considers proper, provided the proper conduct of the school is not interfered with; R.S.O. 1990, c. E.2, s. 171 (1), par. 10.

gymnasiums

11. organize and carry on gymnasium classes in school buildings for pupils or others during the school year or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1990, c. E.2, s. 171 (1), par. 11.

milk

12. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; R.S.O. 1990, c. E.2, s. 171 (1), par. 12.

provision of supplies, etc.

13. provide school supplies, other than the textbooks that it is required to provide under paragraph 13 of subsection 170 (1), for the use of pupils; R.S.O. 1990, c. E.2, s. 171 (1), par. 13.

libraries

14. establish and maintain school libraries and resource centres; R.S.O. 1990, c. E.2, s. 171 (1), par. 14.

15. Repealed: 2010, c. 10, s. 8 (3).

signatures mechanically reproduced

16. 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; R.S.O. 1990, c. E.2, s. 171 (1), par. 16.

membership fees and travelling expenses

17. pay the travelling expenses and membership fees of any member of the board, or of any teacher, designated early childhood educator or officer of the board, incurred in attending meetings of an educational association and may make grants and pay membership fees to any such organization; R.S.O. 1990, c. E.2, s. 171 (1),

par. 17; 2010, c. 10, s. 8 (4).

legal costs

18. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, designated early childhood educator, officer or other employee of the board in successfully defending any legal proceeding brought against him or her,

    i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or

    ii. for assault in respect of disciplinary action taken in the course of duty; R.S.O. 1990, c. E.2, s. 171 (1), par. 18; 2010, c. 10, s. 8 (5).

19.-21. Repealed: 1997, c. 31, s. 82 (2).

22. Repealed: 1997, c. 31, s. 82 (3).

pupil fees

23. subject to the provisions of this Act and the regulations, fix the fees to be paid by or on behalf of pupils; 2010, c. 10, s. 8 (6).

pupil fees, payment and enforcement

23.1 subject to the provisions of this Act and the regulations, fix the times of payment of fees to be paid by or on behalf of pupils, enforce payment of those fees by action in the Small Claims Court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice; 2010, c. 10, s. 8 (6).

permit use of school and school buses

24. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purpose; R.S.O. 1990, c. E.2, s. 171 (1), par. 24.

surgical treatment

25. provide for surgical treatment of children attending the school who suffer from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical officer are employed, of the nurse and medical officer, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without consent that complies with the *Health Care Consent Act, 1996*; R.S.O. 1990, c. E.2, s. 171 (1), par. 25; 1992, c. 32, s. 9; 1996, c. 2, s. 65.

cadet corps

26. establish and maintain cadet corps; R.S.O. 1990, c. E.2, s. 171 (1), par. 26.

athletics

27. provide for the promotion and encouragement of athletics and for the holding of school games; R.S.O. 1990, c. E.2, s. 171 (1), par. 27.

activities

28. provide, during the school year or at other times, activities and programs on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein; R.S.O. 1990, c. E.2, s. 171 (1), par. 28.

guidance

29. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement; R.S.O. 1990, c. E.2, s. 171 (1), par. 29.

public lectures

30. conduct free lectures open to the public and include in the estimates for the current year the expenses thereof; R.S.O. 1990, c. E.2, s. 171 (1), par. 30.

continuing education

31. establish continuing education courses and classes; R.S.O. 1990, c. E.2, s. 171 (1), par. 31.

deposit for continuing education textbooks

31.1 require a pupil enrolled in a continuing education course or class that is eligible for credit towards a secondary school diploma to pay a nominal deposit for a textbook provided by the board that will be forfeited to the board in whole or in part if the textbook is not returned or is returned in a damaged condition; 1993, c. 11, s. 31 (3).

courses for teachers and designated early childhood educators

32. establish and conduct during the school year courses for teachers and designated early childhood educators; R.S.O. 1990, c. E.2, s. 171 (1), par. 32; 2010, c. 10, s. 8 (7).

evening classes

33. establish evening classes; R.S.O. 1990, c. E.2, s. 171 (1), par. 33.

erect fences

34. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises; R.S.O. 1990, c. E.2, s. 171 (1), par. 34.

school fairs

35. contribute toward the support of school fairs; R.S.O. 1990, c. E.2, s. 171 (1), par. 35.

student activities

36. authorize such school activities as pertain to the welfare of the pupils and exercise jurisdiction in respect thereof; R.S.O. 1990, c. E.2, s. 171 (1), par. 36.

cafeteria

37. operate a cafeteria for the use of the staff and pupils; R.S.O. 1990, c. E.2, s. 171 (1), par. 37.

records management

38. 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; R.S.O. 1990, c. E.2, s. 171 (1), par. 38.

education of children in charitable organizations

39. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use; R.S.O. 1990, c. E.2, s. 171 (1), par. 39.

programs in detention homes, etc.

40. with the approval of the Minister, conduct an education program in a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act and in which the Ministry does not conduct an education program, or in a demonstration school for exceptional pupils; R.S.O. 1990, c. E.2, s. 171 (1), par. 40.

maternity leave

41. provide for maternity leave for a teacher or designated early childhood educator, not exceeding two years for each pregnancy; R.S.O. 1990, c. E.2, s. 171 (1), par. 41; 2010, c. 10, s. 8 (8).

assumption of treatment centres, etc.

42. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved; R.S.O. 1990, c. E.2, s. 171 (1), par. 42.

43. Repealed: 1997, c. 31, s. 82 (4).

agreement for provision and use of recreational facilities

44. with the approval of the Minister, enter into an agreement with a university, college of a university, or the board of governors of a polytechnical institute or of a college of applied arts and technology, in respect of the provision, maintenance and use of educational or recreational facilities on the property of either of the parties to the agreement; R.S.O. 1990, c. E.2, s. 171 (1), par. 44.

election recounts

45. pass a resolution referred to in subsection 57 (1) of the *Municipal Elections Act, 1996*; 1996, c. 32, s. 70 (4).

insurance

46. provide for insurance against risks that may involve pecuniary loss or liability on the part of the board, and for paying premiums therefor; R.S.O. 1990, c. E.2, s. 171 (1), par. 46.

47. Repealed: 1997, c. 31, s. 82 (5).

child care facilities

48. construct and renovate child care facilities in any school; 1991, c. 10, s. 5 (1).

day nurseries

49. establish, operate and maintain day nurseries within the meaning of the *Day Nurseries Act*, subject to that Act; 1993, c. 11, s. 31 (3).

50. Repealed: 1996, c. 13, s. 6 (2).

Powers of boards re: days of work

(2) A board may require teachers and designated early childhood educators to work during some or all of the five working days preceding the start of the school year. 1997, c. 31, s. 82 (6); 2010, c. 10, s. 8 (9).

Same

(3) A board may authorize the principal of a school to make determinations respecting the work to be done by teachers and designated early childhood educators of the school during the working days referred to in subsection (2) and the principal shall exercise that discretion subject to the authority of the appropriate supervisory officer. 1997, c. 31, s. 82 (6); 2010, c. 10, s. 8 (10).

Same

(4) For the purposes of subsections (2) and (3), a working day is a day other than Saturday or a holiday as defined in Part VI (Interpretation) of the *Legislation Act, 2006*. 2006, c. 21, Sched. F, s. 107 (1).

Same

(5) Work that may be required under subsections (2) and (3) includes but is not limited to participation in professional development activities. 1997, c. 31, s. 82 (6).

Agreements to co-operate

171.1 (1) In this section,

"college" means a board of governors of a college of applied arts and technology established in accordance with section 3 of the *Ontario Colleges of Applied Arts and Technology Act, 2002*; ("collège")

"hospital" has the same meaning as "board" in section 1 of the *Public Hospitals Act*; ("hôpital")

"municipality" includes an upper-tier municipality; ("municipalité")

"university" means a degree granting institution authorized under section 3 of the *Post-secondary Education Choice and Excellence Act, 2000*. ("université") 1996, c. 13, s. 7; 1997, c. 31, s. 83 (1, 2); 2002, c. 17, Sched. F, Table; 2009, c. 33, Sched. 13, s. 1 (13).

Same

(2) A board may enter into an agreement with another board or with a municipality, hospital, university or college for one or more of the following purposes:

1. The joint provision or use of transportation services.
2. The joint provision or use of administrative support services or operational support services.
3. The joint provision or use of support services for educational programs.
4. The joint provision or use of equipment or facilities for administrative or

operational purposes.

5. The joint investment of funds.

6. A purpose prescribed under clause (5) (a). 1996, c. 13, s. 7.

Same

(3) A board may enter into an agreement with any class of persons or organizations prescribed under clause (5) (b) for any purpose prescribed in connection with the class of persons or organizations under clause (5) (c). 1996, c. 13, s. 7.

Limitation re joint investment agreements

(4) No agreement entered into under this section for the joint investment of funds may,

(a) affect an education development charges account established under an education development charge by-law to which section 257.103 applies; or

(b) provide for investment by a board that is not permitted by subsection 241 (1). 1997, c. 31, s. 83 (3); 2009, c. 34, Sched. I, s. 2.

Regulations

(5) The Lieutenant Governor in Council may make regulations,

(a) prescribing purposes for the purpose of paragraph 6 of subsection (2);

(b) prescribing classes of persons and organizations for the purpose of subsection (3);

(c) prescribing, in connection with any class of persons or organizations prescribed under clause (b), any of the purposes mentioned in paragraphs 1 to 5 of subsection (2) or prescribed under clause (a). 1996, c. 13, s. 7.

Classes

(6) A class prescribed under subsection (5) may be defined with respect to any characteristic and may be defined to consist of or to include or exclude any specified member. 1996, c. 13, s. 7.

Interpretation

(7) This section shall not be interpreted to authorize a board or any other person to acquire, provide or use any thing or service that it would not otherwise be authorized to acquire, provide or use. 1996, c. 13, s. 7.

Conflict

(8) Where a board is permitted to do a thing by or under this section as well as by or under another provision of this or any other Act, any conditions or requirements set out by or under the other provision that relate in any way to the doing of the thing must be complied with. 1996, c. 13, s. 7.

172. Repealed: 1997, c. 31, s. 84.

Establishment of scholarships, etc.

173. (1) Any person may, with the approval of the board concerned, establish scholarships, bursaries or prizes.

Idem

(2) A board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. R.S.O. 1990, c. E.2, s. 173.

174. Repealed: 1997, c. 31, s. 85.

175. Repealed: 1997, c. 31, s. 85.

BENEFITS

Insurance: accident, liability, etc.

176. A board may,

accident, etc., insurance

1. provide, by contract with an insurer licensed under the *Insurance Act*,

   i. group accident insurance to indemnify a member of a board or of an advisory committee appointed by a board or his or her estate against loss in case he or she is accidentally injured or killed, and

   ii. group public liability and property damage insurance to indemnify a member of a board or of an advisory committee appointed by a board or his or her estate in respect of loss or damage for which he or she has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him or her by reason of injury to his or her own property,

   while travelling on the business of the board or in the performance of duties as a member of the board or of an advisory committee either within or outside the area over which the board has jurisdiction; R.S.O. 1990, c. E.2, s. 176, par. 1.

2. Repealed: 1997, c. 31, s. 86.

accident and public liability insurance re work-experience programs

3. where, in co-operation with business, industry or other enterprise, it provides for pupils training programs designed to supplement the courses given in its schools, provide, by contract with an insurer under the *Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a program and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a program; R.S.O. 1990, c. E.2, s. 176, par. 3.

insurance for pupils

4. provide, by contract with an insurer under the *Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians. R.S.O. 1990, c. E.2, s. 176, par. 4.

Insurance for employees

177. (1) Subject to the *Health Insurance Act*, 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 and their spouses and children,

   (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. R.S.O. 1990, c. E.2, s. 177 (1); 1999, c. 6, s. 20 (4); 2005, c. 5, s. 21 (7).

Contributions re insured services

(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*. R.S.O. 1990, c. E.2, s. 177 (2).

Coverage for retired persons

(3) If a person retires from employment with a board before he or she reaches 65 years of age, the board may retain the person in a group established for the purpose of a contract referred to in clause (1) (a) until the person reaches 65 years of age. 1994, c. 27, s. 108 (7).

Payment of premium

(4) If a person is retained in a group under subsection (3), the premium required to be paid to maintain the person's participation in the contract may be paid, in whole or in part, by the person or by the board. 1994, c. 27, s. 108 (7).

Pensions

178. (1) A board, by resolution, may provide pensions for employees or any class thereof under the *Ontario Municipal Employees Retirement System Act, 2006*. R.S.O. 1990, c. E.2, s. 178 (1); 2006, c. 2, s. 47.

Continued pension plans

(2) Despite subsection (1), a board that made contributions to an approved pension plan, as defined in subsection 117 (1) of the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, may continue to provide pensions under such plan, and despite the repeal of section 117 of that Act, that section, as it read immediately before its repeal, continues to apply with necessary modifications. 2002, c. 17, Sched. F, Table.

Definition

(3) In this section,

"employee" does not include a teacher or supervisory officer or an administrative officer who is a member of the Ontario College of Teachers and who is eligible to contribute to the pension fund maintained to provide benefits in respect of The Ontario Teachers' Pension Plan. R.S.O. 1990, c. E.2, s. 178 (3); 1996, c. 12, s. 64 (10).

Rights continued

(4) Where a person has rights under this section in relation to an old board and the old board is amalgamated or merged with a district school board under Part II.2, the rights of the person are the same immediately after the amalgamation or merger as they were immediately before the amalgamation or merger and, for the purpose, the district school board stands in the place of the old board. 1997, c. 31, s. 87.

(5) Repealed: 1997, c. 31, s. 87.

Retirement allowances

179. (1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who,

(a) is retired because of age; or

(b) while in the service has become incapable through illness or otherwise of

efficiently discharging his or her duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under the *Teachers' Pension Act*, will exceed three-fifths of the employee's average annual salary for the preceding three years of his or her service. R.S.O. 1990, c. E.2, s. 179 (1).

Surviving spouse

(2) Where an employee,

(a) has been granted an annual retirement allowance under subsection (1) and subsequently dies; or

(b) would have been eligible, except for his or her death, for such an allowance,

the board may grant to the surviving spouse of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection (1). R.S.O. 1990, c. E.2, s. 179 (2); 2005, c. 5, s. 21 (8).

Definition

(3) In subsection (1),

"pension payments" means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee. R.S.O. 1990, c. E.2, s. 179 (3).

Limitation on application of section

(4) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who were in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1990, c. E.2, s. 179 (4).

Sick leave credits

180. (1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his or her employment no employee is entitled to more than an amount equal to the employee's salary, wages or other remuneration for one-half the number of days standing to the employee's credit and, subject to subsection (3), in any event not in excess of the amount of one-half year's earnings at the rate received by the employee immediately prior to termination of employment. R.S.O. 1990, c. E.2, s. 180 (1).

Idem

(2) Where a sick leave gratuity is paid upon termination of employment, the number of days used to calculate the amount of the gratuity ceases to stand to the credit of the employee and is not available for transfer or reinstatement of credits under subsection (4). R.S.O. 1990, c. E.2, s. 180 (2).

Idem

(3) Where, pursuant to a collective agreement, or a policy of the board, an employee to whom subsection (1) applies has elected to accept a reduction in employment from full-time to part-time employment in respect of one or more years or school years, as the case may be, including the year or school year immediately preceding the employee's

termination of employment by reason of retirement, the limitation upon the amount of the gratuity payable under subsection (1) does not apply to the employee and, in lieu thereof, the maximum amount receivable by the employee shall not be in excess of an amount equal to one-half of the full-time annual rate of the earnings received by the employee for the last complete year or school year, as the case may be, in which the employee was employed by the board. R.S.O. 1990, c. E.2, s. 180 (3).

Allowing of credits on transfer of employment

(4) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection (7), place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board. R.S.O. 1990, c. E.2, s. 180 (4).

Where transferred because of change in jurisdiction of board

(5) Despite subsection (4), where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to the employee's credit in the system of sick leave credit gratuities of the first-mentioned board. R.S.O. 1990, c. E.2, s. 180 (5).

Idem

(6) Where an employee of a municipality or a local board, as defined in the *Municipal Affairs Act*, except a school board, that has established a sick leave credit plan under any general or special Act, becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection (7), place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board. R.S.O. 1990, c. E.2, s. 180 (6).

Limitation

(7) The amount of sick leave credits placed to the credit of an employee under subsection (4) or (6) shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed. R.S.O. 1990, c. E.2, s. 180 (7).

(8) Repealed: 1993, c. 11, s. 32.

(9) Repealed: 1993, c. 11, s. 32.

(10) Repealed: 1997, c. 31, s. 88.

Termination of sick leave credits

180.1 (1) If regulations are made under subsection (2), section 180 is inoperative to the extent of any conflict with those regulations. 2012, c. 11, s. 21 (1).

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) prescribing and governing the terms of any system of sick leave credits and sick leave credit gratuities provided by a board;

(b) prescribing and governing the terms respecting sick leave credits and sick leave credit gratuities that shall be included or deemed to be included in a collective agreement;

(c) providing for and governing the termination of systems of sick leave credits and sick leave credit gratuities authorized under subsection 180 (1), including providing for the elimination of sick leave credits that an employee has accumulated under the system and limiting the amount of a gratuity that may be paid in respect of any such credits. 2012, c. 11, s. 21 (1).

Same

(3) A regulation made under subsection (2) may apply with respect to any period specified in the regulation, including a period before the regulation is filed or before the day subsection 1 (1) of the *Putting Students First Act, 2012* comes into force, but shall not apply to a period before which any applicable restraint period, as defined in that Act, begins. 2012, c. 11, s. 21 (1).

Same

(4) Section 14, subsections 15 (1) and (3), 16 (1) and (2) and section 18 of the *Putting Students First Act, 2012* apply, with the following and any other necessary modifications, in respect of this section and the regulations made under it:

1. A reference to the *Putting Students First Act, 2012* or to a provision of that Act shall be read as a reference to this section, and a reference to a regulation made under that Act shall be read as a reference to a regulation made under subsection (2).
2. The reference in subsection 15 (3) of the *Putting Students First Act, 2012* to a term described in subsection 4 (1) of that Act shall be read as a reference to a term prescribed under subsection (2). 2012, c. 11, s. 21 (1).

AGREEMENTS

Agreements to provide accommodation or services for another board

181. (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 and equipment for administrative purposes;

(b) accommodation and equipment for instructional and other educational purposes;

(c) the services of teachers, designated early childhood educators and other personnel; or

(d) the transportation of pupils,

that the board by this Act is authorized or required to provide for its own pupils. R.S.O. 1990, c. E.2, s. 181 (1); 2010, c. 10, s. 9 (1).

Where building, additions, etc., required

(2) Where the construction 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. R.S.O. 1990, c. E.2, s. 181 (2); 1997, c. 31, s. 89.

(3) Repealed: 2009, c. 25, s. 18.

Fees, exception

(4) Despite the regulations, other than the regulations made under Part IX.1, an agreement under this section may provide for the calculation and payment of fees in respect

of pupils covered by the agreement. 2010, c. 10, s. 9 (2).

Transfer of French-language secondary school

182. (1) A French-language public district school board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a French-language separate district school board may, with the approval of the Minister, enter into an agreement with the separate district school board to transfer a secondary school of the public district school board. 1997, c. 31, s. 90.

Transfer not a closing

(2) A transfer of a secondary school referred to in subsection (1) is not a closing of the secondary school. R.S.O. 1990, c. E.2, s. 182 (2).

Agreements for joint use, etc.

Definition

183. (1) In this section,

"municipality" includes an upper-tier municipality and a local board, as defined in the *Municipal Affairs Act*, but does not include a board as defined in subsection 1 (1). 2002, c. 17, Sched. F, Table.

Same

(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. R.S.O. 1990, c. E.2, s. 183 (2).

Approval of Minister

(3) Where, pursuant to an agreement made under this section, a permanent improvement is required, it shall not be proceeded with until such plans and specifications therefor as are required by the Minister have been approved by the Minister. R.S.O. 1990, c. E.2, s. 183 (3).

Previous agreement

(4) This section does not affect an agreement entered into before the 23rd day of June, 1972,

(a) under subsection 168 (2) 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 an amendment to an agreement referred to in clause (a) or (b) or an agreement to which the said subsection 168 (2) applies may be made only in accordance with this section. R.S.O. 1990, c. E.2, s. 183 (4); 1997, c. 31, s. 91 (2).

(5) Repealed: 2002, c. 17, Sched. F, Table.

Agreement for education at other school

184. (1) A board may enter into an agreement with another board to provide education for pupils of the one board in a school or schools operated by the other board. 1997, c. 31, s. 92.

Calculation of fees

(2) Where an agreement is entered into under subsection (1), the board requesting the instruction shall pay to the board providing the instruction the fees, if any, payable for the purpose under the regulations. 1997, c. 31, s. 92.

Admission of pupils to Indian schools

185. A board may provide for the admission of one or more of its pupils to a school for Indian children operated by a band, council of a band or an education authority where the band, council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians, subject to the approval of the band, council of the band or education authority, and the accommodation provided under the arrangement shall be in place of the accommodation that the board is required by this Act to provide for those pupils. 1997, c. 31, s. 93; 2006, c. 10, s. 13.

Closing of school by board

186. Where a board has arranged under section 184 or 185 for the admission of all its pupils to a school or schools that the board does not operate, the board may close its school for the period during which the arrangement or arrangements are in effect. 1997, c. 31, s. 94.

Agreements re pupils in federal establishments

187. A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or held by the Crown in right of Canada. R.S.O. 1990, c. E.2, s. 187.

Agreements re education of Indian pupils

188. (1) A board may enter into an agreement with,

(a) the Crown in right of Canada; or

(b) a band or the council of the band or an education authority where such band, the council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

to provide for Indian pupils, for the period specified in the agreement, accommodation, instruction and special services in the schools of the board, and such agreement shall

provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of fees calculated in accordance with the regulation governing the fees payable by Canada. R.S.O. 1990, c. E.2, s. 188 (1).

Agreements re instruction in Indian schools

(2) A board may enter into an agreement with,

(a) the Crown in right of Canada; or

(b) a band, the council of the band or an education authority referred to in clause (1) (b),

to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of the full cost of the provision of the instruction and special services. R.S.O. 1990, c. E.2, s. 188 (2).

Agreements re accommodation for Indian pupils

(3) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be calculated in accordance with the regulations, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto. R.S.O. 1990, c. E.2, s. 188 (3).

Cost of special services

(4) A board shall not enter into an agreement under subsection (1), (2) or (3) that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in addition to the fees referred to in subsection (1) or (3), the cost of such services is payable by the Crown in right of Canada. R.S.O. 1990, c. E.2, s. 188 (4).

Regulations: interests of members of bands

(5) The Lieutenant Governor in Council may make regulations providing for representation on boards, by appointment, of the interests of members of bands in respect of which there is agreement under this Act to provide instruction to pupils who are Indians within the meaning of the *Indian Act* (Canada). 1997, c. 31, s. 95.

Same

(6) A regulation under this section may provide for the type and extent of participation by the persons appointed. 1997, c. 31, s. 95.

Same

(7) A regulation under this section may provide that all persons, or one or more classes of persons, appointed under this section shall be deemed to be elected members of the board, for all purposes or for such purposes as are specified in the regulation. 1997, c. 31, s. 95.

Representation on Roman Catholic boards

(8) Where a person is appointed to represent the interests of Indian pupils on a Roman Catholic board, the person shall be a Roman Catholic and at least 18 years of age. 1997, c. 31, s. 95.

Representation on French-language district school boards

(9) Where a person is appointed to represent the interests of Indian pupils on a French-language district school board, the person shall be a French-language rights holder and at least 18 years of age. 1997, c. 31, s. 95.

(10) Repealed: 1997, c. 31, s. 95.

(11) Repealed: 1997, c. 31, s. 95.

(12) Repealed: 1997, c. 31, s. 95.

(13) Repealed: 1997, c. 31, s. 95.

Agreements for adult basic education

189. (1) In this section,

"adult basic education" means programs and courses that are designed to develop and improve the basic literacy and numeracy skills of adults. R.S.O. 1990, c. E.2, s. 189 (1).

Same

(2) Subject to the approval of the Minister, a board may, in respect of persons who reside in the area of jurisdiction of the board, enter into an agreement in writing with a college of applied arts and technology under which the college of applied arts and technology provides for the board such adult basic education as is specified in the agreement. R.S.O. 1990, c. E.2, s. 189 (2); 2006, c. 10, s. 14.

Idem

(3) A board may, in respect of persons who reside in the area of jurisdiction of the board, enter into an agreement in writing with a community group for the provision by the group of adult basic education that is approved by the Minister. R.S.O. 1990, c. E.2, s. 189 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 28, subsection 12 (1) by adding the following section:

Agreements re equivalent learning

189.1 (1) Subject to subsection (2), one or more boards may enter into an agreement with one or more groups, organizations or entities approved under paragraph 3.0.1 of subsection 8 (1) to provide for equivalent learning opportunities for pupils of the board or boards and every such agreement shall address such matters and include such requirements as the Minister may specify. 2006, c. 28, s. 12 (1).

Minister's approval

(2) Prior to entering into an agreement, a board shall submit the proposed agreement to the Minister for his or her approval. 2006, c. 28, s. 12 (1).

See: 2006, c. 28, ss. 12 (1), 14 (2).

Note: On the later of the day the Statutes of Ontario, 2006, chapter 28, subsection 12 (1) comes into force and July 1, 2008, subsection (2) is repealed by the Statutes of Ontario, 2006, chapter 28, subsection 12 (2) and the following substituted:

Minister's approval

(2) The Minister may require boards to submit proposed agreements for his or her approval before entering into them. 2006, c. 28, s. 12 (2).

See: 2006, c. 28, ss. 12 (2), 14 (2).

TRANSPORTATION

Transportation of pupils

190. (1) A board may provide for,

(a) a pupil who is enrolled in a school that the board operates;

(a.1) a resident pupil of the board who is enrolled in a school operated by another board under an agreement between the boards;

(b) a pupil in respect of whom the Minister pays the cost of education under the regulations; and

(c) a child over two years of age who may, under the regulations, be admitted to a program for hearing-handicapped children,

transportation to and from the school that the pupil attends. R.S.O. 1990, c. E.2, s. 190 (1); 1997, c. 31, s. 96 (1).

Idem

(2) A board may provide for a pupil who is enrolled in a school that the board operates transportation to and from an activity that is part of the program of such school. R.S.O. 1990, c. E.2, s. 190 (2).

Same

(3) A board may provide for a person who is qualified to be a resident pupil of the board transportation to and from the Ontario School for the Blind, an Ontario School for the Deaf, a demonstration school established by or operated under an agreement with the Minister for pupils with severe communicational exceptionalities, a centre classified as a Group K hospital under the *Public Hospitals Act*, a supported group living residence or an intensive support residence under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*, a psychiatric facility designated as such under the *Mental Health Act* and a place where an agency approved under subsection 8 (1) of Part I (Flexible Services) of the *Child and Family Services Act* provides a child development service, a child treatment service or a child and family intervention service. 2009, c. 33, Sched. 8, s. 12.

Idem

(4) A board that operates a secondary school may assist in the provision of transportation for children who are qualified to be resident pupils of the board to and from a centre operated by a local association that is affiliated with the Ontario Association for Community Living. R.S.O. 1990, c. E.2, s. 190 (4); 1997, c. 31, s. 96 (2).

(5) Repealed: 2009, c. 25, s. 19.

Agreements

(6) For the purposes of this section, a board may make an agreement or agreements with a corporation, commission or person for the transportation of pupils. 2006, c. 10, s. 15.

(7) Repealed: 2006, c. 10, s. 15.

Boarding of secondary school pupils

(8) Where a pupil resides in a school section of a school authority or a separate school zone of a school authority, in a territorial district, with his or her parent or guardian in a residence that is 24 kilometres or more by road or rail from a secondary school that the pupil is eligible to attend, the school authority may reimburse the parent or guardian at the end of each month for the cost of providing for the pupil, board, lodging, and transportation once a week from his or her residence to school and return, in an amount set by the authority for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1997, c. 31, s. 96 (3).

Same

(9) Where a pupil resides in a territorial district but not in the area of jurisdiction of any board, with his or her parent or guardian in a residence that is 24 kilometres or more by road or rail from a secondary school that the pupil is eligible to attend, the board of the secondary school that the pupil attends may reimburse the parent or guardian at the end of each month for the cost of providing for the pupil, board, lodging, and transportation once a week from his or her residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1997, c. 31, s. 96 (3).

Same

(10) Where a pupil resides with his or her parent or guardian in the area of jurisdiction of a district school board or a board established under section 67, in a residence that,

(a) in a territorial district is 24 kilometres or more; or

(b) in a municipality that is not in a territorial district is 48 kilometres or more,

by road or rail from a secondary school that the pupil attends, or where a pupil resides with his or her parent or guardian on an island in the area of jurisdiction of a district school board or a board established under section 67, the board of which the pupil is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for the pupil, board, lodging, and transportation once a week from his or her residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends. 1997, c. 31, s. 96 (3); 2000, c. 5, s. 11 (2).

Boarding of elementary school pupils

(11) Where a pupil resides in a territorial district but not in the area of jurisdiction of any board, with his or her parent or guardian in a residence from which daily transportation to and from an elementary school that the pupil may attend is impracticable due to distance or terrain, as certified by the appropriate supervisory officer of the elementary school nearest the residence, the board of the elementary school that the pupil attends may reimburse the parent or guardian at the end of each month for the cost of providing for the pupil, board, lodging, and transportation once a week from his or her residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends. 1997, c. 31, s. 96 (3).

Same

(12) Where a pupil resides in the area of jurisdiction of a board with his or her parent or guardian in a residence from which daily transportation to and from an elementary school that the pupil may attend is impracticable due to distance or terrain, as certified by the appropriate supervisory officer, the board of the elementary school of which the pupil is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of

providing for the pupil, board, lodging, and transportation once a week from his or her residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends. 1997, c. 31, s. 96 (3).

Certification of attendance

(13) For the purpose of certifying attendance under subsections (8) to (12), the principal may add to the number of days of attendance of a pupil the number of days the pupil is excused from attendance under the regulations or is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. 1997, c. 31, s. 96 (3).

(14) Repealed: 1997, c. 31, s. 96 (3).

HONORARIA

Honorarium for members of boards

191. (1) A board may pay to each of its members an honorarium in an amount determined by the board. 2006, c. 10, s. 16.

Additional honorarium for chair and vice-chair

(2) A board may pay to its chair and vice-chair an additional honorarium in an amount determined by the board. 2006, c. 10, s. 16.

Same

(3) The amount of the additional honorarium payable to the chair may differ from the one payable to the vice-chair. 2006, c. 10, s. 16.

Regulations

(4) The Minister may make regulations,

(a) setting limits on honoraria paid under this section, and providing a method for calculating those limits;

(b) requiring a board to engage in public consultations before adopting or amending a policy providing for the payment of honoraria under this section;

(c) governing the form of the public consultations, the manner in which they are conducted and their timing, including notice requirements;

(d) respecting the establishment of bodies to represent the public for the purpose of the public consultations;

(e) governing the intervals at which a board may adopt a new policy or amend an existing policy providing for the payment of honoraria under this section. 2006, c. 10, s. 16.

General or particular

(5) A regulation made under subsection (4) may be general or particular. 2006, c. 10, s. 16.

Same

(6) Without limiting the generality of subsection (5), a regulation made under subsection (4) may treat district school boards and school authorities differently. 2006, c. 10, s. 16.

Retroactivity

(7) A regulation made under subsection (4) may be retroactive to a date no earlier than September 1, 2005. 2006, c. 10, s. 16.

Transition

(8) Despite the repeal of sections 191 and 191.1 by section 16 of the *Education Statute Law Amendment Act (Student Performance), 2006*, a board may continue to pay honoraria in accordance with section 191 or 191.1, as the case may be, until honoraria may lawfully be paid under section 191, as re-enacted by section 16 of the *Education Statute Law Amendment Act (Student Performance), 2006*. 2006, c. 10, s. 16.

191.1 Repealed: 2006, c. 10, s. 16.

Expenses

Travel expenses to attend board and committee meetings

191.2 (1) In respect of travel of a member of a board to and from his or her residence to attend a meeting of the board, or of a committee of the board, that is held within the area of jurisdiction of the board, the board may,

(a) reimburse the member for his or her out-of-pocket expenses reasonably incurred or such lesser amount as may be determined by the board; or

(b) pay the member an allowance at a rate per kilometre determined by the board. 1997, c. 31, s. 97.

Other travel expenses

(2) A board may by resolution authorize a member, teacher or official of the board to travel on specific business of the board and may reimburse the member, teacher or official for his or her out-of-pocket expenses reasonably incurred or such lesser amount as may be determined by the board. 1997, c. 31, s. 97.

Other expenses

(3) A board may establish a policy under which a member of the board may be reimbursed for all or part of his or her out-of-pocket expenses reasonably incurred in connection with carrying out the responsibilities of a board member. 1997, c. 31, s. 97.

Same

(4) A board may, in accordance with a policy established by it under subsection (3), reimburse a member for his or her out-of-pocket expenses reasonably incurred in connection with carrying out the responsibilities of a board member. 1997, c. 31, s. 97.

Deduction because of absence

(5) A board may provide for a deduction of a reasonable amount from the allowance of a member because of absence from meetings of the board or of a committee of the board. 1997, c. 31, s. 97.

Committee members

(6) Subsections (1) to (4) apply with necessary modifications to members of a committee established by the board who are not members of the board. 1997, c. 31, s. 97.

Deemed expenses

191.3 Despite this Act or any other Act, where an elected member of a board is, under a by-law or resolution of the board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount shall be deemed to be for expenses incident to the discharge of his or her duties as a member of the board. 2002, c. 17, Sched. F, Table.

PROPERTY

Property vested in board for school purposes

192. (1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in a public school board or a board of education having jurisdiction in the municipality in which the lands are situate, continue to be vested in such board, and continue to be held by it and its successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are respectively held. R.S.O. 1990, c. E.2, s. 192 (1).

Same

(1.1) In subsection (1),

"public school board" and "board of education" have the same meaning as they had immediately before the *Education Quality Improvement Act, 1997* received Royal Assent. 1997, c. 31, s. 98.

Same

(2) All property heretofore granted or devised to, acquired by or vested in any person or corporation,

(a) for the secondary school purposes of a secondary school district or any part thereof; or

(b) for the separate school purposes in a separate school zone,

is vested in the board having jurisdiction in the secondary school district or separate school zone, as the case may be. R.S.O. 1990, c. E.2, s. 192 (2).

Dealings with property

193. (1) A board may take possession of all property acquired or given for school purposes and hold and apply it according to the terms on which it was acquired or given. R.S.O. 1990, c. E.2, s. 193 (1).

Idem

(2) A Roman Catholic board has power to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received. R.S.O. 1990, c. E.2, s. 193 (2); 1997, c. 31, s. 99 (1).

Same

(3) A public district school board may appropriate any property acquired by it or in its possession or control for any of the purposes of the board. 1997, c. 31, s. 99 (2).

Dealings with property

Disposal of realty

194. (1) A board that is in possession of real property that was originally granted by the Crown for school purposes and that has reverted or may have reverted to the Crown may continue in possession of the real property for school purposes and when the board determines that the real property is no longer required for school purposes, the board may, with the approval of the Lieutenant Governor in Council and subject to such conditions as are prescribed by the Lieutenant Governor in Council, sell, lease or otherwise dispose of the real property. R.S.O. 1990, c. E.2, s. 194 (1).

Application for removal of restrictions on use of school lands

(2) Where land, the use of which is restricted by deed in any manner to school purposes so as to appear that some other person may have an interest therein, has been vested in a board for at least fifty years, the board may apply to the Superior Court of Justice to remove the restriction, and the court may make such order on the application as it considers just including, where the land adjoins land being used as a farm, a requirement that the board shall, where the board intends to sell the land, first offer it at a reasonable price to the owner or owners of such adjoining land. R.S.O. 1990, c. E.2, s. 194 (2); 2000, c. 11, s. 21.

Lease or sale of site or property

(3) Subject to subsections (3.3) and (4), a board has power to sell, lease or otherwise dispose of any school site or part of a school site of the board or any property of the board,

(a) on the adoption of a resolution that the site or part or property is not required for the purposes of the board; or

(b) on the adoption of a resolution that the sale, lease or other disposition is a reasonable step in a plan to provide accommodation for pupils on the site or part or property. 1997, c. 31, s. 100 (1); 2002, c. 18, Sched. G, s. 7 (1).

Application of proceeds

(3.1) The board shall apply the proceeds of a sale, lease or other disposition under subsection (3) for the purposes of the board and shall advise the Minister of the sale or disposition or of the lease, where the term of the lease exceeds one year, of any of its schools. 1997, c. 31, s. 100 (1).

Conflict

(3.2) In the event of a conflict between subsection (3.1) and a regulation referred to in clause (3.4) (c), the regulation prevails. 1997, c. 31, s. 100 (1).

Regulations

(3.3) The Minister may make regulations governing the sale, lease or other disposition of school sites or parts of school sites or property to which resolutions referred to in clause (3) (a) apply. 1997, c. 31, s. 100 (1).

Same

(3.4) Regulations that may be made under subsection (3.3) include but are not limited to regulations,

(a) respecting to whom school sites or parts of school sites or property must be offered;

(b) respecting the price or other consideration for a disposition or class of dispositions;

(c) respecting the use of the proceeds of a disposition or class of dispositions;

(d) respecting the purposes for which school sites or parts of school sites or property that is disposed of to other boards must be used by the transferee board;

(e) requiring a transferee board to return a school site or part of a school site or property to the transferor board if no longer used for the purposes referred to in clause (d);

(f) respecting the price or other consideration for a return or class of returns required under clause (e). 1997, c. 31, s. 100 (1).

General or particular

(3.5) A regulation made under this section may be general or particular and may be made to apply to any class of boards. 1997, c. 31, s. 100 (1).

Classes

(3.6) A class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 100 (1).

Approval of Minister re disposition, demolition

(4) Despite any provision of this or any other Act, a board shall not sell, lease or otherwise dispose of a school site, part of a school site or property or demolish a building unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister. 2002, c. 18, Sched. G, s. 7 (2).

(4.1) Repealed: 2002, c. 18, Sched. G, s. 7 (3).

Exceptions

(5) Subsection (4) does not apply,

(a) in respect of a school site, part of a school site or property to which a resolution referred to in clause (3) (a) applies;

(b) to the use of a building or part thereof pursuant to an agreement under section 183; or

(c) to the use of a building or part of a building for a purpose that does not interfere with the proper conduct of a school, if the building or part of the building is in use as a school. 2002, c. 18, Sched. G, s. 7 (4).

Dealings with property

Board may purchase or expropriate within its jurisdiction

195. (1) Subject to the provisions of section 90 as to the approval of the site of a new school by a rural separate school board, every board may select and may acquire, by purchase, lease or otherwise, or may expropriate, a school site that is within its area of jurisdiction. R.S.O. 1990, c. E.2, s. 195 (1); 1997, c. 31, s. 101 (1).

Purchase or lease of site in adjoining jurisdiction

(2) A public board may, with the approval of the Minister, acquire by purchase, lease or otherwise a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school thereon, but the board shall not expropriate any such site. R.S.O. 1990, c. E.2, s. 195 (2); 1997, c. 31, s. 101 (2).

School outside designated area

(3) A separate district school board may, with the approval of the Minister, acquire by purchase, lease or otherwise, a school site that is outside the area of jurisdiction established in respect of the board by regulation made under subsection 58.1 (2) and may operate a separate school on the site, but a separate district school board shall not expropriate such a site. 1997, c. 31, s. 101 (3).

Buildings on land owned by board

(4) Subject to section 196 or subsection 197 (1), a board may erect, add to or alter buildings for its purposes on land owned by the board. R.S.O. 1990, c. E.2, s. 195 (4).

Buildings on leased land

(5) A board may erect a school building on land that is leased by the board where the

term of the lease, the school site and the plans of the school building are approved by the Minister. R.S.O. 1990, c. E.2, s. 195 (5).

Additions or alterations

(6) 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. R.S.O. 1990, c. E.2, s. 195 (6).

Agreement for multi-use building

196. Where a board plans to provide, other than by way of a 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 purposes 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. R.S.O. 1990, c. E.2, s. 196.

OUT-OF-CLASSROOM PROGRAMS

Dealings with land for out-of-classroom programs

197. (1) Where a board acquires a school site under subsection 195 (1), (2) or (3) for the purpose of conducting thereon a natural science program and other out-of-classroom programs, the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose. R.S.O. 1990, c. E.2, s. 197 (1).

Same

(2) Subsection (1) does not apply with respect to a school site acquired by a Roman Catholic board under subsection 195 (1) where the cost of the erection of, the addition to or the alteration of the buildings on the school site or of making other improvements to the school site is provided entirely by the Roman Catholic board. R.S.O. 1990, c. E.2, s. 197 (2); 1997, c. 31, s. 102 (1).

Idem

(3) A board may, with the approval of the Minister, acquire by purchase or lease for the purpose of conducting a natural science program and other out-of-classroom programs a school site in Ontario that it does not have the authority to acquire under section 195, and the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose. R.S.O. 1990, c. E.2, s. 197 (3).

Approval not required

(4) An approval of the Minister is not required under subsection (2) or (5) for normal maintenance to a building or site. R.S.O. 1990, c. E.2, s. 197 (4).

Agreement between boards

(5) Two or more boards may enter into an agreement for a period specified therein for the shared use of a school site in Ontario for conducting natural science programs and other out-of-classroom programs but, where under such agreement one of the boards may acquire or is to acquire by purchase or lease a school site for such purpose or is to erect, add to or alter a building on or make other improvements to such site, the agreement is not effective until it is approved by the Minister, and a school site situate outside the jurisdiction of the boards that are parties to the agreement shall not be acquired without the prior approval of

the Minister. R.S.O. 1990, c. E.2, s. 197 (5).

Taxation

(6) All land acquired by a board for the purpose of conducting a natural science program and other out-of-classroom programs, so long as it is held by the board and is not situated within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection (5), is subject to taxation for municipal and school purposes in the municipality in which it is situate. 1997, c. 31, s. 102 (2).

Agreements with conservation authorities, etc.

(7) 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. R.S.O. 1990, c. E.2, s. 197 (7).

Idem

(8) 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. R.S.O. 1990, c. E.2, s. 197 (8).

Idem

(9) One or more boards may enter into an agreement with a conservation or other appropriate authority to provide for the construction, furnishing and equipping by the authority on lands owned by the authority of facilities for the purposes of conducting a natural science, conservation or other out-of-classroom program as directed by the board or one or more of the boards and, where under the agreement a board is required to pay all or part of the cost of the facilities, the construction of the facilities shall be first approved by the Minister, and the amount paid therefor by the board shall be deemed to be an expenditure made by the board for a permanent improvement. R.S.O. 1990, c. E.2, s. 197 (9).

Board and lodging for courses in conservation

(10) A board may provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while the pupil participates, with the consent of his or her parent or guardian and with the permission of the board, in a natural science, conservation or other out-of-classroom program. R.S.O. 1990, c. E.2, s. 197 (10).

OFFICERS

Duties of officers

Duties of secretary

198. (1) The secretary of a board is responsible for,

(a) keeping a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board and ensuring that the minutes when confirmed are signed by the chair or presiding member;

(b) transmitting to the Ministry copies of reports requested by the Ministry;

(c) giving notice of all meetings of the board to each of the members by notifying the member personally or in writing or by sending a written notice to his or her residence;

(d) calling a special meeting of the board on the request in writing of the majority of the members of the board; and

(e) performing such other duties as may be required of the secretary by the regulations, by this Act or by the board. R.S.O. 1990, c. E.2, s. 198 (1).

Security by officers

(2) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his or her duties, and the security shall be deposited for safekeeping as directed by the board. R.S.O. 1990, c. E.2, s. 198 (2).

Form of security

(3) The security to be given shall be a bond of an insurer licensed under the *Insurance Act* to write surety and fidelity insurance. 1997, c. 19, s. 33.

Failure to take security

(4) If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts money of the board and any of the money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such money, which may be recovered by the board or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing personally and on behalf of all other such ratepayers in a court of competent jurisdiction, but no member is liable if the member proves that he or she made reasonable efforts to procure the taking of the security. R.S.O. 1990, c. E.2, s. 198 (4).

Duties of treasurer

(5) Every treasurer of a board shall,

(a) receive and account for all money of the board;

(b) open an account or accounts in the name of the board in such place of deposit as may be approved by the board;

(c) deposit all money received by the treasurer on account of the board, and no other money, to the credit of such account or accounts;

(d) disburse all money as directed by the board; and

(e) produce, when required by the board or by auditors or other competent authority, all papers and money in the treasurer's possession, power or control belonging to the board. R.S.O. 1990, c. E.2, s. 198 (5).

Business administrator

(6) Where a board determines that one or more persons should be employed full time to carry out the duties of a treasurer, it may appoint one or more business administrators and one or more assistant business administrators and may assign to a person so appointed any of the duties of the treasurer and the supervisor of maintenance of school buildings. 2009, c. 25, s. 20.

Responsibility of officers

199. Every officer appointed by a board is responsible to the board through its chief executive officer for the performance of the duties assigned to him or her by the board. R.S.O. 1990, c. E.2, s. 199.

200.-205. Repealed: 2009, c. 25, s. 21.

206. Repealed: 1997, c. 31, s. 105.

Access to Meetings and Records

Open meetings of boards

207. (1) The meetings of a board and, subject to subsection (2), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct. R.S.O. 1990, c. E.2, s. 207 (1).

Closing of certain committee meetings

(2) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves,

(a) the security of the property of the board;

(b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his or her parent or guardian;

(c) the acquisition or disposal of a school site;

(d) decisions in respect of negotiations with employees of the board; or

(e) litigation affecting the board. R.S.O. 1990, c. E.2, s. 207 (2).

Exclusion of persons

(3) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1990, c. E.2, s. 207 (3).

Inspection of books and accounts

(4) Any person may, at all reasonable hours, at the head office of the board inspect the minute book, the audited annual financial report and the current accounts of a board, and, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, the secretary shall furnish copies of them or extracts therefrom certified under the secretary's hand. R.S.O. 1990, c. E.2, s. 207 (4).

Board Meetings

Board meetings

208. (1) A board shall be deemed to be constituted when a majority of the members to be elected or appointed has been elected or appointed. R.S.O. 1990, c. E.2, s. 208 (1).

First meeting

(2) A board that is elected at a regular election under the *Municipal Elections Act, 1996* and a board that is appointed or elected other than at a regular election under the *Municipal Elections Act, 1996* shall hold its first meeting not later than seven days after the day on which the term of office of the board commences on such date and at such time and place as the board determines and, failing such determination, at 8 p.m. at the head office of the board on the first Wednesday following the commencement of the term of office. R.S.O. 1990, c. E.2, s. 208 (2); 1997, c. 31, s. 106 (1).

Supervisory officer may provide for calling first meeting

(3) Despite subsection (2), on the petition of a majority of the members of a newly elected or appointed board, the appropriate supervisory officer may provide for calling the

first meeting of the board at some other time and date. R.S.O. 1990, c. E.2, s. 208 (3).

Presiding officer

(4) At the first meeting in December of each year, the chief executive officer shall preside until the election of the chair or, if there is no chief executive officer or in his or her absence, the members present shall designate who shall preside at the election of the chair and if a member of the board is so designated, he or she may vote at the election of the chair. R.S.O. 1990, c. E.2, s. 208 (4).

Election of chair

(5) At the first meeting in December of each year and at the first meeting after a vacancy occurs in the office of chair, the members shall elect one of themselves to be chair. R.S.O. 1990, c. E.2, s. 208 (5); 2009, c. 25, s. 22.

(5.1) Repealed: 2006, c. 10, s. 17.

Subsequent meetings

(6) Subsequent meetings of the board shall be held at such time and place as the board considers expedient. R.S.O. 1990, c. E.2, s. 208 (6).

Vice-chair

(7) The members of the board may also elect one of themselves to be vice-chair and he or she shall preside in the absence of the chair. R.S.O. 1990, c. E.2, s. 208 (7).

Where equality of votes

(8) In the case of an equality of votes at the election of a chair or vice-chair, the candidates shall draw lots to fill the position of chair or vice-chair, as the case may be. R.S.O. 1990, c. E.2, s. 208 (8).

Temporary chair

(9) If at any meeting there is no chair or vice-chair present, the members present may elect one of themselves to be chair for that meeting. R.S.O. 1990, c. E.2, s. 208 (9).

Temporary secretary

(10) In the absence of the secretary from any meeting, the chair or other member presiding may appoint any member or other person to act as secretary for that meeting. R.S.O. 1990, c. E.2, s. 208 (10).

Quorum

(11) The presence of a majority of all the members constituting a board is necessary to form a quorum. 1997, c. 31, s. 106 (3).

Chair, voting; equality of votes

(12) The presiding officer, except where he or she is the chief executive officer of the board and is not a member, may vote with the other members of the board upon all motions, and any motion on which there is an equality of votes is lost. R.S.O. 1990, c. E.2, s. 208 (12); 1997, c. 31, s. 106 (4).

Special meetings

(13) Special meetings of the board may be called by the chair and in such other manner as the board may determine. R.S.O. 1990, c. E.2, s. 208 (13).

Regulations: electronic meetings

208.1 (1) The Lieutenant Governor in Council may make regulations respecting the use of electronic means for the holding of meetings of a board and meetings of a committee of a board, including a committee of the whole board. 1997, c. 31, s. 107; 2002, c. 18,

Sched. G, s. 8.

Same

(2) A regulation under subsection (1) may provide that a board member who participates in a meeting through electronic means shall be deemed to be present at the meeting for the purposes of this and every other Act, subject to such conditions or limitations as may be provided for in the regulation. 1997, c. 31, s. 107.

Same

(3) A regulation under subsection (1) may provide for participation through electronic means by members of the board, student trustees and members of the public. 1997, c. 31, s. 107; 2006, c. 10, s. 18.

Same

(4) In a regulation under this section, the Lieutenant Governor in Council may provide for any matter by authorizing a board to develop and implement a policy with respect to the matter. 1997, c. 31, s. 107.

Same

(5) The minimum requirements specified in section 229 for physical presence in the meeting room of a board shall not be interpreted to prevent a higher minimum being provided for under this section. 1997, c. 31, s. 107.

Declaration

209. (1) Except as provided in subsection (2), every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, or on or before the day of the first meeting that the person attends, shall make and subscribe the following declaration in English or French before the secretary of the board or before any person authorized to administer an oath or affirmation and in default the person shall be deemed to have resigned:

1. I solemnly declare that I am not disqualified under any Act from being a member of (*name of board*).
2. I solemnly declare that I will truly, faithfully, impartially and to the best of my ability execute the office of board member, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*.

R.S.O. 1990, c. E.2, s. 209 (1); 1997, c. 31, s. 108 (1); 2009, c. 25, s. 23 (1).

Idem

(2) Where a person is elected or appointed to fill a vacancy on a board, the person shall make such declaration on or before the day fixed for holding the first meeting of the board after his or her election or appointment or on or before the day of the first meeting that the person attends and in default the person shall be deemed to have resigned. R.S.O. 1990, c. E.2, s. 209 (2).

Oath or affirmation

(3) Every person elected or appointed to a board, before entering on his or her duties as a board member, may take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath or affirmation of allegiance in the

following form, in English or French:

> I swear (*affirm*) that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

2009, c. 25, s. 23 (2).

Filing of declaration and oath

(4) The declaration and, if any, the oath or affirmation of allegiance shall be filed with the secretary of the board within eight days after it is made or taken, as the case may be. 2009, c. 25, s. 23 (3).

210. Repealed: 2009, c. 25, s. 24.

OFFENCES AND PENALTIES

False declaration

211. Every person who wilfully makes a false statement in a declaration required to be made under this Act is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. E.2, s. 211.

Disturbances

212. (1) Every person who wilfully interrupts or disquiets the proceedings of a school or class is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. E.2, s. 212 (1).

Idem

(2) Every person who, with intent to prevent the discussion of any matter or the passing of any motion at a meeting of a board, or a committee of a board including a committee of the whole board disrupts or endeavours to disturb or interrupt the meeting after having been expelled or excluded from the meeting is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. E.2, s. 212 (2).

Acting while disqualified, etc.

213. (1) Every member of a board who sits or votes at any meeting of the board after becoming disqualified from sitting is guilty of an offence and on conviction is liable to a fine of not more than $200 for every meeting at which he or she so sits or votes. R.S.O. 1990, c. E.2, s. 213 (1).

False reports and registers

(2) Every member of a board who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. E.2, s. 213 (2).

214. Repealed: 1997, c. 31, s. 110.

215. Repealed: 1997, c. 31, s. 110.

216. Repealed: 1997, c. 31, s. 110.

Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited

217. (1) No teacher, supervisory officer or other employee of a board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or

teachers' college, or to any pupil enrolled therein. R.S.O. 1990, c. E.2, s. 217 (1).

Exception for authors

(2) Subsection (1) does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon. R.S.O. 1990, c. E.2, s. 217 (2).

Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited

(3) No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of a board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose. R.S.O. 1990, c. E.2, s. 217 (3).

Penalty

(4) Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. E.2, s. 217 (4).

Validity of Elections

Application for declaration that seat vacant

218. (1) Any person entitled to vote at the election of members of a board may commence an application in the Superior Court of Justice for a declaration that the office of a member of such board has become vacant. R.S.O. 1990, c. E.2, s. 218 (1); 1996, c. 32, s. 70 (5); 1997, c. 31, s. 111 (1); 2000, c. 11, s. 21.

Time for bringing application

(2) No application shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the board came to the knowledge of the person bringing such application. R.S.O. 1990, c. E.2, s. 218 (2); 1996, c. 32, s. 70 (6).

Power of court

(3) Where in an application under this section the court finds that the office of a member of the board has become vacant, the court may order that the member be removed from office and declare that the office is vacant. R.S.O. 1990, c. E.2, s. 218 (3); 1996, c. 32, s. 70 (7).

Application of *Municipal Elections Act, 1996*

(4) Subsection 83 (3) and sections 85, 86 and 87 of the *Municipal Elections Act, 1996* apply to an application made under this section, with necessary modifications. 1996, c. 32, s. 70 (8).

Joining of claims

(5) A claim in an application under this section may be joined with a claim in an application under section 83 of the *Municipal Elections Act, 1996*, and the claims may be heard and disposed of together. 1996, c. 32, s. 70 (8).

Validity of elections and corrupt practices

(6) The provisions of the *Municipal Elections Act, 1996* in respect of the validity of elections and corrupt practices apply to an election of board members that is not conducted

under the *Municipal Elections Act, 1996*. R.S.O. 1990, c. E.2, s. 218 (6); 1996, c. 32, s. 70 (9); 1997, c. 31, s. 111 (2).

CONDUCT OF MEMBERS OF SCHOOL BOARDS

Duties of board members

218.1 A member of a board shall,

(a) carry out his or her responsibilities in a manner that assists the board in fulfilling its duties under this Act, the regulations and the guidelines issued under this Act, including but not limited to the board's duties under section 169.1;

(b) attend and participate in meetings of the board, including meetings of board committees of which he or she is a member;

(c) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1 (1) (f);

(d) bring concerns of parents, students and supporters of the board to the attention of the board;

(e) uphold the implementation of any board resolution after it is passed by the board;

(f) entrust the day to day management of the board to its staff through the board's director of education;

(g) maintain focus on student achievement and well-being; and

(h) comply with the board's code of conduct. 2009, c. 25, s. 25.

Code of conduct

218.2 (1) A board may adopt a code of conduct that applies to the members of the board. 2009, c. 25, s. 25.

Minister's regulations

(2) The Minister may make regulations,

(a) requiring a board to adopt a code of conduct under subsection (1);

(b) governing codes of conduct that apply to board members, whether permitted or required under this section, including,

(i) prescribing codes of conduct or parts of codes of conduct, and

(ii) prescribing matters to be addressed by codes of conduct. 2009, c. 25, s. 25; 2011, c. 9, Sched. 10, s. 2.

Enforcement of code of conduct

218.3 (1) A member of a board who has reasonable grounds to believe that a member of the board has breached the board's code of conduct may bring the alleged breach to the attention of the board. 2009, c. 25, s. 25.

Same

(2) If an alleged breach is brought to the attention of the board under subsection (1), the board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached the board's code of conduct. 2009, c. 25, s. 25.

Same

(3) If the board determines under subsection (2) that the member has breached the board's code of conduct, the board may impose one or more of the following sanctions:

1. Censure of the member.
2. Barring the member from attending all or part of a meeting of the board or a meeting of a committee of the board.
3. Barring the member from sitting on one or more committees of the board, for the period of time specified by the board. 2009, c. 25, s. 25.

Same

(4) For greater certainty, the imposition of a sanction under paragraph 2 of subsection (3) barring a member from attending all or part of a meeting of the board shall be deemed, for the purpose of clause 228 (1) (b), to be authorization for the member to be absent from the meeting. 2009, c. 25, s. 25.

Same

(5) A member of a board who is barred from attending all or part of a meeting of the board or a meeting of a committee of the board under subsection (3) is not entitled to receive any materials that relate to that meeting or that part of the meeting and that are not available to members of the public. 2009, c. 25, s. 25.

Same

(6) If a board determines that a member has breached the board's code of conduct under subsection (2),

(a) the board shall give the member written notice of the determination and of any sanction imposed by the board;

(b) the notice shall inform the member that he or she may make written submissions to the board in respect of the determination or sanction by a date specified in the notice that is at least 14 days after the notice is received by the member; and

(c) the board shall consider any submissions made by the member in accordance with clause (b) and shall confirm or revoke the determination within 14 days after the submissions are received. 2009, c. 25, s. 25.

Same

(7) If the board revokes a determination under clause (6) (c), any sanction imposed by the board is revoked. 2009, c. 25, s. 25.

Same

(8) If the board confirms a determination under clause (6) (c), the board shall, within the time referred to in that clause, confirm, vary or revoke the sanction. 2009, c. 25, s. 25.

Same

(9) If a sanction is varied or revoked under subsection (7) or (8), the variation or revocation shall be deemed to be effective as of the date the original determination was made under subsection (2). 2009, c. 25, s. 25.

Same

(10) Despite subsection 207 (1) but subject to subsection (11), the part of a meeting of the board during which a breach or alleged breach of the board's code of conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207 (2) (a) to (e). 2009, c. 25, s. 25.

Same

(11) A board shall do the following things by resolution at a meeting of the board, and

the vote on the resolution shall be open to the public:

1. Make a determination under subsection (2) that a member has breached the board's code of conduct.
2. Impose a sanction under subsection (3).
3. Confirm or revoke a determination under clause (6) (c).
4. Confirm, vary or revoke a sanction under subsection (8). 2009, c. 25, s. 25.

Same

(12) A member who is alleged to have breached the board's code of conduct shall not vote on a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11). 2009, c. 25, s. 25.

Same

(13) The passage of a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11) shall be recorded in the minutes of the meeting. 2009, c. 25, s. 25.

Same

(14) The *Statutory Powers Procedure Act* does not apply to anything done under this section. 2009, c. 25, s. 25.

DUTIES OF BOARD CHAIR

Additional duties of chair

218.4 In addition to any other duties under the Act, the chair of a board shall,

(a) preside over meetings of the board;

(b) conduct the meetings in accordance with the board's procedures and practices for the conduct of board meetings;

(c) establish agendas for board meetings, in consultation with the board's director of education or the supervisory officer acting as the board's director of education;

(d) ensure that members of the board have the information needed for informed discussion of the agenda items;

(e) act as spokesperson to the public on behalf of the board, unless otherwise determined by the board;

(f) convey the decisions of the board to the board's director of education or the supervisory officer acting as the board's director of education;

(g) provide leadership to the board in maintaining the board's focus on the multi-year plan established under section 169.1;

(h) provide leadership to the board in maintaining the board's focus on the board's mission and vision; and

(i) assume such other responsibilities as may be specified by the board. 2009, c. 25, s. 25.

PART VII
BOARD MEMBERS — QUALIFICATIONS, RESIGNATIONS AND VACANCIES

Qualifications of members

219. (1) A person is qualified to be elected as a member of a district school board or

school authority if the person is qualified to vote for members of that district school board or that school authority and is resident in its area of jurisdiction. 1997, c. 31, s. 112.

Same

(2) A person who is qualified under subsection (1) to be elected as a member of a district school board or school authority is qualified to be elected as a member of that district school board or school authority for any geographic area in the district school board's or school authority's area of jurisdiction, regardless of which positions on that district school board or school authority the person may be qualified to vote for. 1997, c. 31, s. 112.

Eligibility for re-election

(3) A member of a district school board or school authority is eligible for re-election if otherwise qualified. 1997, c. 31, s. 112.

Disqualifications

(4) Despite subsection (1), a person is not qualified to be elected or to act as a member of a district school board or school authority if the person is,

(a) an employee of a district school board or school authority;

(b) Repealed: 2002, c. 18, Sched. G, s. 9 (1).

(c) the clerk or treasurer or deputy clerk or deputy treasurer of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board or the school authority;

(d) a member of the Assembly or of the Senate or House of Commons of Canada; or

(e) otherwise ineligible or disqualified under this or any other Act. 1997, c. 31, s. 112; 1999, c. 6, s. 20 (5); 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. G, s. 9 (1).

Leave of absence

(5) Despite subsection (4), none of the following persons is ineligible to be a candidate for or to be elected as a member of a district school board or school authority if he or she takes an unpaid leave of absence, beginning no later than the day the person is nominated and ending on voting day:

1. An employee of a district school board or school authority.

2. The clerk, treasurer, deputy clerk or deputy treasurer of a municipality or upper-tier municipality, all or part of which is included in the area of jurisdiction of a district school board or school authority. 2002, c. 18, Sched. G, s. 9 (2).

Same

(5.1) Subsections 30 (2) to (7) of the *Municipal Elections Act, 1996* apply with necessary modifications to an individual referred to in subsection (5). 2002, c. 18, Sched. G, s. 9 (2).

(6) Repealed: 2002, c. 17, Sched. D, s. 37.

Disqualification: district school board by-elections

(7) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a district school board if the person is,

(a) a member of any other district school board;

(b) a member of a school authority;

(c) a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board; or

(d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the district school board,

and the person's term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other district school board, with the secretary of the school authority or with the clerk of the municipality or upper-tier municipality, as the case may be. 1997, c. 31, s. 112; 2002, c. 17, Sched. F, Table.

Disqualification: school authority by-elections

(8) Despite subsection (1), a person is not qualified to be elected in a by-election or to act as a member of a school authority if the person is,

(a) a member of any other school authority;

(b) a member of a district school board;

(c) a member of the council of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority; or

(d) an elected member of a local board, as defined in the *Municipal Affairs Act*, of a municipality or an upper-tier municipality, all or part of which is included in the area of jurisdiction of the school authority,

and the person's term of office has at least two months to run after the last day for filing nominations for the by-election, unless before the closing of nominations the person has filed his or her resignation with the secretary of the other school authority, with the secretary of the district school board or with the clerk of the municipality or upper-tier municipality, as the case may be. 1997, c. 31, s. 112; 2002, c. 17, Sched. F, Table.

Qualification to act as a member

(9) A person is not qualified to act as a member of a district school board or school authority if the person ceases to hold the qualifications required to be elected as a member of the district school board or the school authority. 1997, c. 31, s. 112.

Person not to be candidate for more than one seat

(10) No person shall run as a candidate for more than one seat on a district school board or school authority and any person who does so and is elected to hold one or more seats on the district school board or the school authority is not entitled to act as a member of the district school board or the school authority by reason of the election. 1997, c. 31, s. 112.

Vacancy where member disqualified

(11) The seat of a member of a district school board or school authority who is not qualified or entitled to act as a member of that district school board or that school authority is vacated. 1997, c. 31, s. 112.

Members to remain in office

220. (1) The members of a board shall remain in office until their successors are elected and the new board is organized. 1997, c. 31, s. 112.

Board not to cease for want of members

(2) A board does not cease to exist by reason only of the lack of members. 1997, c. 31,

s. 112.

Resignation of members

(3) A member of a board, with the consent of a majority of the members present at a meeting, entered on the minutes of it, may resign as a member, but he or she shall not vote on a motion as to his or her own resignation and may not resign as a member if the resignation will reduce the number of members of the board to less than a quorum. 1997, c. 31, s. 112.

Resignation to become candidate for some other office

(4) Despite subsection (3), where it is necessary for a member of a board to resign to become a candidate for some other office, the member may resign by filing his or her resignation, including a statement that the resignation is for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on November 30 after it is filed or on the day preceding the day on which the term of the office commences, whichever is the earlier. 1997, c. 31, s. 112.

Vacancies

221. (1) Subject to section 224, if the office of a member of a board becomes vacant before the end of the member's term,

(a) the remaining elected members shall appoint a qualified person to fill the vacancy within 90 days after the office becomes vacant, if a majority of the elected members remain in office; or

(b) a by-election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the elected members do not remain in office. 1997, c. 31, s. 112; 2009, c. 25, s. 26.

Optional election

(2) Despite clause (1) (a), if members of the board are elected under the *Municipal Elections Act, 1996*, the remaining elected members may by resolution require that an election be held in accordance with that Act to fill the vacancy if the vacancy occurs,

(a) in a year in which no regular election is held under that Act;

(b) before April 1 in the year of a regular election; or

(c) after the new board is organized in the year of a regular election. 2002, c. 18, Sched. G, s. 10.

Same

(3) The secretary of the board shall promptly send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (2). 1997, c. 31, s. 112.

Notice re clause (1) (b)

(4) Where clause (1) (b) applies, the secretary of the board shall promptly send to the clerk of the appropriate municipality a notice that clause (1) (b) applies and the notice shall be deemed to be a resolution indicating a by-election is required for the purposes of section 65 of the *Municipal Elections Act, 1996*. 1997, c. 31, s. 112.

Term of office

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office. 1997, c. 31, s. 112.

Elections for three member boards

222. (1) If an election is required to fill a vacancy on a board that is composed of three members and there are fewer than two remaining members of the board, a meeting of the electors may be called by any two electors of the board or by the appropriate supervisory officer. 1997, c. 31, s. 112.

Time of meeting

(2) The meeting shall take place within 60 days of the date on which the last office became vacant. 1997, c. 31, s. 112.

Notice of meeting

(3) At least six days before the meeting, the person or persons calling the meeting shall post a notice of the meeting in at least three public places within the area of jurisdiction of the board. 1997, c. 31, s. 112.

Election at meeting

(4) The electors at the meeting shall elect the required number of board members to fill the vacancies. 1997, c. 31, s. 112.

Vacancy in rural separate school board before incorporation

223. (1) If a vacancy occurs in the office of a member of the board of a rural separate school before the board members become a body corporate, the remaining board members shall promptly take steps to hold a by-election to fill the vacancy, and the person elected shall hold office for the remainder of the term of the board member who vacated the office. 1997, c. 31, s. 112.

Manner of election

(2) The by-election shall be conducted in the same manner as an election of the whole board. 1997, c. 31, s. 112.

Vacancies near election times

224. Where a vacancy occurs on a board,

(a) within one month before the next election, it shall not be filled; or

(b) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. 1997, c. 31, s. 112.

Election to fill vacancy

225. (1) Where an election is required to fill a vacancy on a board that is composed of more than three members and whose elections are not conducted under the *Municipal Elections Act, 1996*, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. 1997, c. 31, s. 112.

Extension of time limits

(2) The remaining members of the board may extend the time for the nomination and the polling under subsection (1), but the polling shall be held no later than 60 days after the office becomes vacant. 1997, c. 31, s. 112.

Appointment of board members on failure of qualified person

226. (1) Where the appropriate supervisory officer reports that no qualified persons or an insufficient number of qualified persons are available or that the electors have failed to elect a sufficient number of members of a district school area board to form a quorum, the

Minister may appoint as members of the board such persons as the Minister may consider proper, and the persons so appointed have, during the term of such appointment, all the authority of board members as though they were eligible and duly elected according to this Act. 1997, c. 31, s. 112.

Interim administration pending by-elections

(2) Where under this Act vacancies on a board are required to be filled by an election to be conducted under the *Municipal Elections Act, 1996* and no election can be held under that Act, the Minister may by order provide for the fulfilling of the duties and obligations of the board until such time as an election is held in accordance with the *Municipal Elections Act, 1996* and the members so elected have taken office. 1997, c. 31, s. 112.

Tie vote

227. If two or more candidates receive an equal number of votes at a meeting held under clause 221 (1) (a) to appoint a person to fill a vacancy or at a meeting to elect a person to fill a vacancy, the chair of the meeting shall provide for the drawing of lots to determine which of the candidates shall be appointed or elected. 1997, c. 31, s. 112.

Seat vacated by conviction, absence etc.

228. (1) A member of a board vacates his or her seat if he or she,

(a) is convicted of an indictable offence;

(b) absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board;

(c) ceases to hold the qualifications required to act as a member of the board;

(d) becomes disqualified under subsection 219 (4); or

(e) fails to meet the requirements of section 229. 1997, c. 31, s. 112.

Exception: conviction

(2) Despite subsection (1), where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. 1997, c. 31, s. 112.

Filling of vacancies

(3) Where a seat becomes vacant under this section, the provisions of this Act with respect to the filling of vacancies apply. 1997, c. 31, s. 112.

In person attendance required

229. (1) Despite section 208.1 but subject to subsection (2), a member of a board shall be physically present in the meeting room of the board for at least three regular meetings of the board in each 12-month period beginning December 1. 1997, c. 31, s. 112.

Same

(2) Despite section 208.1, for the period beginning when a member of a board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the board for at least one regular meeting of the board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending on the following November 30. 1997, c. 31, s. 112.

(3) Repealed: 2006, c. 10, s. 19.

PART VIII
COMPLIANCE WITH BOARD OBLIGATIONS

Investigation, board compliance with certain requirements

230. The Minister may direct an investigation of a board's affairs if the Minister has concerns that the board may have done or omitted to do something and the act or omission,

(a) contravenes, indicates an intention to contravene or might result in a contravention of paragraph 2 or 3 of subsection 8 (1) or of a regulation made under section 11.1 or 170.1;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) is amended by the Statutes of Ontario, 2006, chapter 28, section 13 by striking out "paragraph 2 or 3" and substituting "paragraph 2, 3 or 3.0.1". See: 2006, c. 28, ss. 13, 14 (2).

(b) makes, indicates an intention to make, or may result in the making of a payment of a type governed by section 191 or 191.2 that does not comply with section 191 or a regulation made under it, or section 191.2, as the case may be; or

(c) applies funds, indicates an intention to apply funds or may result in the application of funds in a manner that contravenes a regulation made under section 234. 2006, c. 10, s. 20.

230.1 Repealed: 2006, c. 10, s. 20.

Appointment of investigator

230.2 (1) Where the Minister directs an investigation under section 230, he or she may appoint as an investigator an employee in the Ministry or any other person. 2000, c. 11, s. 7; 2006, c. 10, s. 21 (1).

Same

(2) In appointing an investigator for an investigation directed under section 230, the Minister shall specify in writing which legal requirements referred to in section 230 are in issue. 2000, c. 11, s. 7.

(3) Repealed: 2006, c. 10, s. 21 (2).

Scope of investigation

(4) The investigator may investigate any of the affairs of the board that, in his or her opinion, relate to the requirements specified under subsection (2). 2000, c. 11, s. 7; 2006, c. 10, s. 21 (3).

Powers of investigator

(5) An investigator may,

(a) require the production of any records that may in any way relate to the investigation;

(b) examine and copy any records required under clause (a); and

(c) require any officer of the board or any other person to appear before him or her and give evidence, on oath or affirmation, relating to the investigation. 2000, c. 11, s. 7.

Application of *Public Inquiries Act, 2009*

(6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation. 2009, c. 33, Sched. 6, s. 53 (2).

Report of investigator

(7) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the secretary of the board. 2000, c. 11, s. 7.

Minister's powers on reviewing report: directions

230.3 (1) If, in the opinion of the Minister, the report made under subsection 230.2 (7) discloses evidence of non-compliance with a requirement specified under subsection 230.2 (2), or evidence that an act or omission of the board will likely result in non-compliance with a requirement specified under subsection 230.2 (2), the Minister may give any directions to the board that he or she considers advisable to address the non-compliance or likelihood of non-compliance. 2000, c. 11, s. 7; 2006, c. 10, s. 22.

Vesting order: board failure to comply with direction

(2) If the Minister advises the Lieutenant Governor in Council that he or she is of the opinion that the board has failed to comply with a direction given under subsection (1), the Lieutenant Governor in Council may make any order that the Lieutenant Governor in Council considers necessary or advisable to vest in the Ministry control and charge over the administration of the affairs of the board. 2000, c. 11, s. 7.

Notice to board

(3) The order shall be promptly transmitted to the secretary of the board. 2000, c. 11, s. 7.

Vesting order

230.4 (1) Where a board is subject to an order under subsection 230.3 (2),

(a) the Minister shall publish notice of the order in *The Ontario Gazette*; and

(b) the persons directed by the Minister to do so shall give notice of the order to the persons specified by the Minister, in the form specified by the Minister. 2000, c. 11, s. 7.

No proceedings against board without leave of Minister

(2) After notice has been published in *The Ontario Gazette* under clause (1) (a),

(a) no proceeding against the board shall be commenced or continued in any court without leave of the Minister; and

(b) no order of any court shall be enforced against the board without leave of the Minister. 2000, c. 11, s. 7.

Suspension of limitation period

(3) Subject to subsection (4), where the commencement or continuance of any proceeding or the enforcement of a court order is prevented under this section,

(a) the running of any limitation period relating to the proceeding or enforcement is suspended until the Minister gives leave to commence or continue the proceeding or to enforce the court order, as the case may be; and

(b) the person having the right to commence or continue the proceeding or to enforce the court order shall, immediately after the leave is given, have the same length of time within which to commence or continue the proceeding or enforce the court

order, as the case may be, as the person had when the notice was published in *The Ontario Gazette* under clause (1) (a). 2000, c. 11, s. 7.

Same

(4) Subsection (3) does not apply unless application is made to the Minister for leave to commence or continue the proceeding or to enforce the order within the relevant limitation period and the Minister refuses to give the leave. 2000, c. 11, s. 7.

Effect of order

(5) Subsection (2) does not apply in relation to a board that is subject to an order under subsection 230.3 (2) after the Minister, under clause 230.5 (2) (b), makes an order of a type described in clause 257.34 (2) (b) or (i) with respect to the board. 2000, c. 11, s. 7.

Control exercisable by Minister

230.5 (1) Where the Lieutenant Governor in Council has made an order under subsection 230.3 (2) in respect of a board, the Minister has control and charge over the board generally with respect to any matter in any way affecting the board's affairs. 2000, c. 11, s. 7.

Same

(2) Without limiting the generality of subsection (1), where the Lieutenant Governor in Council has made an order under subsection 230.3 (2) in respect of a board,

(a) the Minister has control and charge over the exercise and performance by the board of its powers, duties and obligations with respect to all matters, including but not limited to all matters referred to in clauses 257.33 (2) (a) to (i); and

(b) sections 257.34 to 257.38 apply, with necessary modifications, as if the board were subject to an order under subsection 257.31 (2) or (3). 2000, c. 11, s. 7.

Exercise of board jurisdiction subject to order

230.6 The powers and duties under this or any other Act of a board that is subject to an order under subsection 230.3 (2) shall only be exercised or performed in accordance with and subject to this Part and any order made or agreement entered into under it. 2000, c. 11, s. 7.

Exclusive jurisdiction

230.7 (1) Subject to subsections (3) and (4) and subsection 230.17 (3), the Minister has exclusive jurisdiction as to all matters arising under this Part or out of the exercise by the board or any person of any of the powers conferred by this Part, and that jurisdiction is not open to question or review in any proceeding or by any court. 2000, c. 11, s. 7.

Review of orders, etc.

(2) The Minister may at any time review any order, direction or decision made by him or her under this Part and confirm, amend or revoke it. 2000, c. 11, s. 7.

Exclusive jurisdiction

(3) Subject to subsection 230.17 (3), the Lieutenant Governor in Council has exclusive jurisdiction as to the making of an order under subsection 230.3 (2), and that jurisdiction is not open to question or review in any proceeding or by any court. 2000, c. 11, s. 7.

Review of orders, etc.

(4) The Lieutenant Governor in Council may at any time review any order made by the Lieutenant Governor in Council under subsection 230.3 (2) and confirm, amend or revoke it.

2000, c. 11, s. 7.

Limitation

(5) This section is subject to section 230.19. 2000, c. 11, s. 7.

Powers of Minister

230.8 The Minister may make any orders from time to time that he or she considers advisable to carry out the provisions of this Part or any agreement made under it and may make rules in respect of any thing done under this Part. 2000, c. 11, s. 7.

Forms of certificates, notices, etc.

230.9 Every certificate, notice or other form that is in substantial conformity with the form required for it under this Part is not open to objection on the ground that it is not in the form required by this Part. 2000, c. 11, s. 7.

Powers exercisable for and in name of board

230.10 Where a board has become subject to an order made under subsection 230.3 (2), all things done by or for the Minister under this Part in relation to the affairs of the board shall for all purposes be deemed to have been done by and for the board and in its name. 2000, c. 11, s. 7.

Minister to have access to all records

230.11 Where a board has become subject to an order made under subsection 230.3 (2), the Minister shall have access at all times to all records of the board, including but not limited to all by-laws, assessment rolls, collectors' rolls, minute books, books of account, vouchers and other records relating to the board's financial transactions, and may inspect and copy them. 2000, c. 11, s. 7.

Powers to enforce directions, orders, etc.

230.12 (1) Where a board fails to comply with any order, direction or decision of the Minister under this Part, the Minister may, on the notice, if any, that he or she considers appropriate, do or order done all things necessary for compliance with the order, direction or decision, and may exercise all the powers of the board for the purpose, under its name. 2000, c. 11, s. 7.

(2) Repealed: 2006, c. 10, s. 23 (1).

Personal liability of members of boards

(3) If a board that is subject to an order made under subsection 230.3 (2) applies any of its funds otherwise than as the Minister orders or authorizes, the members of the board who voted for the application are jointly and severally liable for the amount so applied, which may be recovered in a court of competent jurisdiction. 2006, c. 10, s. 23 (2).

Dismissal of officers or employees

(4) The Minister may dismiss from office any officer or employee of a board who fails to carry out any order, direction or decision of the Minister under this Part and may exercise all the powers of the board for the purpose, under its name. 2000, c. 11, s. 7.

No indemnification

(5) A board shall not indemnify any of its members, officers or employees with respect to any fine imposed on conviction for an offence under this Part or with respect to any liability under subsection (3). 2000, c. 11, s. 7; 2009, c. 34, Sched. I, s. 3.

Injunction against exercise of board powers

230.13 The Minister may by injunction proceedings prevent the exercise by or for a

board of any of its powers that has not been approved by the Minister, if that approval is required under this Part. 2000, c. 11, s. 7.

Combining board offices

230.14 Where a board has become subject to an order made under subsection 230.3 (2), the Minister may direct that two or more of the offices of the board shall be combined and held by the same officer, and may subsequently separate any of the offices so combined. 2000, c. 11, s. 7.

Expenses

230.15 (1) The Minister may direct payment of the fees or remuneration and expenses reasonably incurred by the Ministry under this Part that he or she may determine. 2000, c. 11, s. 7.

Appointment of Minister

(2) The Minister may appoint a person, who may be an officer of the board, to exercise the powers and perform the duties that the Minister may provide, and the person so appointed shall be paid the salary and allowed the expenses that the Minister may determine. 2000, c. 11, s. 7.

Board may be heard as to salaries

(3) The Minister, in determining the salaries to be paid to any person appointed under subsection (2), shall give consideration to any representations that the board may at any time make. 2000, c. 11, s. 7.

Payment of salaries and expenses

(4) All salaries, fees, remuneration and expenses payable under this section and all other expenses incurred by the Minister in carrying out the provisions of this Part or in the exercise of his or her powers under it shall be paid by the board to the extent directed by the Minister and be chargeable to such of its accounts as the Minister may direct. 2000, c. 11, s. 7.

Conflict

230.16 The powers contained in this Part shall be deemed to be in addition to and not in derogation of any power of the Minister under this or any other Act but, where the provisions of any Act or any other provision of this Act conflict with the provisions of this Part, the provisions of this Part prevail. 2000, c. 11, s. 7.

Revocation of order

230.17 (1) The Lieutenant Governor in Council shall revoke an order made under subsection 230.3 (2) if the Lieutenant Governor in Council is satisfied that the board is in compliance with the requirements specified under subsection 230.2 (2). 2000, c. 11, s. 7; 2006, c. 10, s. 24 (1).

Same

(2) A member of a board that is subject to an order made under subsection 230.3 (2) may apply to the Divisional Court for an order revoking the order made under subsection 230.3 (2). 2000, c. 11, s. 7.

Same

(3) The Divisional Court shall make the order applied for under subsection (2) if it is satisfied that the board is in compliance with the requirements specified under subsection 230.2 (2). 2000, c. 11, s. 7; 2006, c. 10, s. 24 (2).

***Legislation Act, 2006*, Part III**

230.18 (1) Part III (Regulations) of the *Legislation Act, 2006* does not apply to anything done under any provision of this Part. 2000, c. 11, s. 7; 2006, c. 10, s. 25; 2006, c. 21, Sched. F, s. 136 (1).

Non-application of *Statutory Powers Procedure Act*

(2) The *Statutory Powers Procedure Act* does not apply to anything done under this Part. 2000, c. 11, s. 7.

Denominational, linguistic and cultural issues

230.19 (1) Nothing in this Part authorizes the Minister to interfere with or control,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. 2000, c. 11, s. 7.

Same

(2) The powers under this Part shall be exercised in a manner that is consistent with,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. 2000, c. 11, s. 7.

PART IX
FINANCE

DIVISION A
GENERAL

INTERPRETATION

Definitions

230.20 (1) In this Part,

"accumulated deficit" means the amount, if any, by which the total of a board's current and prior in-year deficits exceeds the total of its current and prior in-year surpluses; ("déficit accumulé")

"accumulated surplus" means the amount, if any, by which the total of a board's current and prior in-year surpluses exceeds the total of its current and prior in-year deficits; ("excédent accumulé")

"deferred revenue" means, in respect of a board, the total of,

(a) all amounts that the board is required to restrict under subsection 233 (3), and

(b) all amounts that are subject to restrictions on the school purposes for which they may be used by the board, where the restrictions may be legally enforced against the board by another body or entity; ("recettes reportées")

"in-year deficit" means the amount, if any, by which a board's expenses in a fiscal year exceed its revenues in that fiscal year; ("déficit d'exercice")

"in-year surplus" means the amount, if any, by which a board's revenues in a fiscal year exceed its expenses in that fiscal year; ("excédent d'exercice")

"operating revenue" has the meaning prescribed by the regulations. ("recettes de fonctionnement") 2009, c. 34, Sched. I, s. 4.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) prescribing the meaning of "operating revenue";

(b) prescribing revenues, expenses or other matters to be included or excluded in the determination of a board's accumulated deficit, accumulated surplus, in-year deficit or in-year surplus, and providing that the regulation applies only in respect of specified provisions of this Act. 2009, c. 34, Sched. I, s. 4.

Fiscal year

(3) The fiscal year of a board is the year from September 1 to August 31. 2009, c. 34, Sched. I, s. 4.

IN-YEAR DEFICITS

Regulations re accounting standards

230.21 (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing accounting standards with which boards must comply in preparing their financial statements;

(b) phasing in or authorizing boards to phase in any changes to accounting standards to their budgets over a period of years, and governing the phase-in. 2009, c. 34, Sched. I, s. 4.

Same

(2) A regulation made under subsection (1) may,

(a) incorporate a document or publication as it may be amended from time to time; and

(b) apply in respect of the fiscal year in which the regulation is made, even if the regulation is made after the start of the fiscal year. 2009, c. 34, Sched. I, s. 4.

No in-year deficit

231. (1) A board shall not, without the Minister's approval, have an in-year deficit for a fiscal year that is greater than the amount determined as follows:

1. Take the board's accumulated surplus for the preceding fiscal year. If the board does not have an accumulated surplus, the number determined under this paragraph is deemed to be zero.

2. Take 1 per cent of the board's operating revenue for the fiscal year.

3. Take the lesser of the amounts determined under paragraphs 1 and 2. 2009, c. 34, Sched. I, s. 4.

Exception

(2) Despite subsection (1), a board may have an in-year deficit that is greater than the amount determined under that subsection if the in-year deficit is permitted as part of a financial recovery plan under Division C.1 or if the board is subject to an order under subsection 230.3 (2) or 257.31 (2) or (3). 2009, c. 34, Sched. I, s. 4.

Minister's approval

(3) In deciding whether to grant his or her approval for a fiscal year for the purpose of subsection (1), the Minister shall consider,

(a) whether the in-year deficit is structural or will occur only one time;

(b) where the amount determined under paragraph 2 of subsection (1) is less than the amount determined under paragraph 1 of that subsection, whether the in-year deficit is less than 50 per cent of the amount determined under paragraph 1 of that subsection; and

(c) the extent to which the in-year deficit is the result of circumstances beyond the board's control. 2009, c. 34, Sched. I, s. 4.

ESTIMATES

Board shall adopt estimates

232. (1) Every board, before the beginning of each fiscal year and in time to comply with the date set under clause (6) (c), shall prepare and adopt estimates of its revenues and expenses for the fiscal year. 2009, c. 34, Sched. I, s. 4.

Same

(2) Where final financial statements are not available, the calculation of any amount for the purposes of this Act or the regulations shall be based on the most recent data available. 2009, c. 34, Sched. I, s. 4.

Balanced budget

(3) A board shall not adopt estimates that indicate the board would have an in-year deficit for the fiscal year. 2009, c. 34, Sched. I, s. 4.

Exception

(4) Despite subsection (3), a board may adopt estimates for a fiscal year that indicate the board would have an in-year deficit for the fiscal year if,

(a) the estimated in-year deficit would be equal to or less than the amount determined under subsection 231 (1);

(b) the Minister grants his or her approval for the estimated in-year deficit to be greater than the amount determined under subsection 231 (1) by the amount specified by the Minister;

(c) an in-year deficit is permitted as part of a financial recovery plan under Division C.1; or

(d) the board is subject to an order under subsection 230.3 (2) or 257.31 (2) or (3). 2009, c. 34, Sched. I, s. 4.

Minister's approval

(5) In deciding whether to grant his or her approval for a fiscal year for the purpose of clause (4) (b), the Minister shall consider the factors set out in subsection 231 (3). 2009, c. 34, Sched. I, s. 4.

Minister's powers

(6) The Minister may,

(a) issue guidelines respecting the form and content of estimates required under this section;

(b) require boards to comply with the guidelines; and

(c) require boards to submit a copy of the estimates to the Ministry, by a date specified for the purpose by the Minister. 2009, c. 34, Sched. I, s. 4; 2010, c. 26, Sched. 5, s. 1

Same

(7) Part III (Regulations) of the *Legislation Act, 2006* does not apply to anything done by the Minister under subsection (6). 2009, c. 34, Sched. I, s. 4.

Restrictions

233. (1) A board may by resolution restrict the use of all or part of its accumulated surplus for any purpose for which it has authority to incur expenses. 2009, c. 34, Sched. I, s. 4.

Same

(2) Amounts restricted for a purpose under subsection (1) shall not be expended, pledged or applied to any other purpose unless the board by resolution provides for the expenditure, pledge or application. 2009, c. 34, Sched. I, s. 4.

Regulations re restrictions

(3) The Minister may make regulations requiring a board to restrict, in the manner and to the extent specified in the regulations, the use of any revenue for the purposes specified in the regulations. 2009, c. 34, Sched. I, s. 4.

Exemption

(4) Amounts restricted for a purpose under a provision of a regulation made under subsection (3) shall not be expended, pledged or applied to any other purpose unless the Minister, in writing and subject to such conditions as may be specified, exempts the board from the provision and provides that the board may use the revenue for a specified purpose. 2009, c. 34, Sched. I, s. 4.

Money to be paid into bank account

(5) A board may consolidate deferred revenue and any accumulated surplus restricted under subsection (1) or (3) if the consolidated account is kept in such a way that the purposes for which the amounts are restricted remain distinct and the true state of the amount attributable to each purpose can be determined. 2009, c. 34, Sched. I, s. 4.

Interest

(6) Interest or other earnings on a portion of deferred revenue restricted for a purpose shall be credited only to that portion. 2009, c. 34, Sched. I, s. 4.

Restrictions following strike, lock-out

233.1 The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations providing for the calculation of expenses of a board that are not incurred in a fiscal year by reason of a strike or lock-out affecting the operations of the board. 2009, c. 34, Sched. I, s. 5.

Transition

233.2 (1) All amounts held or required to be held in reserve funds by section 232 or 233 of this Act, as it read immediately before the day section 4 of Schedule I to the *Ontario Tax Plan for More Jobs and Growth Act, 2009* came into force, are deemed to be amounts restricted under subsection 233 (3) for the same purposes for which the amounts were held in reserve funds. 2009, c. 34, Sched. I, s. 6.

Same

(2) All amounts held in education development charge reserve funds authorized or

continued under this Act, as it read immediately before the day section 4 of Schedule I to the *Ontario Tax Plan for More Jobs and Growth Act, 2009* came into force, are deemed to be amounts restricted under subsection 233 (3) for the same purposes for which the amounts were held in reserve funds. 2009, c. 34, Sched. I, s. 6.

Same

(3) All amounts held in reserve funds of boards authorized or continued under this Act, as it read immediately before the day section 4 of Schedule I to the *Ontario Tax Plan for More Jobs and Growth Act, 2009* came into force, other than amounts held in a reserve fund described in subsection (1) or (2), are deemed to be amounts restricted under subsection 233 (1) for the same purposes for which the amounts were held in reserve funds. 2009, c. 34, Sched. I, s. 6; 2010, c. 26, Sched. 5, s. 2.

Restrictions

(4) Any restrictions that, immediately before the day section 4 of Schedule I to the *Ontario Tax Plan for More Jobs and Growth Act, 2009* came into force, applied to amounts held in reserve funds described in subsection (1), (2) or (3) continue to apply to the amounts on and after that day. 2009, c. 34, Sched. I, s. 6.

LEGISLATIVE AND MUNICIPAL GRANTS

Legislative grants

234. (1) Subject to subsections (2) and (3), the Lieutenant Governor in Council may make regulations governing the making of grants, from money appropriated by the Legislature,

(a) for educational purposes;

(b) for the construction of child care facilities;

(c) for the construction of facilities for the co-ordination and provision of services and programs that,

(i) promote healthy emotional, social and physical development in children,

(ii) help children succeed in school, or

(iii) provide other assistance, advice, education or training relating to the care and development of children;

(d) to allow community groups to use school buildings and premises. 2006, c. 10, s. 28.

Same

(1.1) A regulation made under subsection (1) may set out rules respecting the number of instalments in which payments of legislative grants shall be paid to boards, the dates on which the payments shall be made and the amounts of the payments as a percentage of the total amount payable to the boards. 2009, c. 34, Sched. I, s. 7 (1).

(1.2) Repealed: 2009, c. 34, Sched. I, s. 7 (1).

Same

(2) Regulations made under subsection (1) shall ensure that the legislation and regulations governing education funding operate in a fair and non-discriminatory manner,

(a) as between English-language public boards and English-language Roman Catholic boards; and

(b) as between French-language public district school boards and French-language separate district school boards. 1997, c. 31, s. 113 (1).

Same

(3) Regulations made under subsection (1) shall ensure that the legislation and regulations governing education funding operate so as to respect the rights given by section 23 of the *Canadian Charter of Rights and Freedoms*. 1997, c. 31, s. 113 (1).

Same

(4) Without limiting the generality of subsection (1), a regulation made under subsection (1) may,

(a) provide for the method of calculating or determining any thing for the purposes of calculating or paying all or part of a legislative grant;

(b) prescribe the conditions governing the calculation or payment of all or part of a legislative grant;

(c) authorize the Minister to,

(i) withhold all or part of a legislative grant or delay payment of an instalment of a legislative grant if a condition of the legislative grant is not satisfied, or

(ii) require that all or part of a legislative grant be repaid if a condition of the grant is not satisfied. 1997, c. 31, s. 113 (1); 2009, c. 34, Sched. I, s. 7 (2).

Same

(5) Without limiting the generality of clause (4) (b), the approval or confirmation of the Minister of any thing may be prescribed in a regulation made under subsection (1) as a condition governing the calculation or payment of all or part of a legislative grant. 1997, c. 31, s. 113 (1).

Additional powers of Minister

(6) The Minister may, for the purposes of the calculation and payment of legislative grants, prescribe the standards that shall be attained by a community group in respect of the provision of adult basic education under subsection 189 (3) and the criteria that shall be used to determine whether the standards are attainable. 1997, c. 31, s. 113 (1).

Same

(7) A regulation made under subsection (1),

(a) may be general or particular in its application; and

(b) may be made to apply with respect to any period specified in the regulation including a period before the regulation is made. 1997, c. 31, s. 113 (1).

Payment schedule

(8) The Minister may, in accordance with any rules referred to in subsection (1.1), prescribe the number of instalments in which payments of legislative grants shall be paid to boards, the dates on which the payments shall be made and the amounts of the payments as a percentage of the total amount estimated by the Minister to be payable to the boards. 2009, c. 34, Sched. I, s. 7 (3).

***Legislation Act, 2006*, Part III**

(9) An act of the Minister under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1997, c. 31, s. 113 (1); 2006, c. 21, Sched. F, s. 136 (1).

(10)-(13) Repealed: 2009, c. 25, s. 27.

Definition

(14) In subsections (2) and (3) and in Division F,

"education funding" means revenue available to a board,

(a) from grants made under subsection (1),

(b) from taxes under Division B of this Act or Part IX of the *Municipal Act, 2001* or Part XI of the *City of Toronto Act, 2006*, as the case may be, other than taxes for the purposes of,

(i) paying a board's share of the amount of any cancellation, reduction, refund or rebate of taxes under section 361, 364, 365 or 365.2 of the *Municipal Act, 2001* or under section 329, 331, 332 or 334 of the *City of Toronto Act, 2006*, as the case may be,

(ii) paying a board's share of the amount of the tax assistance provided under section 365.1 of the *Municipal Act, 2001* or under section 333 of the *City of Toronto Act, 2006*, as the case may be,

(iii) paying rebates or reducing taxes under section 257.2.1 or 257.12.3 of this Act, or

(iv) paying the board's share of any amount that was deferred, cancelled or refunded under section 8 of the *Provincial Land Tax Act, 2006* by reason of clause 8 (1) (a), (b), (c), (d), (f) or (h) of that Act or under a regulation made under clause 25 (1) (f), (h) or (i) of that Act; and

(b.1) Repealed: 2002, c. 17, Sched. F, Table.

(c) from education development charges under Division E. 1997, c. 31, s. 113 (1); 1998, c. 33, s. 39; 2000, c. 25, s. 45 (1, 2); 2001, c. 17, s. 1 (1); 2002, c. 17, Sched. C, s. 7; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (4); 2006, c. 33, Sched. Z.3, s. 8 (4).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Boards to share in municipal grants

Definition

235. (1) In this section,

"municipality" includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Same

(2) All grants, investments and allotments made by a municipality or by a local board of a municipality for education purposes, including but not limited to grants referred to in section 107 of the *Municipal Act, 2001* or section 83 of the *City of Toronto Act, 2006*, as the case may be, shall be shared in accordance with subsection (3) among the boards whose area of jurisdiction is all or partly the same as the area of jurisdiction of the municipality or the local board. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (5).

Same

(3) The share of a board shall be determined by comparing the average number of pupils enrolled at the schools of the board in the area of jurisdiction of the municipality or the local board of the municipality making the grant, investment or allotment during the preceding 12 months, or during the number of months that have elapsed since the establishment of the board if it is a new board, as compared with the whole average number of pupils enrolled at the schools of all boards in the area of jurisdiction of the municipality or the local board. 1997, c. 31, s. 113 (1).

BOARD SUPPORT

Notice re status as supporter

English-language public board

236. (1) An individual who is an owner or tenant of residential property in the area of jurisdiction of any board or outside the area of jurisdiction of all boards but within a municipality, is entitled, on application under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the property is located, to have his or her name included or altered in the assessment roll as an English-language public board supporter. 1997, c. 31, s. 113 (1).

English-language Roman Catholic board

(2) An individual who is a Roman Catholic and an owner or tenant of residential property in the area of jurisdiction of an English-language Roman Catholic board is entitled, on application under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the property is located, to have his or her name included or altered in the assessment roll as an English-language Roman Catholic board supporter. 1997, c. 31, s. 113 (1).

French-language public district school board

(3) An individual who is a French-language rights holder and an owner or tenant of residential property in the area of jurisdiction of a French-language public district school board is entitled, on application under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the property is located, to have his or her name included or altered in the assessment roll as a French-language public district school board supporter. 1997, c. 31, s. 113 (1).

French-language separate district school board

(4) An individual who is a Roman Catholic, a French-language rights-holder and an owner or tenant of residential property in the area of jurisdiction of a French-language separate district school board is entitled, on application under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the property is located, to have his or her name included or altered in the assessment roll as a French-language separate district school board supporter. 1997, c. 31, s. 113 (1).

Protestant separate school board

(5) An individual who is a Protestant and who occupies residential property as owner or tenant in a municipality in which a Protestant separate school board is established, is entitled, on application under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the property is located, to have his or her name included or altered in the assessment roll as a Protestant separate school board supporter. 1997, c. 31, s. 113 (1).

School support, partnership or corporation other than designated ratepayer

237. (1) In this section,

"partnership" means partnership within the meaning of the *Partnerships Act*. 1997, c. 31, s. 113 (1).

Non-application to designated ratepayer

(2) This section does not apply to a corporation that is a designated ratepayer as defined in subsection 238 (1). 1997, c. 31, s. 113 (1).

Right of corporation or partnership

(3) Subject to subsections (9) and (11), a corporation or partnership by notice to the assessment commissioner in a form approved by the Minister of Finance under the *Assessment Act* may,

(a) require the whole or any part of its assessment for residential property that it owns and that is within the jurisdiction of an English-language Roman Catholic board to be entered and assessed for English-language Roman Catholic board purposes;

(b) require the whole or any part of its assessment for residential property that it owns and that is within the jurisdiction of a French-language separate district school board to be entered and assessed for French-language separate district school board purposes; or

(c) require the whole or any part of its assessment for residential property that it owns and that is within the jurisdiction of a French-language public district school board to be entered and assessed for French-language public district school board purposes. 1997, c. 31, s. 113 (1).

Duty of assessment commissioner

(4) On receiving a notice under subsection (3) from the corporation or partnership, the assessment commissioner shall enter separately on the assessment roll to be next returned the corporation's or partnership's school support for each type of board specified in the notice. 1997, c. 31, s. 113 (1).

Same

(5) The assessment commissioner shall separately enter and assess for English-language public board purposes any assessment of the corporation or partnership not specified in the notice. 1997, c. 31, s. 113 (1).

Notice to clerk

(6) The assessment commissioner, on receipt of the notice from the corporation or partnership, shall forward a copy of the notice to the clerk of the municipality in which the residential property referred to in the notice is located. 1997, c. 31, s. 113 (1).

Duty of clerk

(7) On receiving the notice from the assessment commissioner, the clerk shall enter the corporation or partnership in the tax roll and enter separately the corporation's or partnership's school support for each type of board specified in the notice. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table.

Same

(8) The clerk shall separately enter and show as assessed for English-language public board purposes any assessment of the corporation or partnership not specified in the notice. 1997, c. 31, s. 113 (1).

Re corporation

(9) The portions of an assessment of a corporation that are assessed other than for English-language public board purposes shall not bear a greater proportion to the whole assessment of the corporation than,

(a) in the case of assessment assessed for English-language Roman Catholic board purposes, the number of shares held in the corporation by supporters of an English-language Roman Catholic board bears to the total number of shares of the corporation issued and outstanding;

(b) in the case of assessment assessed for French-language separate district school board purposes, the number of shares held in the corporation by supporters of a French-language separate district school board bears to the total number of shares of the corporation issued and outstanding; and

(c) in the case of assessment assessed for French-language public district school board purposes, the number of shares held in the corporation by supporters of a French-language public district school board bears to the total number of shares of the corporation issued and outstanding. 1997, c. 31, s. 113 (1).

Same

(10) Subsection (9) does not apply to a corporation without share capital or a corporation sole. 1997, c. 31, s. 113 (1).

Re partnership

(11) The portions of an assessment of a partnership that are assessed other than for English-language public board purposes shall not bear a greater proportion to the whole assessment of the partnership than,

(a) in the case of assessment assessed for English-language Roman Catholic board purposes, the interest of partners who are supporters of an English-language Roman Catholic board in the assets giving rise to the assessment bears to the whole interest of the partnership in the assets giving rise to the assessment;

(b) in the case of assessment assessed for French-language separate district school board purposes, the interest of partners who are supporters of a French-language separate district school board in the assets giving rise to the assessment bears to the whole interest of the partnership in the assets giving rise to the assessment; and

(c) in the case of assessment assessed for French-language public district school board purposes, the interest of partners who are supporters of a French-language public district school board in the assets giving rise to the assessment bears to the whole interest of the partnership in the assets giving rise to the assessment. 1997, c. 31, s. 113 (1).

School support if corporation, partnership is tenant

(12) A corporation or partnership that is a tenant of residential property may, subject to subsection (13), by notice to the assessment commissioner in a form approved by the Minister of Finance under the *Assessment Act* indicate the board or boards to which it wishes the amounts levied under section 257.7 in respect of such property to be distributed and the proportions of the amounts to be distributed to each board, and the amounts shall be distributed to the board or boards in the proportions indicated in the notice, and any portion of the amounts not indicated in the notice to be distributed to a specific board shall be distributed to the English-language public board that has jurisdiction in the area in which

the property is located. 1997, c. 31, s. 113 (1).

Application of subss. (9), (10), (11), (14), (15) and (16)

(13) Subsections (9), (10), (11), (14), (15) and (16) apply with necessary modifications to a notice given under subsection (12). 1997, c. 31, s. 113 (1).

Effect of notice

(14) A notice given by a corporation under this section pursuant to a resolution of the directors or other persons having control or management over the affairs of the corporation is sufficient and shall continue in force and be acted on until it is withdrawn, varied or cancelled by a notice subsequently given by the corporation pursuant to a resolution of the directors or those other persons. 1997, c. 31, s. 113 (1).

Same

(15) A notice given by a partnership under this section is sufficient if signed by a partner and shall continue in force and be acted on until it is withdrawn, varied or cancelled by a notice subsequently given by a partner. 1997, c. 31, s. 113 (1).

Inspection of notices

(16) Every notice given under this section shall be kept by the assessment commissioner in his or her office, and shall at all convenient hours be open to inspection and examination. 1997, c. 31, s. 113 (1).

Type of board

(17) For the purposes of subsections (4) and (7), the following are types of boards:

1. English-language Roman Catholic boards.
2. French-language public district school boards.
3. French-language separate district school boards. 1997, c. 31, s. 113 (1).

School support, designated ratepayers

238. (1) In this section,

"common jurisdictional area", in respect of two or more boards, means the area that is within the area of jurisdiction of both or all of those boards; ("territoire commun de compétence")

"designated ratepayer" means,

(a) the Crown in right of Canada or a province,

(b) a corporation without share capital or corporation sole that is an agency, board or commission of the Crown in right of Canada or a province,

(c) a municipal corporation,

(d) a corporation without share capital that is a local board as defined in the *Municipal Affairs Act*,

(e) a conservation authority established by or under the *Conservation Authorities Act* or a predecessor of that Act, or

(f) a public corporation; ("contribuable désigné")

"public corporation" means,

(a) a body corporate that is, by reason of its shares, a reporting issuer within the meaning of the *Securities Act* or that has, by reason of its shares, a status

comparable to a reporting issuer under the law of any other jurisdiction,

(b) a body corporate that issues shares that are traded on any market if the prices at which they are traded on that market are regularly published in a newspaper or business or financial publication of general and regular paid circulation, or

(c) a body corporate that is, within the meaning of subsections 1 (1) and (2), clause 1 (3) (a) and subsections 1 (4), (5) and (6) of the *Securities Act*, controlled by or is a subsidiary of a body corporate or two or more bodies corporate described in clause (a) or (b) and, for the purposes of this clause, the expression "more than 50 per cent of the votes" in the second and third lines of clause 1 (3) (a) of the *Securities Act* shall be deemed to read "50 per cent or more of the votes". ("société ouverte") 1997, c. 31, s. 113 (1).

Distribution of taxes

(2) The rates levied under Division B on the property of a designated ratepayer shall be distributed and paid in accordance with sections 257.8 and 257.9. 1997, c. 31, s. 113 (1).

Tenant support re distribution of amounts levied

239. (1) Where residential property is occupied by a tenant, the amounts levied under section 257.7 in respect of that property shall be distributed to the board of which the tenant is a supporter. 1997, c. 31, s. 113 (1).

If tenant is corporation or partnership

(2) If a tenant referred to in subsection (1) is a corporation or partnership referred to in section 237, for the purposes of subsection (1), the tenant shall be deemed to be a supporter of each board indicated in the notice given by the tenant under subsection 237 (12) or to be a supporter of the English-language public board as provided for by that subsection, and the amounts levied under section 257.7 in respect of the property occupied by the tenant shall be distributed to the boards of which the tenant is deemed to be a supporter in accordance with the notice and with subsection 237 (12). 1997, c. 31, s. 113 (1).

If tenant is designated ratepayer

(3) If a tenant referred to in subsection (1) is a designated ratepayer as defined in subsection 238 (1), for the purposes of subsection (1), the tenant shall be deemed to be a supporter of each board in whose jurisdiction the property occupied by the tenant is located and the amounts levied under section 257.7 in respect of that property shall be distributed to each of those boards in the same manner as the amounts levied on the business property of a designated ratepayer are distributed under section 257.8. 1997, c. 31, s. 113 (1).

Amount to be levied if multiple tenants

(4) If a parcel of residential property is occupied by more than one tenant, the amounts levied in respect of the property occupied by each tenant shall be determined as though the assessed value of the property occupied by each tenant were the assessment attributable to that tenant under subsection 14 (3) of the *Assessment Act*. 1997, c. 31, s. 113 (1).

Agreement between owner and tenant

(5) Where the person who occupies residential property is a tenant, no agreement between the owner and the tenant as to the application of taxes for school purposes as between themselves alters or affects subsections (1), (2), (3) or (4). 1997, c. 31, s. 113 (1).

Conflict

(6) Subsections (1), (2), (3) and (4) prevail in the event of a conflict between those

subsections and section 237, subsection 238 (2) or section 257.9. 1997, c. 31, s. 113 (1).

SCHOOL RATE: CERTAIN CIRCUMSTANCES

School rate: certain circumstances

240. (1) Where, in a municipality,

(a) a person is entered on the tax roll as an English-language public board supporter and there is no English-language public board to which school rates if levied in any year on the taxable property of the person in the municipality, may be paid; or

(b) a designated ratepayer as defined in subsection 238 (1) is entered on the tax roll and there is no board to which school rates if levied in any year on the taxable property of the designated person in the municipality, may be paid,

there shall be levied and collected annually on the taxable property of the person referred to in clause (a) or of the designated ratepayer referred to in clause (b), as the case may be, in the municipality the same rates as are prescribed under section 257.12. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table.

Reserve account

(2) The money raised under subsection (1) shall be deposited in a reserve account for English-language public board purposes and may be invested in the securities prescribed under clause 241 (6) (b), subject to the rules prescribed by the regulations for the purposes of subsection 241 (1), and for the purpose "invest" and "securities" have the same meaning as in section 241. 1997, c. 31, s. 113 (1); 2009, c. 34, Sched. I, s. 8.

Same

(3) The earnings from the investments under subsection (2) shall form part of the reserve account. 1997, c. 31, s. 113 (1).

Use of money in account

(4) Subject to subsection (5), where, in a municipality referred to in subsection (1), a district school area board is organized and makes provision for the education of its resident pupils, the municipal council shall pay over to the board the money that is held by the municipality under this section, and the money,

(a) shall be used for expenditures for permanent improvements for the purposes of the board that the board considers expedient; and

(b) shall be used for any other purpose approved by the Minister, in the amounts and over the periods that are approved by the Minister. 1997, c. 31, s. 113 (1).

Application in area of jurisdiction of a public district school board

(5) Where a municipality referred to in subsection (1) becomes part of the area of jurisdiction of an English-language public district school board, the municipal council shall pay over to the English-language public district school board the money that is held by the municipality and the money shall be used as set out in clause (4) (b). 1997, c. 31, s. 113 (1).

Subclass reductions

(6) Section 313 of the *Municipal Act, 2001* or section 278 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications with respect to the rates levied under this section. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (6).

BORROWING AND INVESTMENT BY BOARDS

Investment powers

241. (1) A board may, subject to any rules prescribed under subsection (6), invest in securities prescribed under subsection (6) any money of the board that is not immediately required by the board. 2009, c. 34, Sched. I, s. 9 (1).

(2)-(5) Repealed: 2009, c. 34, Sched. I, s. 9 (1).

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(a) prescribing rules for the purposes of subsection (1);

(b) prescribing securities or classes of securities for the purposes of subsection (1);

(c) providing that a board does not have the power under this section to invest in the securities or classes of securities specified in the regulation. 1997, c. 31, s. 113 (1); 2009, c. 34, Sched. I, s. 9 (2, 3).

General or particular

(7) A regulation under subsection (6) may be general or particular in its application and may be made to apply to any class of board and for the purpose a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 113 (1).

(8)-(9) Repealed: 2006, c. 10, s. 29.

Definitions

(10) In this section,

"invest" includes purchase, acquire, hold and enter into; ("placer")

"securities" includes financial agreements, investments and evidences of indebtedness. ("valeurs mobilières") 1997, c. 31, s. 113 (1).

Debt, financial obligation and liability limits

242. (1) The Lieutenant Governor in Council may make regulations providing for debt, financial obligation and liability limits for boards or classes of boards including,

(a) defining the types of debt, financial obligation or liability to which the limits applies and prescribing the matters to be taken into account in calculating the limits;

(b) prescribing the amounts to which the debts, financial obligations and liabilities under clause (a) shall be limited;

(c) requiring a board to apply for the approval of the Minister for each specific work or class of works, the amount of debt for which, when added to the total amount of any outstanding debt, financial obligation or liability under clause (a), causes a limit under clause (b) to be exceeded;

(d) prescribing rules, procedures and fees for the determination of the debt, financial obligation and liability limits of a board;

(e) establishing conditions that must be met by a board before undertaking any, or any class of, debt, financial obligation or liability. 1997, c. 31, s. 113 (1).

Approval to exceed limit

(2) A board shall not incur a debt, financial obligation or liability that would cause it to exceed a limit prescribed under clause (1) (b) unless it first obtains the approval of the Minister. 1997, c. 31, s. 113 (1).

Risk management activities

(3) The Lieutenant Governor in Council may make regulations allowing a board to engage in risk management activities as defined in the regulation in the circumstances specified in the regulation in order to hedge the risks specified in the regulation under or in connection with any debt instrument, financial obligation or liability of a board. 1997, c. 31, s. 113 (1).

General or particular

(4) A regulation made under this section can be general or particular. 1997, c. 31, s. 113 (1).

Classes

(5) A class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 113 (1).

Debentures issued by boards

242.1 (1) This Act, as it read immediately before the day the *Student Achievement and School Board Governance Act, 2009* received Royal Assent, continues to apply with respect to debentures issued by boards before that day. 2009, c. 25, s. 28.

Transition

(2) Subsection (1) does not prevent regulations made under subsection 241 (6) or clause 247 (3) (b) after the day the *Student Achievement and School Board Governance Act, 2009* receives Royal Assent from applying to investments held by sinking funds or retirement funds immediately before that day. 2009, c. 25, s. 28.

Current borrowing

243. (1) Despite the provisions of any Act, a board may by resolution authorize the treasurer and the chair or vice-chair to borrow from time to time the sums that the board considers necessary to meet the current expenditures of the board until the current revenue has been received. 1997, c. 31, s. 113 (1).

Debt charges

(2) A board may borrow the sums that the board considers necessary to meet debt charges payable in any fiscal year until cash has been received. 1997, c. 31, s. 113 (1); 2009, c. 34, Sched. I, s. 10 (1).

Limit

(3) The amounts that a board may borrow at any one time for the purposes mentioned in subsections (1) and (2), together with the total of any similar borrowings that have not been repaid and any accrued interest on those borrowings, shall not exceed the unreceived balance of the estimated current revenues of the board. 1997, c. 31, s. 113 (1); 2009, c. 34, Sched. I, s. 10 (2).

(4) Repealed: 2006, c. 10, s. 30.

Exception re certain boards

(5) A board may borrow more than the amount authorized to be borrowed under the other provisions of this section if, at the time of the borrowing,

(a) the board is subject to a financial recovery plan approved by the Minister under subsection 257.29.1 (2), and the plan permits the borrowing; or

(b) the administration of the affairs of the board has been vested in the Ministry by an order under subsection 230.3 (2) or 257.31 (2) or (3), and the Minister approves the borrowing. 2009, c. 34, Sched. I, s. 10 (3).

(6) Repealed: 2009, c. 34, Sched. I, s. 10 (3).

Approval of Minister

(7) The Minister may make his or her approval under subsection (6) subject to any terms that he or she considers appropriate. 1997, c. 31, s. 113 (1).

(8) Repealed: 2006, c. 10, s. 30.

Definition

(9) In this section,

"current revenue", "estimated revenues" and "revenues" do not include revenue from education development charges. 1997, c. 31, s. 113 (1).

Provincial guarantee, certain instruments

244. (1) The Lieutenant Governor in Council may by order authorize the Minister of Finance to guarantee payment by the Province of the principal, interest and premium of debt instruments or other instruments prescribed under clause 247 (3) (f) issued by a board or other debt instruments issued by a corporation established under subsection 248 (1) and any such authorization may relate to a single instrument or to a class of instruments as such class is defined in the authorizing order in council. 2009, c. 25, s. 29 (1).

Form of guarantee

(2) The form of the guarantee and the manner of its execution shall be determined by order of the Lieutenant Governor in Council, and every guarantee executed in accordance with the order is conclusive evidence of the guarantee. 1997, c. 31, s. 113 (1).

Validity of guaranteed instruments

(3) Any debt instrument prescribed under clause 247 (3) (f) or other debt instrument, payment of which is guaranteed by the Province under this section, is valid and binding on the board or corporation by which it is issued according to its terms. 2009, c. 25, s. 29 (2).

Payments re certain debentures

245. (1) In this section, section 246 and subsection 247 (5),

"debenture", in the case of a Roman Catholic board or of an old board that operated Roman Catholic schools, includes a mortgage; ("débenture")

"general revenue" means, in respect of a board,

(a) the amounts levied for school purposes that a board receives under Division B, and

(b) the legislative grants received by the board that are made under subsection 234 (1); ("recettes générales")

"municipality" includes an upper-tier municipality and Metro within the meaning of the *City of Toronto Act, 1997 (No. 2)* as it read the day before its repeal by the *Stronger City of Toronto for a Stronger Ontario Act, 2006*. ("municipalité") 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (7).

Payments re debentures issued by school authorities, old boards

(2) During the currency of a debenture issued by a school authority or an old board before this section comes into force, the school authority that issued the debenture or a board that assumed the obligation for a debenture issued by an old board shall,

(a) provide in its estimates for each fiscal year for setting aside out of its general revenue in the fiscal year the amount necessary to pay the principal and interest coming due on the debenture in the fiscal year and to pay the amount required to be paid into a sinking fund or retirement fund in respect of the debenture in the fiscal year;

(b) on or before each due date in each year, pay out of its general revenue the principal and interest coming due on the debenture in the year; and

(c) where a sinking fund or retirement fund has been established in respect of a debenture, on or before the anniversary in each year of the issue date of the debenture, pay out of its general revenue the amount required to be paid into the sinking fund or retirement fund in respect of the debenture in the year. 1997, c. 31, s. 113 (1).

Payments re debentures issued by municipality for school authority, old board

(3) During the currency of a debenture issued by a municipality before this section comes into force to raise money for a school authority or an old board, the school authority for which the debenture was issued or the board that assumed the obligation to the municipality for the debenture shall,

(a) provide in its estimates for each fiscal year for setting aside out of its general revenue in the fiscal year the amount necessary to pay to the municipality the amount of the principal and interest coming due on the debenture in the fiscal year and to pay the amount required to be paid by the municipality into a sinking fund or retirement fund in respect of the debenture in the fiscal year;

(b) on or before each due date in each year, pay out of its general revenue to the municipality the principal and interest coming due on the debenture in the year; and

(c) where a sinking fund or retirement fund has been established by the municipality in respect of a debenture, on or before each due date in each year, pay out of its general revenue to the municipality the amount required to be paid into the sinking fund or retirement fund by the municipality in respect of the debenture in the year. 1997, c. 31, s. 113 (1).

Same

(4) For the purposes of subsection (3), the due dates are those specified in the applicable notice given by the treasurer of the municipality to the treasurer of the board. 1997, c. 31, s. 113 (1).

Exception

(5) Despite clauses (2) (a) and (b) and (3) (a) and (b), the principal and interest that must be paid in a year under those clauses does not include any outstanding amount of principal specified as payable on the maturity date of a debenture to the extent that one or more refinancing debentures are issued by the school authority, board or municipality referred to in subsection (2) or (3) to repay the outstanding principal. 1997, c. 31, s. 113 (1).

Rules re certain debentures

246. (1) Subsections (2) to (5) apply despite,

(a) the provisions of any other Act;

(b) any debenture;

(c) any municipal or board by-law, resolution or agreement under which a debenture is issued; or

(d) any document relating to a debenture. 1997, c. 31, s. 113 (1).

No obligation to raise money through rates to pay debentures

(2) A board is not obliged to raise money by way of rates,

(a) to pay the principal and interest on a debenture to which section 245 applies;

(b) to pay amounts for deposit into a sinking fund or retirement fund in respect of a debenture to which section 245 applies;

(c) to pay amounts to a municipality in respect of a debenture to which section 245 applies; or

(d) for any other purpose. 1997, c. 31, s. 113 (1).

Deemed amendment

(3) A by-law, resolution, agreement or other document relating to a debenture to which section 245 applies and the debenture shall be deemed to have been amended to accord with subsections (1), (2), (4) and (5). 1997, c. 31, s. 113 (1).

Rights of debenture holder

(4) No holder of a debenture to which section 245 applies shall have any right to require payment, except in accordance with the payment schedule for the debenture, by reason only that the board that has assumed the obligation for the debenture may not be identical to the old board that issued the debenture or that the board that is obliged to make payments to a municipality in respect of the debenture may not be identical to the old board that was obliged to make payments to the municipality in respect of the debenture. 1997, c. 31, s. 113 (1).

Same

(5) None of the following shall constitute default by a district school board, a school authority, an old board or a municipality in the fulfilment of the obligations related to the debenture or a breach by a district school board, a school authority, an old board or a municipality of the terms or conditions of the debenture or of a by-law authorizing the issue of the debenture:

1. The amalgamation or merger of the old board that issued the debenture with a district school board.

2. The inability of a district school board or school authority to impose rates.

3. The elimination of a charge on the property and rates of the board that issued the debenture.

4. Anything done by a district school board or school authority in compliance with this Act or any regulation, order or directive made under this Act. 1997, c. 31, s. 113 (1).

Terms and conditions continued

(6) Subject to subsections (1) to (5), a debenture to which section 245 applies that is

issued before this section comes into force continues to be payable on the same terms and conditions as are required by the debenture. 1997, c. 31, s. 113 (1).

Borrowing for permanent improvements

247. (1) Subject to any other provision of this Act and the regulations made under subsection 242 (1) and subsection (3) of this section, a district school board may by by-law borrow money or incur debt for permanent improvements and may issue or execute any instrument prescribed under clause (3) (f) in respect of the money borrowed or the debt incurred. 1997, c. 31, s. 113 (1); 2009, c. 25, s. 30 (1).

Same, school authorities

(2) Subject to any other provision of this Act and the regulations made under subsection 242 (1) and subsection (3) of this section, and subject to the prior approval of the Minister, a school authority may by by-law borrow money or incur debt for permanent improvements and may issue or execute any instrument prescribed under clause (3) (f) in respect of the money borrowed or the debt incurred. 1997, c. 31, s. 113 (1); 2009, c. 25, s. 30 (2).

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) governing the borrowing of money and the incurring of debt by a board for permanent improvements;

(b) governing the issuance by a board of instruments prescribed under clause (f) in respect of money borrowed or debt incurred for permanent improvements;

(c) governing any dealings by a board with instruments described in clause (b), including but not limited to regulations governing the redemption, surrender, exchange, substitution or offering as security of the instruments;

(d) governing the establishment and operation of sinking funds, retirement funds and any other type of funds that may be prescribed by the regulations and providing for the investment or other application of money held in those funds;

(e) prescribing types of funds for the purpose of clause (d);

(f) prescribing instruments that may be issued or executed by a board in respect of money borrowed or debt incurred for permanent improvements;

(g) prescribing the duties of treasurers or other officers of boards in connection with the matters addressed in this section;

(h) providing that any provision of, or made under, the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, relating to borrowing or debentures applies, with any modifications specified in the regulations, in relation to borrowing by a board under this section. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (8); 2009, c. 25, s. 30 (3-6).

Same

(3.1) Without limiting the generality of clause (3) (a), in making regulations under that clause, the Lieutenant Governor in Council may delegate specified responsibilities related to the borrowing of money and the incurring of debt by the Board for permanent improvements to the Minister or any other body the Lieutenant Governor in Council considers appropriate for those purposes. 2009, c. 25, s. 30 (7).

General or particular

(4) A regulation under subsection (3) may be general or particular and may be made to apply to any class of board and for the purpose a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 113 (1).

Payments re debt instruments

(5) Subject to the regulations, if under subsection (1) or (2) a board issues a debt instrument prescribed under clause (3) (f), the board shall,

(a) on or before each due date in each year, pay the principal and interest coming due on the debt instrument in the year; and

(b) where a sinking fund, retirement fund or other fund prescribed under clause (3) (e) has been established in respect of the debt instrument, on or before the anniversary in each year of the issue date of the debt instrument, pay the amount required to be paid into the sinking fund, retirement fund or such prescribed fund in respect of the debt instrument in the year. 2010, c. 26, Sched. 5, s. 3.

Exception

(6) Despite clauses (5) (a) and (b), the principal and interest that must be paid in a year under those clauses does not include any outstanding amount of principal specified as payable on the maturity date of a debt instrument to the extent that one or more refinancing debt instruments are issued by the board to repay the outstanding principal. 2009, c. 25, s. 30 (8).

All debt instruments rank equally

(7) Despite any other provision of this or any other Act or any differences in date of issue or maturity, every debt instrument prescribed under clause (3) (f) issued by a board shall rank concurrently and equally in respect of payment of principal and interest with all other debt instruments issued by the board, except as to the availability of any sinking fund, retirement fund or other fund prescribed under clause (3) (e) applicable to any issue of debt instruments. 2009, c. 25, s. 30 (8).

Registration

(8) Subsections 415 (1), (2), (3), (4), (5) and (7) of the *Municipal Act, 2001* or any equivalent provisions of, or made under, the *City of Toronto Act, 2006*, as the case may be, apply with necessary modifications to a by-law of a board authorizing the issue of debt instruments prescribed under clause (3) (f) that is passed under subsection (1) or (2) of this section, but nothing in this subsection makes valid a by-law if it appears on the face of the by-law that it does not substantially comply with a provision of a regulation under subsection (3) that specifies the maximum term within which a debt instrument prescribed under clause (3) (f) may be made payable. 2009, c. 25, s. 30 (8).

Certain rights and duties continued

(9) Subject to subsection (10), the rights and duties of,

(a) a treasurer or a clerk-treasurer of a county or municipality;

(b) a treasurer of an old board;

(c) the council of a municipality;

(d) a school authority; or

(e) an old board,

under subsections 234 (3) to (6) of this Act, as those provisions read immediately before subsection 113 (1) of the *Education Quality Improvement Act, 1997* came into force, continue with respect to debentures to which those subsections applied. 1997, c. 31, s. 113 (1).

Same

(10) The rights and duties described in subsection (9) of an old board or the treasurer of an old board are, respectively, the rights and duties of the district school board or treasurer of the district school board that is obliged to make payments in respect of the debenture as a result of a regulation made under clause 58.1 (2) (p) as it read immediately before it was repealed by subsection 8 (4) of the *Student Achievement and School Board Governance Act, 2009* or as a result of an order made under such a regulation. 1997, c. 31, s. 113 (1); 2009, c. 25, s. 30 (9).

Transition

(11) Despite subsection (3) and subsection 242.1 (1), subsections (1) and (2) do not authorize the issuance of debentures for the purpose of repaying, refunding or refinancing any debentures that were issued before the day the *Student Achievement and School Board Governance Act, 2009* received Royal Assent. 2009, c. 25, s. 30 (10).

Corporation to assist with board financing

248. (1) The Lieutenant Governor in Council may, by regulation, establish a corporation under the name specified in the regulation,

(a) to provide financial services to boards in accordance with the regulations;

(b) to borrow money as principal or agent on behalf of boards in accordance with the regulations; and

(c) to lend money to boards on the terms and conditions that the corporation may impose. 1997, c. 31, s. 113 (1).

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(a) providing for the composition, management, administration and control of the corporation and prescribing the powers and duties of the corporation;

(b) authorizing the corporation to provide financial services as specified in the regulations to boards in connection with their borrowing, investing, risk management and cash management activities;

(c) authorizing the corporation to borrow money in the capital markets in its own name or in the name of one or more boards on behalf of which the corporation is authorized to act;

(d) establishing terms, conditions and restrictions attaching to securities or other financial instruments issued by the corporation in connection with borrowing described in clause (c) including,

(i) the maximum aggregate principal amount of the securities or other financial instruments authorized for issue at any one time or from time to time,

(ii) any restrictions on the rate or rates of interest payable, the term to maturity, redemption rights, a bonus or discount payable, the currency of issue and selling restrictions,

(iii) any collateral that may be pledged or charged as security, and

(iv) the terms of any guarantee by the Province of repayment by the corporation;

(e) respecting lending by the corporation to boards;

(f) governing the application or non-application to the corporation of any provision of the *Business Corporations Act*, the *Corporations Act* and the *Corporations Information Act*;

(g) authorizing the corporation to provide financial services to municipalities, to borrow money as principal or agent on behalf of municipalities and to lend money to municipalities;

(h) governing matters necessary or advisable to enable the corporation to carry out its duties. 1997, c. 31, s. 113 (1).

Deemed reference to municipality

(3) If a regulation is made under clause (2) (g) respecting a matter referred to in this section or in section 249, a reference to a board in this section or in section 249 in respect of that matter shall be deemed to include a municipality. 1997, c. 31, s. 113 (1).

Interpretation

(4) In this section,

"municipality" includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

(5) Repealed: 2007, c. 7, Sched. 9, s. 1.

General or particular

(6) A regulation made under this section may be general or particular. 1997, c. 31, s. 113 (1).

Consent of board, municipality

(7) The corporation shall not provide financial services to a board or a municipality except at the request of the board or municipality and shall not borrow money in the name of a board or a municipality except with the prior approval of the board or municipality. 1997, c. 31, s. 113 (1).

Agreements

249. A board may enter into an agreement with the corporation established under subsection 248 (1),

(a) for the provision to the board of financial services that the corporation is authorized to provide to a board section 248;

(b) for the borrowing of money as principal or agent on behalf of the board as authorized under section 248; and

(c) for the lending of money to the board as authorized under section 248. 1997, c. 31, s. 113 (1).

MISCELLANEOUS BOARD REVENUES

Fees or charges for trailers in municipality

250. (1) In this section and in section 251,

"trailer" means any vehicle, whether self-propelled or so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the

motor vehicle, that is capable of being used for the living, sleeping or eating accommodation of persons, although the vehicle is jacked-up or its running gear is removed; ("roulotte")

"trailer camp" or "trailer park" means land in or on which any trailer is located but not including any such vehicle unless it is used for the living, sleeping or eating accommodation of persons. ("parc à roulottes") 1997, c. 31, s. 113 (1).

Share to be paid to boards

(2) Where a trailer is located in a trailer camp or elsewhere in a municipality and fees or charges are collected by the municipality for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay to the English-language public district school board, the district school area board or the secondary school board established under section 67 having jurisdiction in the area in which the trailer is located, 25 per cent of the fees or charges. 1997, c. 31, s. 113 (1).

Same

(3) Despite subsection (2), where the occupant of a trailer located in a municipality is a Roman Catholic and has given to the clerk of the municipality a notice in writing stating that the occupant is a Roman Catholic and wishes to be a supporter of the English-language Roman Catholic board that has jurisdiction in the area in which the trailer is located, the council of the municipality shall pay 25 per cent of the fees or charges to the English-language Roman Catholic board. 1997, c. 31, s. 113 (1).

Share to be paid to two boards

(4) Despite subsections (2) and (3), if a trailer is located in the area of jurisdiction of the two boards mentioned in paragraphs 1, 2 or 3, the municipality shall pay 12.5 per cent of the fees or charges to each of the boards:

1. A district school area board and a secondary school board established under section 67.
2. A Roman Catholic school authority and a secondary school board established under section 67.
3. A Roman Catholic school authority and an English-language public district school board. 1997, c. 31, s. 113 (1).

Same

(5) Despite subsection (2), where the occupant of a trailer located in a municipality is a Roman Catholic and a French-language rights holder and has given to the clerk of the municipality a notice in writing stating that the occupant is a Roman Catholic and wishes to be a supporter of the French-language separate district school board that has jurisdiction in the area in which the trailer is located, the council of the municipality shall pay 25 per cent of the fees or charges to the French-language separate district school board. 1997, c. 31, s. 113 (1).

Same

(6) Despite subsection (2), where the occupant of a trailer located in a municipality is a French-language rights holder and has given to the clerk of the municipality a notice in writing stating that the occupant wishes to be a supporter of the French-language public district school board that has jurisdiction in the area in which the trailer is located, the council of the municipality shall pay 25 per cent of the fees or charges to the French-language public district school board. 1997, c. 31, s. 113 (1).

Fees or charges not part of annual rates

(7) The share of the fees or charges payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before December 15 in the year for which the fees or charges are collected. 1997, c. 31, s. 113 (1).

Application to municipality operated trailer camps

(8) This section does not apply to trailer camps and trailer parks operated by a municipality. 1997, c. 31, s. 113 (1).

Exception

(9) No fees shall be charged under this section in respect of a trailer assessed under the *Assessment Act*. 1997, c. 31, s. 113 (1).

Fee for trailers in territory without municipal organization

251. (1) Except as provided in subsections (2) to (5), the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in the area of jurisdiction of a district school area board, a secondary school board established under section 67 or an English-language public district school board, shall pay to the board, on or before the first day of each month, a fee of $5.00 in respect of the trailer for each month or part of a month, except July and August, that the trailer is so located. 1997, c. 31, s. 113 (1).

Same

(2) Where the occupant of a trailer that is located in territory without municipal organization within the area of jurisdiction of an English-language Roman Catholic board is a Roman Catholic and signifies in writing to the board that he or she is Roman Catholic and wishes to be a supporter of the English-language Roman Catholic board, the owner or lessee of the trailer shall pay to the board, on or before the first day of each month a fee of $5.00 in respect of the trailer for each month or part of a month, except July and August, that the trailer is so located. 1997, c. 31, s. 113 (1).

Same

(3) If a trailer is located in the area of jurisdiction of the two boards mentioned in paragraphs 1, 2 or 3, the owner, lessee or person having possession of the trailer shall pay $2.50 to each of the boards:

1. A district school area board and a secondary school board established under section 67.
2. A Roman Catholic school authority and a secondary school board established under section 67.
3. A Roman Catholic school authority and an English-language public district school board. 1997, c. 31, s. 113 (1); 2009, c. 33, Sched. 13, s. 1 (14).

Same

(4) Where the occupant of a trailer that is located in territory without municipal organization within the area of jurisdiction of a French-language separate district school board is a Roman Catholic and a French-language rights holder and signifies in writing to the board that he or she is a Roman Catholic and wishes to be a supporter of the French-language separate district school board, the owner or lessee of the trailer shall pay to the board, on or before the first day of each month, a fee of $5.00 in respect of the trailer for each month or part of a month, except July and August, that the trailer is so located. 1997,

c. 31, s. 113 (1).

Same

(5) Where the occupant of a trailer that is located in territory without municipal organization within the area of jurisdiction of a French-language public district school board is a French-language rights holder and signifies in writing to the board that he or she wishes to be a supporter of the board, the owner or lessee of the trailer shall pay to the board, on or before the first day of each month, a fee of $5.00 in respect of the trailer for each month or part of a month, except July and August, that the trailer is so located. 1997, c. 31, s. 113 (1).

Notice

(6) No person is required to pay a fee under this section until the person has been notified in writing by the secretary of the board concerned or the tax collector that the person is liable to pay the fee, and on receipt of the notice the person shall promptly pay all fees for which the person has been made liable under this section before receipt of the notice and shall, after that, pay fees in accordance with subsections (1) to (5). 1997, c. 31, s. 113 (1).

Content of notice

(7) Every notice under this section shall make reference to this section and shall specify,

(a) the amount of fees for which the person is liable on receipt of the notice;

(b) the amount of the monthly fee to be paid after receipt of the notice;

(c) the date by which payment is required to be made;

(d) the place at which payment may be made; and

(e) the fine provided under this section. 1997, c. 31, s. 113 (1).

Notice to other boards

(8) A board that receives a notice under this section from an owner, occupant, lessee or person having possession of a trailer shall transmit a copy of the notice to every other board the jurisdiction of which includes the trailer camp or trailer park in which the trailer is located. 1997, c. 31, s. 113 (1).

Exception

(9) No fees shall be charged under this section in respect of a trailer assessed under the *Assessment Act*. 1997, c. 31, s. 113 (1).

Offence

(10) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which the owner, lessee or person is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on conviction is liable to a fine of not less than $20 and not more than $100 and each day that this subsection is contravened shall be deemed to constitute a separate offence. 1997, c. 31, s. 113 (1).

Financial Administration of Boards

Financial statements

252. (1) Every year, the treasurer of every board shall prepare the financial statements for the board by the date prescribed under subsection (3) and, on receiving the

auditor's report on the financial statements, shall promptly give the Ministry two copies of the financial statements and the auditor's report. 1997, c. 31, s. 113 (1).

Publication and notice

(2) Within one month after receiving the auditor's report on the board's financial statements, the treasurer shall,

(a) publish the financial statements and the auditor's report, in the form the Minister may prescribe, in a daily or weekly newspaper that, in the opinion of the treasurer, has sufficient circulation within the area of jurisdiction of the board to provide reasonable notice to those affected by them;

(b) mail or deliver a copy of the financial statements and auditor's report, in the form the Minister may prescribe, to each of the board's supporters; or

(c) otherwise make the information in the financial statements and auditor's report available to the public, to the extent and in the manner directed by the Minister. 1997, c. 31, s. 113 (1).

Minister's powers

(3) The Minister may prescribe the date in each year by which the treasurer of a board shall prepare the financial statements of the board and forward them to the auditor. 1997, c. 31, s. 113 (1).

Same

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to anything done by the Minister under subsection (3). 1997, c. 31, s. 113 (1); 2006, c. 21, Sched. F, s. 136 (1).

(5)-(6) Repealed: 2006, c. 10, s. 31.

Appointment of auditor

253. (1) Every board shall appoint one or more auditors for a term not exceeding five years who shall be a person licensed under the *Public Accounting Act, 2004*. 1997, c. 31, s. 113 (1); 2004, c. 8, s. 46.

(2) Repealed: 2006, c. 10, s. 32.

Ineligibility for appointment

(3) No person shall be appointed as an auditor of a board who is or during the preceding year was a member of the board or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the board other than for services within the person's professional capacity, and every auditor, on appointment, shall make and subscribe a declaration to that effect. 1997, c. 31, s. 113 (1).

Duties of auditor

(4) An auditor of a board shall perform the duties that are prescribed by the Minister under paragraph 30 of subsection 8 (1) and the duties that may be required by the board that do not conflict with the duties prescribed by the Minister. 1997, c. 31, s. 113 (1).

Rights of auditor

(5) An auditor of a board has the right of access at all reasonable hours to all records of the board and is entitled to require from the members and officers of the board any information and explanation that in the auditor's opinion may be necessary to enable the auditor to carry out his or her duties. 1997, c. 31, s. 113 (1).

Obstruction

(6) Every member and every officer of a board who,

(a) refuses or neglects to provide the access to the records of the board to which the auditor is entitled under subsection (5); or

(b) refuses or neglects to provide information or an explanation required by the auditor under subsection (5),

is guilty of an offence and on conviction is liable to a fine of not more than $200, but no person is liable if the person proves that he or she has made reasonable efforts to provide the access or the information or explanation. 1997, c. 31, s. 113 (1).

Power to take evidence

(7) An auditor of a board may require any person to give evidence on oath or affirmation for the purposes of the audit and section 33 of the *Public Inquiries Act, 2009* applies for the purposes of obtaining that evidence. 2009, c. 33, Sched. 6, s. 53 (3).

Attendance at meetings of board

(8) An auditor of a board is entitled to attend any meeting of the board or of a committee of the board and to receive all notices relating to that meeting that a member is entitled to receive and to be heard at the meeting that the auditor attends on any part of the business of the meeting that concerns him or her as auditor. 1997, c. 31, s. 113 (1).

(9)-(11) Repealed: 2009, c. 25, s. 31.

Audit committee

253.1 (1) Every district school board shall establish an audit committee. 2009, c. 25, s. 32.

Regulations

(2) The Minister may make regulations governing the composition, functions, powers and duties of audit committees established under subsection (1). 2009, c. 25, s. 32.

Same

(3) A regulation made under subsection (2) may provide for a district school board's audit committee to include individuals who are not members of the board. 2009, c. 25, s. 32.

Same

(4) A regulation made under subsection (2) may provide that a district school board's audit committee has all the powers of an auditor under section 253. 2009, c. 25, s. 32.

Same

(5) A regulation under this section may be general or particular. 2009, c. 25, s. 32.

Custody of books, etc.

254. (1) A person who has in his or her possession a book, paper, chattel or money of a board shall not wrongfully,

(a) withhold it from a person specified by the board or the Minister;

(b) neglect or refuse to give it to the specified person in the manner specified by the board or the Minister;

(c) neglect or refuse to account for it to the specified person in the manner specified by the board or the Minister. 1997, c. 31, s. 113 (1).

Summons for appearance

(2) On application to a judge by the board or the Minister, supported by affidavit,

showing that a person failed to comply with subsection (1), the judge may summon the person to appear before the judge at a time and place appointed by the judge. 1997, c. 31, s. 113 (1).

Order to account

(3) The judge shall, in a summary manner, and whether the person complained against does or does not appear, hear the application and may order the person complained against to deliver up, account for and pay over the book, paper, chattel or money by a day to be named by the judge in the order, together with any reasonable costs incurred in making the application that the judge may allow. 1997, c. 31, s. 113 (1).

Other remedy not affected

(4) A proceeding before a judge under this section does not impair or affect any other remedy that the board or the Minister may have against the person complained against or against any other person. 1997, c. 31, s. 113 (1).

MISCELLANEOUS

Recreation committees

255. (1) If a recreation committee or a joint recreation committee is appointed under a regulation made under the *Ministry of Tourism and Recreation Act* for territory without municipal organization within the jurisdiction of a board, the board,

(a) may exercise the powers and shall perform the duties of a municipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates for those purposes on all rateable property in that territory; and

(b) if there is a joint recreation committee, shall apportion the costs of the joint committee by agreement with the other board or boards concerned. 1997, c. 31, s. 113 (1); 2006, c. 33, Sched. Z.3, s. 8 (5).

Collection of taxes

(2) The rates levied under subsection (1) may be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act. 2006, c. 33, Sched. Z.3, s. 8 (6).

(3) Repealed: 2006, c. 33, Sched. Z.3, s. 8 (6).

Rates for certain public libraries

256. (1) Where a public library has been established for a school section in territory without municipal organization that is deemed to be a district municipality within the area of jurisdiction of an English-language public district school board under subsection 58.1 (2), the English-language public district school board shall be deemed to be an appointing council for the district municipality under section 24 of the *Public Libraries Act* and the amount of the estimates of the board of the public library appropriated for the board of the public library by the English-language public district school board shall be raised by a levy imposed by the English-language public district school board on all the rateable property in the district municipality and the estimated expenses to be incurred by the English-language public board in connection with raising the levy shall be recoverable by the board and shall be included in the levy imposed under this section. 1997, c. 31, s. 113 (1); 2002, c. 17, Sched. F, Table.

Definition

(2) In this section,

"rateable property" means real property, other than property that is exempt from taxation under the *Assessment Act*. 1997, c. 31, s. 113 (1).

257. Repealed: 2006, c. 33, Sched. Z.3, s. 8 (7).

257.1 Repealed: 2009, c. 25, s. 33.

Transition: notice of support by certain partnerships, corporations

257.2 (1) A notice that was given under a provision included in the list set out in subsection (2) and that was not withdrawn or cancelled continues in effect or, if varied under one of those provisions, continues in effect as varied, until a new notice is given under section 237, except that,

(a) a notice requiring assessment to be entered, rated and assessed for separate school purposes shall be deemed to be a notice requiring assessment to be entered and assessed for English-language Roman Catholic board purposes;

(b) a notice requiring assessment to be entered, rated and assessed for the purposes of The Prescott and Russell County Roman Catholic English-Language Separate School Board shall be deemed to be a notice requiring assessment to be entered and assessed for English-language Roman Catholic board purposes;

(c) a notice requiring assessment to be entered, rated and assessed for the purposes of the Roman Catholic sector of The Ottawa-Carleton French-language School Board or of the Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton or of the Conseil des écoles séparées catholiques de langue française de Prescott-Russell shall be deemed to be a notice requiring assessment to be entered and assessed for French-language separate district school board purposes; and

(d) a notice requiring assessment to be entered, rated and assessed for the purposes of the public sector of The Ottawa-Carleton French-language School Board or of the Conseil des écoles publiques d'Ottawa-Carleton shall be deemed to be a notice requiring assessment to be entered and assessed for French-language public district school board purposes. 1997, c. 31, s. 113 (1).

Same

(2) The following is the list of provisions referred to in subsection (1):

1. Subsection 112 (3) of this Act, as that subsection read immediately before the coming into force of this section.

2. Subsection 17 (4) of the *Ottawa-Carleton French-language School Board Act*, as that subsection read immediately before the coming into force of this section.

3. A predecessor of the subsection referred to in paragraph 1 or 2.

4. Section 48 of Ontario Regulation 425/94, as amended by Ontario Regulations 453/94 and 689/94.

5. Section 16.4 of Ontario Regulation 479/91, as amended by Ontario Regulations 144/94 and 93/95. 1997, c. 31, s. 113 (1).

Same

(3) A notice mentioned in clause (1) (a), (b), (c) or (d) that was given by a partnership or corporation in respect of property of which the partnership or corporation is a tenant shall be deemed to be a notice given under subsection 237 (12). 1997, c. 31, s. 113 (1).

Tax relief, etc., in unorganized territory

257.2.1 (1) The Minister of Finance may make regulations to limit the changes in taxes for school purposes from the taxes for school purposes in 1997 or to give relief from taxes for school purposes in territory without municipal organization. 1998, c. 3, s. 34 (1).

Limiting changes in taxes

(1.1) The Minister of Finance may make regulations to limit the changes in taxes for school purposes from the taxes for school purposes in 2000 or in any subsequent year or to give relief from taxes for school purposes in territory without municipal organization. 2000, c. 25, s. 45 (3).

Exception

(2) This section does not apply with respect to territory without municipal organization that is deemed to be attached to a municipality for the purposes of taxation. 1998, c. 3, s. 34 (1).

What regulations can provide for, etc.

(3) The following apply with respect to regulations under subsections (1) and (1.1):

1. Without limiting what a regulation may provide for, the regulations may provide for any matter provided under sections 318, 319, 361, 362 and 367 and Part IX of the *Municipal Act, 2001*.
2. A regulation may require rebates to be paid by boards.
3. A regulation made in 2001 or a later year may relate to the entire year in which it is made.
4. A regulation may delegate anything to boards or other persons or bodies and may attach conditions to such delegations.
5. A regulation may be general or specific in its application. 1998, c. 3, s. 34 (1); 1998, c. 33, s. 40; 2000, c. 25, s. 45 (4); 2002, c. 8, Sched. A, s. 1; 2002, c. 17, Sched. F, Table.

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Conflicts

(4) In the case of a conflict between a regulation and this Act or the *Provincial Land Tax Act, 2006* or the predecessor Act, the regulation prevails. 1998, c. 3, s. 34 (1); 2006, c. 33, Sched. Z.3, s. 8 (8).

Regulations re transitional matters

257.3 (1) The Lieutenant Governor in Council may make regulations providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the education funding reforms of 1997 and 1998. 1997, c. 31, s. 113 (1).

General or particular

(2) A regulation made under subsection (1) may be general or particular. 1997, c. 31, s. 113 (1).

Type of board for *Assessment Act* purposes

257.4 For the purposes of the *Assessment Act*, the following are the types of board that

a person may support:

1. English-language public board.
2. English-language Roman Catholic board.
3. French-language public district school board.
4. French-language separate district school board.
5. Protestant separate school board. 1997, c. 31, s. 113 (1).

DIVISION B
EDUCATION TAXES

EDUCATION TAXES

Definitions

257.5 In sections 257.6 to 257.14,

"business property" means,

(a) property in the commercial property class, the industrial property class or the pipeline property class, all as prescribed under the *Assessment Act*,

(b) property in a class of real property prescribed by the regulations, or

(c) property described in paragraphs 1 and 2 of subsection 315 (1) of the *Municipal Act, 2001* or paragraphs 1 and 2 of section 280 of the *City of Toronto Act, 2006*, as the case may be; ("bien d'entreprise")

"residential property" means,

(a) property in the residential property class, the farm property class, the managed forests property class or the multi-residential property class, all as prescribed under the *Assessment Act*, or

(b) property in a class of real property prescribed by the regulations. ("bien résidentiel") 1997, c. 31, s. 113 (2); 1998, c. 3, s. 34 (2); 2002, c. 17, Sched. F, Table; 2002, c. 22, s. 57; 2006, c. 32, Sched. C, s. 15 (10); 2008, c. 7, Sched. F, s. 1.

Property taxable for school purposes

257.6 (1) Except as otherwise provided under this or any other Act, real property that is liable to assessment and taxation under the *Assessment Act* is taxable for school purposes. 1997, c. 31, s. 113 (2).

Exemptions

(2) Subject to subsection (3), an exemption under this or any other Act that applied in relation to taxes for school purposes immediately before this Division came into force applies in relation to taxes for school purposes under this Division. 1997, c. 31, s. 113 (2).

Same

(3) Where a private Act gives a board or an old board a power of decision or approval in relation to an exemption from taxes for school purposes, the power shall be exercised by the Minister of Finance instead of the board. 1997, c. 31, s. 113 (2).

Same

(4) An eligible theatre in the City of Toronto is exempt from taxes for school purposes. 1997, c. 31, s. 113 (2); 2006, c. 32, Sched. C, s. 15 (11).

Regulations

(5) The Minister of Finance may make regulations defining eligible theatre for the purposes of subsection (4). 1997, c. 31, s. 113 (2).

Exemption, eligible convention centres

(6) An eligible convention centre is exempt from taxes for school purposes. 2000, c. 25, s. 45 (5).

Regulations

(7) The Minister of Finance may make regulations prescribing eligible convention centres for the purposes of subsection (6). 2000, c. 25, s. 45 (5).

Exemption, non-profit hospital service corporations

(8) Real property in territory without municipal organization occupied by a non-profit hospital service corporation that is used chiefly by the corporation for providing laundry or food services or both is exempt from taxes for school purposes. 2006, c. 33, Sched. Z.3, s. 8 (9).

Same

(9) In subsection (8),

"non-profit hospital service corporation" means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. 2006, c. 33, Sched. Z.3, s. 8 (9).

Levying of taxes for school purposes

257.7 (1) Subject to the regulations, the following shall, in each year, levy tax at the rates prescribed under section 257.12:

1. Every municipality, on residential property and business property in the municipality, including territory without municipal organization that is deemed under section 56 or subsection 58.1 (2) to be attached to the municipality, taxable for school purposes, according to the last returned assessment roll.

2. Every English-language public district school board the area of jurisdiction of which includes territory without municipal organization that is not deemed under section 56 or subsection 58.1 (2) to be attached to a municipality, on the residential property and business property in that territory taxable for school purposes, according to the last returned assessment roll.

3. Every district school area board the area of jurisdiction of which includes territory without municipal organization that is not deemed under section 56 or subsection 58.1 (2) to be attached to a municipality, on the residential property and business property in that territory taxable for school purposes, according to the last returned assessment roll. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (10).

Collection

(1.1) The taxes levied in a year under subsection (1) shall be collected as follows:

1. The municipality that levies taxes under paragraph 1 of subsection (1) shall collect the taxes.

2. The taxes levied under paragraphs 2 and 3 of subsection (1) shall be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act. 2006, c. 33, Sched. Z.3, s. 8 (11).

Exception

(2) This section does not apply in respect of property taxed under section 240. 1997, c. 31, s. 113 (2).

Subclass reductions

(3) Section 313 of the *Municipal Act, 2001* or section 278 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications with respect to the rates levied under this section on land in a municipality. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (12).

Business property, distribution of amounts levied

257.8 (1) In this section,

"common jurisdictional area", in respect of two or more boards, means the area that is within the area of jurisdiction of both or all of those boards. 1997, c. 31, s. 113 (2).

Same

(2) Amounts levied for school purposes on business property under this Division by a municipality or board shall be distributed by the municipality or the Minister of Finance, as the case may be, in accordance with the following requirements:

1. Where the property is located in the area of jurisdiction of only one board, the amount levied on the property shall be distributed to that board.
2. Where the property is located in the area of jurisdiction of more than one board, the amount shall be distributed among the boards in proportion to enrolment as determined and calculated by the Minister under subsection (3) in the common jurisdictional area of the boards. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (12).

Calculation by Minister

(3) The Minister shall determine enrolment and shall calculate the proportions for each year for each common jurisdictional area and shall publish the proportions in *The Ontario Gazette*, for each municipality and for territory without municipal organization in each common jurisdictional area. 1997, c. 31, s. 113 (2).

Residential property, distribution of amounts levied

257.9 (1) Amounts levied for school purposes on residential property under this Division by a municipality or board shall be distributed by the municipality or the Minister of Finance, as the case may be, in accordance with the following requirements:

1. An amount levied on property taxable for English-language public board purposes shall be distributed to the English-language public district school board or public school authority in the area of jurisdiction of which the property is located.
2. An amount levied on property taxable for English-language Roman Catholic board purposes shall be distributed to the English-language separate district school board or Roman Catholic school authority in the area of jurisdiction of which the property is located.
3. An amount levied on property taxable for French-language public district school board purposes shall be distributed to the French-language public district school board in the area of jurisdiction of which the property is located.
4. An amount levied on property taxable for French-language separate district school board purposes shall be distributed to the French-language separate district

school board in the area of jurisdiction of which the property is located.

5. An amount levied on property taxable for Protestant separate school board purposes shall be distributed to the Protestant separate school board in the area of jurisdiction of which the property is located.

6. An amount levied on property of a partnership within the meaning of section 237 or of a corporation to which section 237 applies, that is taxable for the purposes of one or more boards shall be distributed in accordance with the proportions of its assessment that result from the application of that section.

7. An amount levied on property of a designated ratepayer within the meaning of section 238 shall be distributed in the same manner as is provided in section 257.8 for rates levied on business property of the designated ratepayer. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (13).

Interpretation

(2) Property is taxable for a board's purposes if it is assessed to the support of a board. 1997, c. 31, s. 113 (2).

Powers of municipality, levying rates

257.10 (1) A municipality that is required to levy rates for school purposes under this Division has, for purposes of the collection, chargeback, cancellation, refund or rebate of the rates, the same powers and duties as a municipality has in respect of the collection, chargeback, cancellation, refund or rebate of rates levied for municipal purposes, including powers and duties relating to the sale of land for tax arrears. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (14).

Powers of officers

(2) The officers of a municipality required to levy a rate for school purposes under this Division have the same powers and duties in respect of the collection, chargeback, cancellation, refund or rebate of rates levied under this Division, including powers and duties relating to the sale of land for tax arrears, as officers of a municipality have in respect of rates levied for municipal purposes. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (15).

Application of other Acts

(3) Section 349 of the *Municipal Act, 2001* or section 314 of the *City of Toronto Act, 2006*, as the case may be, applies to taxes levied under this Division. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (13).

Regulations

(4) The Minister of Finance may make regulations, which may be general or particular in their application, varying, limiting or excluding the powers and duties under this section of municipalities and their officers. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (16).

Where board levies taxes

(5) Where a board levies taxes for school purposes under this Division, the Minister of Finance has under this Act the powers and duties of the Minister of Finance under the *Provincial Land Tax Act, 2006* to collect the taxes, to cancel them in whole or in part and to charge amounts back to the board. 2006, c. 33, Sched. Z.3, s. 8 (17).

Transition

(6) The Minister of Finance may exercise the powers and shall perform the duties of a board relating to the collection of arrears of taxes levied before January 1, 2009 under this

Division and the board ceases to have those powers and duties on that date. 2006, c. 33, Sched. Z.3, s. 8 (17).

Same

(7) Arrears of taxes levied before January 1, 2009 under this Division may be collected under the *Provincial Land Tax Act, 2006* as if the arrears were taxes imposed under that Act. 2006, c. 33, Sched. Z.3, s. 8 (17).

Same

(8) Every board shall give the Minister of Finance such information as he or she may request with respect to arrears of taxes levied before January 1, 2009 under this Division. 2006, c. 33, Sched. Z.3, s. 8 (17).

257.10.1 Repealed: 2006, c. 33, Sched. Z.3, s. 8 (18).

When amounts paid to boards

257.11 (1) In each calendar year, a municipality shall pay amounts levied for school purposes in the following instalments:

1. Twenty-five per cent of the amount levied for the previous calendar year, on or before March 31.
2. Fifty per cent of the amount levied for the current calendar year less the amount of the instalment under paragraph 1, on or before June 30.
3. Twenty-five per cent of the amount levied for the current calendar year, on or before September 30.
4. The balance of the amount levied for the current calendar year, on or before December 15. 1997, c. 31, s. 113 (2); 2006, c. 33, Sched. Z.3, s. 8 (19).

When amounts paid to boards by the Minister of Finance

(1.1) In each calendar year, the Minister of Finance shall pay to the boards amounts collected for school purposes within three months after collecting the amounts. 2006, c. 33, Sched. Z.3, s. 8 (20).

Non-payment on due date

(2) Where an instalment or a part of an instalment is not paid on the due date, the municipality in default shall pay interest to the recipient board from the date of default to the date that the payment is made, at the rate specified in subsection (4). 1997, c. 31, s. 113 (2); 2009, c. 25, s. 34 (1).

Payment ahead of due date

(3) Where, with the consent of the recipient board, an instalment or a part of an instalment is paid in advance of the due date, the recipient board shall allow the municipality a discount from the date of payment to the date on which the payment is due, at the rate specified in subsection (4). 1997, c. 31, s. 113 (2); 2009, c. 25, s. 34 (2).

Rate of interest

(4) For the purposes of subsections (2) and (3), the rate of interest payable or the rate of discount allowable, as the case may be, is the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the *Bank Act* (Canada) at the date of default, in the case of subsection (2), or at the date of payment, in the case of subsection (3). 1997, c. 31, s. 113 (2).

Agreement

(5) Despite subsection (1), a board may, by agreement with a majority of the municipalities in its area of jurisdiction where the municipalities represent at least two-thirds of the assessment taxable for the purposes of the board, according to the last returned assessment roll, vary the number of instalments and their amounts and due dates. 1997, c. 31, s. 113 (2).

Same

(6) Where an agreement is entered into under subsection (5), it applies to all municipalities in the area of jurisdiction of the board. 1997, c. 31, s. 113 (2).

Limitation

(7) Subsection (5) applies only if the agreement requires at least one instalment to be paid in each quarter of the year. 1997, c. 31, s. 113 (2).

Termination of agreement

(8) Where an agreement under subsection (5) does not provide for its termination, it shall continue in force from year to year until it is terminated on December 31 in any year by notice given before October 31 in the year,

(a) by the secretary of the board as authorized by a resolution of the board; or

(b) by the clerks of a majority of the municipalities in the board's area of jurisdiction where the municipalities represent at least two-thirds of the assessment taxable for the purposes of the board, according to the last returned assessment roll,

and where no agreement is in effect under subsection (5), the payments shall be made as provided in subsection (1). 1997, c. 31, s. 113 (2).

(9)-(11) Repealed: 2006, c. 10, s. 33.

Extension of instalment due dates

(12) The Minister may make regulations relating to instalments under subsection (1),

(a) extending the time for paying the instalments even if the time for paying the instalments has passed,

(b) in conjunction with the provision of interim financing to boards under subsection (14), directing the instalments to be paid to the Province. 1998, c. 3, s. 34 (4); 1998, c. 33, s. 41 (1).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Same

(13) A regulation under subsection (12) may be general or particular. 1998, c. 3, s. 34 (4).

Interim financing

(14) The Minister may provide interim financing to boards in respect of instalments to be paid to the Province as directed under a regulation under clause (12) (b) and the following apply with respect to such financing:

1. The Minister may pay amounts, on behalf of the municipality or board required to pay an instalment, to the boards to which the instalment would have been distributed in the absence of the direction to pay the instalment to the Province.

2. The amount of the instalment to be paid to the Province by the municipality or the board shall be equal to the total of the amounts paid by the Minister, on behalf of the municipality or board, under paragraph 1.

3. Subsections (2), (3) and (4) apply with respect to the Minister as though the Minister were the recipient board. 1998, c. 3, s. 34 (4).

Interim financing, agreements

(15) The Minister may provide interim financing to a board that is a party to an agreement under subsection (5) and the following apply with respect to such financing:

1. The Minister may pay to the board, on behalf of a municipality to which the agreement applies, an amount the municipality is required to pay under the agreement and the amount shall be deemed to be an amount paid by the municipality under the agreement.

2. A municipality on whose behalf the Minister pays an amount under paragraph 1 shall repay the Province for that amount. The municipality shall repay the amount on the dates and in the amounts specified by the Minister and the municipality shall pay interest, at the rate specified in subsection (4), on any of those amounts that are paid late. 1998, c. 3, s. 34 (4); 1998, c. 33, s. 41 (2, 3).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Payments from Consolidated Revenue Fund

(16) Amounts paid by the Minister under subsection (14) or (15) shall be paid out of the Consolidated Revenue Fund. 1998, c. 3, s. 34 (4).

Amounts deemed to be education funding

(17) Amounts paid by the Minister under subsection (14) or (15) shall be deemed to be education funding within the meaning of subsection 234 (14), other than amounts paid for the purposes of,

(a) paying a board's share of the amount of any cancellation, reduction, refund or rebate of taxes under section 361, 364, 365 or 365.2 of the *Municipal Act, 2001* or section 329, 331, 332 or 334 of the *City of Toronto Act, 2006*, as the case may be;

(b) paying a board's share of the amount of the tax assistance provided under section 365.1 of the *Municipal Act, 2001* or under section 333 of the *City of Toronto Act, 2006*, as the case may be; or

(c) paying rebates or reducing taxes under section 257.2.1 or 257.12.3 of this Act. 2002, c. 17, Sched. C, s. 8 (2); 2006, c. 32, Sched. C, s. 15 (14, 15).

Information relating to agreements

(18) For the purposes of interim financing under subsection (15), the Minister may require a municipality or board to provide,

(a) a copy of any agreement under subsection (5);

(b) information about amounts paid under the agreement; and

(c) information about amounts levied under section 317 of the *Municipal Act, 2001*, under section 281 of the *City of Toronto Act, 2006* or under section 370 of the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as

that section read immediately before its repeal. 1998, c. 3, s. 34 (4); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (16).

Enforcement of requirement

(19) The Minister may apply to the Superior Court of Justice for an order requiring a municipality or board to comply with a requirement of the Minister under subsection (18). 1998, c. 3, s. 34 (4); 2000, c. 11, s. 21.

Additional power

(20) Subsection (19) is additional to and not intended to replace any other available means of enforcement. 1998, c. 3, s. 34 (4).

Note: Section 257.11, as amended by the Statutes of Ontario, 1999, chapter 9, subsection 98 (1), applies with respect to the 1999 and subsequent taxation years. See: 1999, c. 9, s. 98 (2).

Difference in amounts levied and collected

257.11.1 (1) In addition to the amounts payable under subsection 257.11 (1.1), if the amount levied for school purposes under subsection 257.7 (1) is greater than the amount collected by the Minister of Finance, the Minister of Finance shall pay the difference out of the Consolidated Revenue Fund to the board on behalf of which the amount was levied. 2008, c. 19, Sched. D, s. 1; 2009, c. 18, Sched. 10, s. 1 (1).

Payment deemed to be tax levied

(2) Any amount paid to a board on behalf of which an amount was levied under subsection (1) is deemed to be tax levied under section 2 of the *Provincial Land Tax Act, 2006*. 2008, c. 19, Sched. D, s. 1; 2009, c. 18, Sched. 10, s. 1 (2).

Regulations, Minister of Finance

257.12 (1) The Minister of Finance may make regulations,

(a) prescribing classes of real property for the purposes of clause (b) of the definition of "business property" in section 257.5 or for the purposes of clause (b) of the definition of "residential property" in that section;

(b) prescribing the tax rates for school purposes for the purposes of section 257.7;

(c) prescribing rates for the purposes of calculating payments in lieu of taxes, within the meaning of section 306 of the *Municipal Act, 2001* or section 273 of the *City of Toronto Act, 2006*, as the case may be, for real property that is exempt from taxation for school purposes; and

(d) Repealed: 2002, c. 17, Sched. F, Table.

(e) prescribing the form of the tax notices or information that must or may be included on tax notices sent to owners of property by a board that is required to levy rates for school purposes under this Division. 1997, c. 31, s. 113 (2); 1998, c. 33, s. 42 (1); 1999, c. 9, s. 99 (1); 2000, c. 25, s. 45 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (17); 2008, c. 7, Sched. F, s. 2.

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Definition

(1.1) In clause (1) (b),

"tax rates for school purposes" includes tax rates for the purposes of,

(a) paying a board's share of the amount of any cancellation, reduction, refund or rebate of taxes under section 361, 364, 365 or 365.2 of the *Municipal Act, 2001* or under section 329, 331, 332 or 334 of the *City of Toronto Act, 2006*, as the case may be,

(b) paying a board's share of the amount of the tax assistance provided under section 365.1 of the *Municipal Act, 2001* or section 333 of the *City of Toronto Act, 2006*, as the case may be,

(c) paying rebates or reducing taxes under section 257.2.1 or 257.12.3 of this Act, or

(d) paying the board's share of any amount that is deferred, cancelled, refunded or rebated under section 8 of the *Provincial Land Tax Act, 2006* by reason of clause 8 (1) (a), (b), (c), (d), (f) or (h) of that Act or under a regulation made under clause 25 (1) (f), (h) or (i) of that Act. 2006, c. 32, Sched. C, s. 15 (18); 2006, c. 33, Sched. Z.3, s. 8 (24).

Application to whole year

(1.1.1) A regulation under clause (1) (b) is effective for the whole year to which it applies, unless otherwise specified in the regulation. 2004, c. 31, Sched. 10, s. 1.

Retroactivity

(1.2) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed. 2001, c. 23, s. 65.

Scope of regulations

(2) The use of "business" or "residential" in the defined terms "business property" or "residential property" does not limit the discretion of the Minister of Finance in making regulations under clause (1) (a). 1997, c. 31, s. 113 (2).

Tax rates may vary

(3) Subject to subsections (4) and (5), regulations under clause (1) (b) may prescribe different tax rates for,

(a) different municipalities;

(b) different parts of a municipality as specified in an Act, regulation or order implementing municipal restructuring within the meaning of section 172 of the *Municipal Act, 2001* or section 124 of the *City of Toronto Act, 2006*, as the case may be;

(c) different parts of territory without municipal organization that are deemed under section 56 or subsection 58.1 (2) to be attached to a municipality for purposes related to taxation;

(d) different classes of property prescribed by the regulations under this Act or the *Assessment Act* whether or not a municipality has opted to have the class apply within the municipality;

(e) different subclasses of real property prescribed by the regulations made under the *Assessment Act*;

(f) real property on any basis on which a municipality or Ontario is permitted to set different tax rates for real property for municipal purposes;

(g) different portions of a property's assessment;

(h) different geographic areas established for the purposes of paragraph 1 of subsection 315 (1) of the *Municipal Act, 2001* or paragraph 1 of subsection 280 (1) of the *City of Toronto Act, 2006*, as the case may be;

(i) different geographic areas established for the purposes of paragraph 2 of subsection 315 (1) of the *Municipal Act, 2001* or paragraph 2 of subsection 280 (1) of the *City of Toronto Act, 2006*, as the case may be; and

(j) different parts of a municipality based on whether or not the parts are in the area of jurisdiction of an English-language public board. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (19-21); 2007, c. 7, Sched. 9, s. 2.

Uniform rate, residential, multi-residential

(4) Subject to subsections (6) and (7), the regulations under clause (1) (b) shall prescribe a single tax rate for the residential property class and the multi-residential property class. 1997, c. 31, s. 113 (2); 2002, c. 22, s. 58 (1).

Tax rates for farms and managed forests

(5) The tax rate for the farm property class and the managed forests property class shall be 25 per cent of the tax rate prescribed for the residential property class. 1997, c. 31, s. 113 (2); 2002, c. 22, s. 58 (2).

Other rates may vary

(5.1) Subsection (3) applies, with necessary modifications, with respect to regulations under clause (1) (c). 1998, c. 33, s. 42 (3).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Property in subclasses

(6) Except where subsection (7) applies, for property in the residential property class or the multi-residential property class that is also in a subclass of real property prescribed by the regulations made under the *Assessment Act*, the tax rate set in accordance with subsection (4) shall be reduced by the rate of reduction in taxes for municipal purposes that results from the application of paragraph 1 of subsection 313 (1) and subsections 313 (2) and (3) of the *Municipal Act, 2001* or paragraph 1 of subsection 278 (1) and subsections 278 (2) and (3) of the *City of Toronto Act, 2006*, as the case may be, to property in that subclass. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table; 2002, c. 22, s. 58 (3); 2006, c. 32, Sched. C, s. 15 (22).

Same

(7) For property described in subsection (6) that is not located in a municipality, the tax rate set in accordance with subsection (4) shall be reduced by the rate of reduction in taxes for municipal purposes that results from the application of paragraph 1 of subsection 313 (1) and subsections 313 (2) and (3) of the *Municipal Act, 2001* to property in that subclass, as though that paragraph and those subsections did not provide for tax reductions by the council of a municipality. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table.

Definition

(8) In subsection (7),

"municipality" does not include any part of territory without municipal organization that

is deemed to be a district municipality. 1998, c. 3, s. 34 (5).

Class, etc., not to be defined in terms of board support

(9) Despite subsections 7 (2) and (3) of the *Assessment Act*, regulations made by the Minister of Finance under subsection 7 (1) of that Act shall not use the school support of persons assessed to define a class of real property. 1997, c. 31, s. 113 (2).

Definition

(10) Except as provided in subsection (8), in this section,

"municipality" includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Requisitions for amounts on business property

257.12.1 (1) The Minister of Finance may requisition amounts for a year from an upper-tier municipality or a single-tier municipality to be raised by levying tax rates on business property, other than property taxed under section 315 of the *Municipal Act, 2001* or section 280 of the *City of Toronto Act, 2006*, as the case may be. 1998, c. 3, s. 34 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (23).

Contents of requisition

(2) The requisition shall specify an amount to be raised on each of the following:

1. The commercial classes.
2. The industrial classes.
3. The pipeline property class prescribed under the *Assessment Act*. 1998, c. 3, s. 34 (7).

Setting of tax rates, upper-tiers

(3) The council of an upper-tier municipality that is requisitioned shall, for the purposes of raising the amounts requisitioned, pass a by-law directing the council of each lower-tier municipality to levy tax rates, as specified in the by-law, on the assessment in the lower-tier municipality rateable for school purposes. 1998, c. 3, s. 34 (7).

When rates set

(4) A by-law required under subsection (3) shall be passed on or before the date by which the council of the upper-tier municipality must pass the upper-tier rating by-law for the year. 1998, c. 3, s. 34 (7).

Setting of tax rates, single-tiers

(5) The council of a single-tier municipality that is requisitioned shall, for the purposes of raising the amounts requisitioned, pass a by-law levying tax rates, as specified in the by-law, on the assessment in the municipality rateable for school purposes. 1998, c. 3, s. 34 (7).

When rates set

(6) A by-law required under subsection (5) shall be passed on or before the day the council passes the by-law for the year under subsection 312 (2) of the *Municipal Act, 2001* or subsection 277 (2) of the *City of Toronto Act, 2006*, as the case may be. 1998, c. 33, s. 43 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (24).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Restrictions on tax rates

(7) The following apply with respect to the tax rates specified in a by-law under subsection (3) or (5):

1. The rates shall be set so that, when levied on the applicable assessment,
   i. the amount that the requisition requires to be raised on the commercial classes is raised from the commercial classes,
   ii. the amount that the requisition requires to be raised on the industrial classes is raised from the industrial classes, and
   iii. the amount that the requisition requires to be raised on the pipeline property class is raised from the pipeline property class.
2. There shall be a single rate for each class of real property prescribed under the *Assessment Act*.
3. If there are two or more commercial classes, the rates for the commercial classes must be in the same proportion to each other as the tax ratios established under sections 308, 309 and 310 of the *Municipal Act, 2001* or section 275 of the *City of Toronto Act, 2006*, as the case may be, for the classes are to each other.
4. If there are two or more industrial classes, the rates for the industrial classes must be in the same proportion to each other as the tax ratios established under sections 308, 309 and 310 of the *Municipal Act, 2001* or section 275 of the *City of Toronto Act, 2006*, as the case may be, for the classes are to each other. 1998, c. 3, s. 34 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (25, 26).

Tax rates deemed to be prescribed

(8) The tax rates specified in a by-law under subsection (3) or (5) shall be deemed to be tax rates prescribed by the Minister of Finance under clause 257.12 (1) (b). 1998, c. 3, s. 34 (7).

Graduated tax rates

(9) Subsections 314 (4) and (6) of the *Municipal Act, 2001* and the regulations made under clauses 314 (5) (b) and (c) of that Act and subsections 279 (3) and (5) of the *City of Toronto Act, 2006* and the regulations made under clauses 279 (4) (b) and (c) of that Act, as the case may be, apply with necessary modifications to the tax rates specified in a by-law under subsection (3) or (5). 2006, c. 32, Sched. C, s. 15 (27).

Subclass tax reductions

(10) Section 313 of the *Municipal Act, 2001* or section 278 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, with respect to the tax rates specified in a by-law under subsection (3) or (5). 1998, c. 3, s. 34 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (28).

Definitions

(11) In this section,

"commercial classes" has the same meaning as in subsection 308 (1) of the *Municipal Act, 2001* or subsection 275 (1) of the *City of Toronto Act, 2006*, as the case may be; ("catégories commerciales")

"industrial classes" has the same meaning as in subsection 308 (1) of the *Municipal Act, 2001* or subsection 275 (1) of the *City of Toronto Act, 2006*, as the case may be. ("catégories industrielles") 2006, c. 32, Sched. C, s. 15 (29).

School tax rates for commercial and industrial classes

257.12.2 (1) The authority of the Minister of Finance to prescribe tax rates for school purposes under section 257.12 shall be used so that the requirements in this section are satisfied. 1998, c. 33, s. 44.

Application with respect to requisitions

(2) The authority of the Minister of Finance to requisition amounts under section 257.12.1 shall be used so that the tax rates set by the council of the municipality pursuant to the requisition result in the requirements in this section being satisfied. 1998, c. 33, s. 44.

2005 and after

(3) The weighted average tax rate for school purposes for the commercial classes for a municipality for 2005 and later years must not exceed the provincial average tax rate as prescribed. 2000, c. 25, s. 45 (9).

Before 2005, below provincial average tax rate

(4) For a year after 1998 but before 2005, if the weighted average tax rate for school purposes for the commercial classes for the municipality for the previous year was the provincial average tax rate as prescribed or less, the weighted average tax rate for school purposes for the commercial classes for the municipality for the current year must not exceed the provincial average tax rate as prescribed. 2000, c. 25, s. 45 (9).

Before 2005, above provincial average tax rate

(5) For a year after 1998 but before 2005, if the weighted average tax rate for school purposes for the commercial classes for the municipality for the previous year was greater than the provincial average tax rate as prescribed, the weighted average tax rate for school purposes for the commercial classes for the municipality for the current year must not exceed a maximum determined in accordance with the following:

1. Determine the amount by which the weighted average tax rate for school purposes for the commercial classes for the municipality for the previous year exceeds the provincial average tax rate as prescribed.
2. Determine the number of years until 2005, including the current year and the year 2005.
3. Divide the amount determined under paragraph 1 by the number of years under paragraph 2.
4. The maximum is the weighted average tax rate for school purposes for the commercial classes for the municipality for the previous year minus the amount determined under paragraph 3. 2000, c. 25, s. 45 (9).

Weighted average tax rate

(6) For the purposes of this section, the weighted average tax rate for school purposes for the commercial classes for a municipality is a percentage determined in accordance with the following:

1. The weighted average tax rate for school purposes for the commercial classes for a municipality for a year shall be determined by adding the taxes for school purposes for the year on all property in the commercial classes in the municipality for the year, dividing that sum by the total assessment of such property, as set out in the assessment roll returned for the year, and multiplying by 100.
2. The weighted average tax rate for school purposes for the commercial classes for a

municipality for a previous year shall be determined by adding the taxes for school purposes for the previous year on all property that is in the municipality in the current year and was in the commercial classes for the previous year, dividing that sum by the total assessment of such property, as set out in the assessment roll returned for the previous year, and multiplying by 100.

3. For the purposes of paragraph 2, the taxes for school purposes for a property with respect to which Part XXII.1 or Division B of Part XXII.2 of the *Municipal Act*, as that Part and that Division read on December 31, 2002, applied shall be deemed to be equal to the taxes that would have been raised by the tax rate prescribed by the Minister of Finance under section 257.12 or, if the Minister of Finance requisitioned an amount under section 257.12.1, by the tax rate set by the council of a municipality pursuant to the requisition. 1998, c. 33, s. 44; 2002, c. 17, Sched. F, Table.

(7) Repealed: 2002, c. 17, Sched. F, Table.

Regulations, accelerated rate reduction

(7.1) For greater clarity in interpreting this section, the Minister of Finance may make regulations to prescribe for a year before 2005 tax rates for school purposes in order to reduce the weighted average tax rate for school purposes for the commercial classes or the industrial classes below the maximum tax rate otherwise required under subsection (5). 1999, c. 9, s. 100 (1).

General or specific

(7.2) A regulation under subsection (7.1) may be general or specific in its application and may treat different municipalities differently. 1999, c. 9, s. 100 (1).

Industrial classes

(8) Subsections (3) to (7.2) also apply, with necessary modifications, with respect to the industrial classes. 1998, c. 33, s. 44; 1999, c. 9, s. 100 (2).

Regulations

(8.1) The Minister of Finance may make regulations prescribing the provincial average tax rate for the purposes of this section and the regulations may be general or specific and may be different for different classes of real property. 2000, c. 25, s. 45 (11).

Definitions

(9) In this section,

"commercial classes" has the same meaning as in subsection 308 (1) of the *Municipal Act, 2001* or subsection 275 (1) of the *City of Toronto Act, 2006*, as the case may be; ("catégories commerciales")

"industrial classes" has the same meaning as in subsection 308 (1) of the *Municipal Act, 2001* or subsection 275 (1) of the *City of Toronto Act, 2006*, as the case may be; ("catégories industrielles")

"municipality" means a single-tier municipality or an upper-tier municipality. ("municipalité") 2006, c. 32, Sched. C, s. 15 (30).

Reduction below provincial average tax rate

(9.1) Nothing in this section affects the authority of the Minister of Finance to prescribe tax rates for school purposes under section 257.12 so that the weighted average tax rate for school purposes for the commercial classes or for the industrial classes for a

municipality is less than the provincial average tax rate as prescribed. 1999, c. 9, s. 100 (3); 2000, c. 25, s. 45 (12).

Vacant unit rebate

257.12.3 Subsections 364 (1), (2), (3) and (5) to (24) of the *Municipal Act, 2001* apply with necessary modifications in respect of any area in which a board is required to levy rates for school purposes under this Division, and for that purpose, references to municipalities in those subsections shall be deemed to be references to the board that is required to levy rates for school purposes under this Division. 2000, c. 25, s. 45 (13); 2002, c. 17, Sched. F, Table.

Deferrals

257.13 (1) Where a by-law under subsection 319 (1) of the *Municipal Act, 2001* or section 283 of the *City of Toronto Act, 2006* is in effect in a municipality, the amount of payments that shall be made by the municipality to a board under section 257.11 shall be reduced by the total of all taxes levied by the municipality for the board under this Division that were deferred under the by-law. 1997, c. 31, s. 113 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (31).

Same

(2) Deferred taxes described in subsection (1), and interest on those taxes as provided under the by-law, shall be paid by the municipality to the board when the amounts are paid to the municipality. 1997, c. 31, s. 113 (2).

Reductions

257.13.1 A tax levied under this Division shall be deemed to be a municipal property tax for the purposes of section 131 of the *Residential Tenancies Act, 2006*. 1997, c. 31, s. 113 (2); 2006, c. 17, s. 251.

Regulations, unpaid taxes in territory being organized

257.13.2 The Lieutenant Governor in Council may make regulations governing the collection of unpaid taxes for school purposes on property in unorganized territory that is annexed to a municipality or that is incorporated as a municipality including, without limiting the generality of the foregoing,

(a) requiring the municipality to make payments in respect of unpaid taxes to boards;

(b) for the purposes prescribed in the regulations, deeming the taxes to be taxes for municipal purposes levied by the municipality. 1998, c. 3, s. 34 (8); 2006, c. 33, Sched. Z.3, s. 8 (25).

Regulations, Minister of Education and Training

257.14 (1) The Minister of Education and Training may make regulations,

(a) providing that a board specified in the regulation in the area of jurisdiction of an English-language public district school board or a district school area board mentioned in paragraph 2 or 3 of subsection 257.7 (1) perform the duties imposed by those paragraphs instead of the English-language public district school board or the district school area board in that board's area of jurisdiction;

(b) providing that a board specified in the regulation that is not mentioned in paragraphs 2 or 3 of subsection 257.7 (1), the area of jurisdiction of which includes territory without municipal organization that is not deemed under section 56 or subsection 58.1 (2) to be attached to a municipality, perform the duties imposed by those paragraphs in its area of jurisdiction even if the area of jurisdiction of that board is in whole or in part the area of jurisdiction of a board

mentioned in paragraphs 2 and 3 of subsection 257.7 (1);

(c) providing that a board specified in the regulation perform the duties of a board mentioned in section 256 or subsection 255 (1) respecting the levying of rates in the area of jurisdiction of the board it is replacing;

(c.1) providing for boards that are required to levy tax rates under section 257.7 of this Act to levy tax rates, in accordance with the regulations, for the purposes of raising interim levies including, without limiting the generality of the foregoing, providing for anything provided for under section 317 of the *Municipal Act, 2001*;

(d) providing for the apportionment and distribution of amounts levied under subsection 257.7 (1) on residential property taxable for English-language public board purposes between a district school area board and a board established under section 67, where the property is in the area of jurisdiction of both boards;

(e) respecting the form and contents of the tax roll in connection with taxes for school purposes;

(f) providing, despite any provision of this Act or the *Provincial Land Tax Act, 2006*, that parts of territory described in subsection (2) shall, for the purposes of this Division, be deemed to be attached to a municipality under section 56 or clause 58.1 (2) (m) until the territory becomes, or is included in, a municipality;

(g) providing for such transitional matters as the Minister considers necessary or advisable in connection with a change as to which board or municipality is required to do a thing under this Division in relation to territory without municipal organization;

(h) governing the levying of rates under subsection 255 (1) or 256 (1);

(i) providing, despite any provision of this Act or the *Municipal Act, 2001*, that boards and municipalities may levy rates for a previous year in respect of property in territory without municipal organization, subject to conditions set out in the regulation. 1997, c. 31, s. 113 (2); 1998, c. 3, s. 34 (9); 1998, c. 33, s. 45 (1, 2); 2002, c. 8, Sched. A, s. 2 (1); 2002, c. 17, Sched. F, Table; 2004, c. 31, Sched. 10, s. 2 (1); 2006, c. 33, Sched. Z.3, s. 8 (26-30).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Clause (1) (f)

(2) The territory referred to in clause (1) (f) is territory without municipal organization that, on December 31, 1997, was attached to a municipality for school purposes and that, on January 1, 1998, was not so attached. 1998, c. 33, s. 45 (3).

General or particular

(3) A regulation under subsection (1) may be general or particular. 1998, c. 33, s. 45 (3).

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Retroactive

(4) A regulation under clause (1) (i) may provide for the levying of rates for any year that is after 1997. 2004, c. 31, Sched. 10, s. 2 (2); 2006, c. 33, Sched. Z.3, s. 8 (31).

DIVISION C
TAXES SET BY BOARDS

Interpretation

257.15 (1) In this Division,

"common jurisdictional area", in respect of two or more boards, means the area that is within the area of jurisdiction of both or all of those boards; ("territoire commun de compétence")

"municipality" includes an upper-tier muncipality. ("municipalité") 1997, c. 31, s. 113 (3); 2002, c. 17, Sched. F, Table.

Types of boards

(2) For the purposes of this Division, the following are types of boards:

1. English-language public board.
2. English-language Roman Catholic board.
3. French-language public district school board.
4. French-language separate district school board.
5. Protestant separate school board. 1997, c. 31, s. 113 (3).

Rates set by boards

257.16 (1) For the purpose of raising money for its purposes, a board may determine, levy and collect rates on assessment for real property that is rateable for the board's purposes as provided in section 257.17. 1997, c. 31, s. 113 (3).

Subscriptions

(2) For the purpose of raising money for its purposes, a Roman Catholic board may collect subscriptions on and from persons sending children to or subscribing towards the support of the board. 1997, c. 31, s. 113 (3).

Assessment rateable under s. 257.16

257.17 For the purposes of section 257.16, the following assessment for real property is rateable for a board's purposes:

1. The assessment of residential property that is entered against an individual who is in respect of that property a supporter of that type of board.
2. The assessment of residential property that is entered against a partnership or corporation to which section 237 applies, to the extent that the assessment is entered and assessed for the purposes of that type of board.
3. The assessment of business property that is entered against an individual who is in respect of that property a supporter of that type of board.
4. The assessment of business property that is entered against a corporation sole and assessed for the purposes of that type of board. 1997, c. 31, s. 113 (3).

Agreements with municipalities re collection

257.18 (1) Subject to the regulations, a board and a municipality may enter into an

agreement providing for the municipality to levy and collect rates determined by a board under section 257.16. 1997, c. 31, s. 113 (3).

Regulations

(2) The Lieutenant Governor in Council may make regulations, which may be general or particular, respecting the terms of agreements referred to in subsection (1). 1997, c. 31, s. 113 (3).

Collection powers of boards

257.19 (1) A municipality or board that levies or collects rates for school purposes under this Division has, for purposes of the collection, chargeback, cancellation, refund or rebate of the rates, the same powers and duties as a municipality has in respect of the collection, chargeback, cancellation, refund or rebate of rates levied for municipal purposes, including powers and duties relating to the sale of land for tax arrears. 1997, c. 31, s. 113 (3).

Powers of officers

(2) The officers of a municipality or of a board that levies or collects rates for school purposes under this Division have the same powers and duties in respect of the collection, chargeback, cancellation, refund or rebate of rates levied under this Division, including powers and duties relating to the sale of land for tax arrears, as officers of a municipality have in respect of rates levied for municipal purposes. 1997, c. 31, s. 113 (3).

Application of other Acts

(3) Section 349 of the *Municipal Act, 2001* or section 314 of the *City of Toronto Act, 2006*, as the case may be, applies to rates levied under this Division. 1997, c. 31, s. 113 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (32).

Regulations

(4) The Minister of Finance may make regulations, which may be general or particular in their application,

(a) varying, limiting or excluding the powers and duties under this section of municipalities and boards and of the officers of municipalities and boards; and

(b) providing for anything that the Minister considers necessary or advisable to ensure that tax collection by municipalities and boards under the provisions of this Division is co-ordinated with tax collection under any other provisions of this Act or under the provisions of any other Act and, for the purpose, varying, limiting or excluding the application of any provision of this or any other Act. 1997, c. 31, s. 113 (3).

Designation by individuals re business property

257.20 (1) For the purposes of rates levied under this Division, section 236 applies with necessary modifications to permit an individual to give notice in respect of assessment for business property and, for the purpose, a reference to “residential property” shall be deemed to be a reference to “business property”. 1997, c. 31, s. 113 (3).

Exception

(2) Despite subsection (1), a person who is an owner or tenant of business property outside the area of jurisdiction of all boards is not entitled to apply under this section. 1997, c. 31, s. 113 (3).

Limitation on s. 257.20 where residential property assessed

257.21 If an individual is an owner or tenant of residential property in the area of

jurisdiction of a board and is also the owner or tenant of business property in the area of jurisdiction of that board,

(a) the person shall be deemed to have applied in respect of the business property under section 16 of the *Assessment Act* to the assessment commissioner for the area in which the business property is located, to have his or her name included or altered in the assessment roll as a supporter of that board in respect of the business property; and

(b) despite section 257.20, the person is not entitled to apply under section 16 of the *Assessment Act* to have his or her name included or altered in the assessment roll as a supporter of a different board in respect of business property within the area of jurisdiction of that board. 1997, c. 31, s. 113 (3).

Designation by corporations sole re business assessment

257.22 For the purpose of rates levied under this Division, section 237 applies with necessary modifications to permit a corporation sole to give notice in respect of its assessment for business property and, for the purpose, a reference to "residential property" shall be deemed to be a reference to "business property". 1997, c. 31, s. 113 (3).

Assessment of certain tenants

257.23 (1) For the purposes of rates levied under this Division, subsections 237 (1) to (11) and (14) to (17) apply with necessary modifications to the assessment of residential property entered against a partnership or corporation, other than a designated ratepayer as defined in subsection 238 (1), that is a tenant of the property. 1997, c. 31, s. 113 (3).

Same

(2) For the purposes of rates levied under this Division, a notice in respect of residential property given under subsection 237 (12) indicating the proportions of amounts to be distributed to each board shall be deemed to be a notice given under subsection 237 (3) requiring the same proportions of the assessment of the property to be entered and assessed for the purposes of the same boards. 1997, c. 31, s. 113 (3).

Tenant priority

257.24 (1) The tenant of land shall be deemed to be the person primarily liable for the payment of school rates imposed under this Division and for determining the type of board to which those rates shall be applied. 1997, c. 31, s. 113 (3).

Same

(2) No agreement between the owner and tenant as to the payment of rates as between themselves alters or affects the operation of this section. 1997, c. 31, s. 113 (3).

Regulations re property classes and tax ratios

257.25 (1) The Lieutenant Governor in Council may make regulations for the purposes of this Division prescribing property classes and establishing school purpose tax ratios for municipalities and territory without municipal organization that are situated within the area of jurisdiction of a board. 1997, c. 31, s. 113 (3).

Same

(2) A regulation made under subsection (1) may establish different school purpose tax ratios for the areas of jurisdiction of different boards. 1997, c. 31, s. 113 (3).

Same

(3) A regulation made under subsection (1) prescribing property classes shall prescribe the residential property class as prescribed under the *Assessment Act*. 1997, c. 31,

s. 113 (3); 2002, c. 22, s. 59 (1).

Definition

(4) In subsection (1),

"school purpose tax ratio" means the ratio that the rate levied for a board's purposes for each property class prescribed under subsection (1) must be to the rate levied for the board's purposes for the residential property class. 1997, c. 31, s. 113 (3); 2002, c. 22, s. 59 (2).

Determination of rates

257.26 (1) Where a board determines rates under this Division, the board shall determine the rates in such a way that the rates on the different classes of property are in the same proportion to each other as the tax ratios established under section 257.25 for the property classes are to each other. 1997, c. 31, s. 113 (3).

Same

(2) A board may determine different rates under subsection (1) for a municipality, a part of a municipality, territory without municipal organization or part of territory without municipal organization. 1997, c. 31, s. 113 (3).

Regulations

257.27 (1) The Minister may make regulations,

(a) governing the form and content of tax notices and the giving of tax notices in connection with rates imposed under this Division;

(b) requiring boards that determine rates under this Division to prepare documents respecting,

(i) the budgeting process and financial planning relied on in determining the rates, and

(ii) the revenues raised or expected to be raised by the rates;

(c) respecting the form and contents of the documents referred to in clause (b);

(d) requiring boards to report to the Minister and to the ratepayers of the board on any matter referred to in subclause (b) (i) or (ii), in the form and manner specified in the regulations. 1997, c. 31, s. 113 (3).

General or particular

(2) A regulation made under this section may be general or particular. 1997, c. 31, s. 113 (3).

Borrowing powers of Roman Catholic boards

257.28 (1) A Roman Catholic board may pass by-laws for borrowing money, by mortgages or other instruments, on the security of the schoolhouse property and premises and any other real or personal property vested in the board and on the security of the board's rates imposed under this Division, for the purpose of paying the cost of school sites, school buildings or additions or repairs to them, or for any other board purposes. 1997, c. 31, s. 113 (3).

Terms of payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be required for paying

all principal and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, on or out of which other separate school rates may be levied and collected. 1997, c. 31, s. 113 (3).

(3), (4) Repealed: 2009, c. 25, s. 35 (1).

Maturity

(5) The debt to be so incurred may be made payable in 30 years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by the regulations made under subsection 247 (3). 1997, c. 31, s. 113 (3); 2009, c. 25, s. 35 (2).

Sinking fund

(6) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in that year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments of the aggregate amount, will be sufficient to discharge the debt when it becomes payable. 1997, c. 31, s. 113 (3).

Investment of fund

(7) The sum referred to in subsection (6) shall be deposited into a fund established under clause 247 (3) (d) and, subject to the other provisions of this section, a regulation made under clause 247 (3) (d), (g) or (h) applies with necessary modifications to the application of the money in the fund. 1997, c. 31, s. 113 (3).

Publication of notice of by-law

(8) Before a by-law for borrowing money for a permanent improvement is acted on, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,

(a) the purpose for which the money is to be borrowed;

(b) the amount to be borrowed and the security for the amount; and

(c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing of the by-law, the by-law is valid despite any want of substance or form in the by-law or in the time or manner of passing the by-law. 1997, c. 31, s. 113 (3).

Non-application of s. 242

(9) Section 242 does not apply in relation to borrowing under this section. 1997, c. 31, s. 113 (3).

Notice to assessment commissioner

257.29 (1) A board shall give written notice to the assessment commissioner of its intention to levy rates under this Division at least 12 months before January 1 of the first year in respect of which a board levies rates under this Division. 1997, c. 31, s. 113 (3).

Same

(2) A board is not entitled to determine, levy or collect rates under this Division unless it has given the notice referred to in subsection (1). 1997, c. 31, s. 113 (3).

DIVISION C.1
FINANCIAL RECOVERY PLANS

Financial recovery plan

257.29.1 (1) The Minister may order a board to adopt by resolution a financial

recovery plan and submit it to the Minister within the time the Minister specifies if,

(a) the board's financial statements for a fiscal year show that the board had an in-year deficit contrary to section 231 or an accumulated deficit; or

(b) the Minister has reasonable grounds to believe that the board's financial statements for a fiscal year will show that the board had an in-year deficit contrary to section 231 or an accumulated deficit. 2009, c. 34, Sched. I, s. 11.

Minister's approval

(2) The Minister may, with respect to a financial recovery plan submitted to him or her under subsection (1),

(a) approve the plan, subject to such amendments as the Minister determines are necessary;

(b) reject the plan and require the board to submit a new plan addressing such matters as the Minister specifies; or

(c) reject the plan and do anything else he or she is authorized to do under Division D or Part VIII. 2009, c. 34, Sched. I, s. 11.

Compliance with financial recovery plan

(3) The board shall comply with the provisions of a financial recovery plan approved under subsection (2) until the board's financial statements for a fiscal year show that in that year it had neither an accumulated deficit nor an in-year deficit. 2009, c. 34, Sched. I, s. 11.

New financial recovery plans

(4) Even after a financial recovery plan has been approved under subsection (2), the Minister may require the board to submit another such plan if,

(a) the Minister determines that the board has not complied with the provisions of the financial recovery plan that was approved or with a regulation respecting financial recovery plans; or

(b) the Minister is of the opinion that a new financial recovery plan is required due to circumstances arising since the financial recovery plan was approved. 2009, c. 34, Sched. I, s. 11.

Regulations

(5) The Minister may make regulations governing financial recovery plans, including regulations governing the duration of plans and setting out goals or targets that the board must meet while subject to a financial recovery plan. 2009, c. 34, Sched. I, s. 11.

DIVISION D
SUPERVISION OF BOARDS' FINANCIAL AFFAIRS

Investigation of board's financial affairs

257.30 (1) The Minister may direct an investigation of the financial affairs of a board if,

(a) the financial statements of the board for a fiscal year, or the auditor's report on the statements, required to be submitted to the Ministry under section 252, indicate that the board had an accumulated deficit for that year;

(a.1) the board was required under subsection 257.29.1 (1), (2) or (4) to submit a financial recovery plan to the Minister within the time specified by the Minister

and the board failed to do so;

(a.2) the board was required under subsection 257.29.1 (3) to comply with a financial recovery plan and the board failed to do so;

(a.3) the board was required to comply with a regulation made under subsection 257.29.1 (5) and the board failed to do so;

(b) the board has failed to pay any of its debentures or instruments prescribed under clause 247 (3) (f) or interest on them, after payment of the debenture, instrument or interest is due and has been demanded;

(c) the board has failed to pay any of its other debts or liabilities when due and default in payment is occasioned from financial difficulties affecting the board; or

(d) the Minister has concerns about the board's ability to meet its financial obligations. 1997, c. 31, s. 113 (4); 2009, c. 34, Sched. I, s. 12 (1); 2010, c. 26, Sched. 5, s. 4 (1).

Same

(1.1) The Minister may direct an investigation under subsection (1) whether or not he or she has ordered the board to submit a financial recovery plan under section 257.29.1 or considered any such plan that has been submitted. 2009, c. 34, Sched. I, s. 12 (2).

Appointment of investigator

(2) The Minister may appoint as an investigator a person licensed under the *Public Accounting Act, 2004* or an employee in the Ministry. 1997, c. 31, s. 113 (4); 2004, c. 8, s. 46.

Powers of investigator

(3) An investigator may,

(a) require the production of any records that may in any way relate to the financial affairs of the board;

(b) examine and copy any records required under clause (a); and

(c) require any officer of the board or any other person to appear before him or her and give evidence, on oath or affirmation, relating to the financial affairs of the board. 1997, c. 31, s. 113 (4).

Application of *Public Inquiries Act, 2009*

(4) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation. 2009, c. 33, Sched. 6, s. 53 (4).

Report of investigator

(5) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the secretary of the board. 1997, c. 31, s. 113 (4).

Same

(6) The investigator may not recommend that control and charge over the administration of the affairs of the board be vested in the Ministry unless the investigation discloses evidence of financial default or probable financial default, of an accumulated deficit or a probable accumulated deficit or of serious financial mismanagement. 1997, c. 31, s. 113 (4); 2010, c. 26, Sched. 5, s. 4 (2).

Minister's powers on reviewing report: directions

257.31 (1) After reviewing the report made under subsection 257.30 (5), the Minister may give any directions to the board that he or she considers advisable to address the financial affairs of the board. 1997, c. 31, s. 113 (4).

Vesting order

Report recommendation

(2) If the report recommends that control and charge over the administration of the affairs of the board should be vested in the Ministry, the Lieutenant Governor in Council may make any order that the Lieutenant Governor in Council considers necessary or advisable to vest in the Ministry control and charge over the administration of the affairs of the board. 1997, c. 31, s. 113 (4).

Board failure to comply with direction

(3) If the Minister advises the Lieutenant Governor in Council that he or she is of the opinion that the board has failed to comply with a direction given under subsection (1), the Lieutenant Governor in Council may make any order that the Lieutenant Governor in Council considers necessary or advisable to vest in the Ministry control and charge over the administration of the affairs of the board. 1997, c. 31, s. 113 (4).

Notice to board

(4) The order shall be promptly transmitted to the secretary of the board. 1997, c. 31, s. 113 (4).

Vesting order

257.32 (1) Where a board is subject to an order under subsection 257.31 (2) or (3),

(a) the Minister shall publish notice of the order in *The Ontario Gazette*; and

(b) the persons directed by the Minister to do so shall give notice of the order to the persons specified by the Minister, in the form specified by the Minister. 1997, c. 31, s. 113 (4).

No proceedings against board without leave of Minister

(2) After notice has been published in *The Ontario Gazette* under clause (1) (a),

(a) no proceeding against the board shall be commenced or continued in any court without leave of the Minister; and

(b) no order of any court shall be enforced against the board without leave of the Minister. 1997, c. 31, s. 113 (4).

Suspension of limitation period

(3) Subject to subsection (4), where the commencement or continuance of any proceeding or the enforcement of a court order is prevented under this section,

(a) the running of any limitation period relating to the proceeding or enforcement is suspended until the Minister gives leave to commence or continue the proceeding or to enforce the court order, as the case may be; and

(b) the person having the right to commence or continue the proceeding or to enforce the court order shall, immediately after the leave is given, have the same length of time within which to commence or continue the proceeding or enforce the court order, as the case may be, as the person had when the notice was published in *The Ontario Gazette* under clause (1) (a). 1997, c. 31, s. 113 (4).

Same

(4) Subsection (3) does not apply unless application is made to the Minister for leave to commence or continue the proceeding or to enforce the order within the relevant limitation period and the Minister refuses to give the leave. 1997, c. 31, s. 113 (4).

Effect of order

(5) Subsection (2) does not apply in relation to a board that is subject to an order under subsection 257.31 (2) or (3) after the Minister makes an order under clause 257.34 (2) (b) or (i) with respect to the board. 1997, c. 31, s. 113 (4).

Control exercisable by Minister

257.33 (1) Where the Lieutenant Governor in Council has made an order under subsection 257.31 (2) or (3) in respect of a board, the Minister has control and charge over the board generally with respect to any matter in any way affecting the board's affairs. 1997, c. 31, s. 113 (4).

Same

(2) Without limiting the generality of subsection (1), where the Lieutenant Governor in Council has made an order under subsection 257.31 (2) or (3) in respect of a board, the Minister has control and charge over the exercise and performance by the board of its powers, duties and obligations with respect to all matters, including but not limited to matters respecting,

(a) the appointment and dismissal of the board's officers and employees and their powers, duties, salaries and remuneration;

(b) the board's revenues and expenditures;

(c) the board's sinking funds, retirement funds and the funds prescribed under clause 247 (3) (e) and the money belonging to those funds;

(d) the board's accounting and audit systems and dealings with the board's assets, liabilities, revenues and expenditures;

(e) the yearly or other estimates of the board, financial statements of the board and other reports of the board required by the Minister as well as the form, preparation and completion of them, and the times when they shall be made;

(f) the amounts to be provided for in the yearly or other estimates;

(g) the borrowing of money for the current expenditures of the board until the current revenue has been received;

(h) the imposition, charging and collection of all fees, charges and expenses;

(i) the sale or other disposition of any of the board's assets. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 8.

Powers of Minister re debt

257.34 (1) In this section,

"indebtedness" includes,

(a) any instrument prescribed under clause 247 (3) (f), debentures issued under a repealed provision or other debt of the board,

(b) any interest on any indebtedness of the board. 1997, c. 31, s. 113 (4); 2009, c. 25, s. 36 (1).

Same

(2) Where a board is subject to an order under subsection 257.31 (2) or (3), the Minister, with respect to the board's indebtedness, has the power by order to authorize or direct,

(a) the consolidation of all or any part of the board's indebtedness;

(b) the issue, on the terms and conditions, in the manner and at the times that the Minister may approve, of instruments prescribed under clause 247 (3) (f) or other evidences of indebtedness, in substitution and exchange for any debentures or such debt instruments that are outstanding or in payment and satisfaction of all or any part of any other indebtedness, and compulsory acceptance of those instruments or other evidences of indebtedness in payment and satisfaction of the instruments that are outstanding or other indebtedness;

(c) the issue of new instruments prescribed under clause 247 (3) (f) to cover any consolidation under clause (a) or (b);

(d) the retirement and cancellation of all or any part of the existing debenture debt and debt incurred by any instrument prescribed under clause 247 (3) (f) and debt instruments prescribed under clause 247 (3) (f) that are outstanding, on the issue of new debt instruments prescribed by clause 247 (3) (f) to cover them or in exchange for them;

(e) the terms, conditions, places and times for exchange of new instruments prescribed under clause 247 (3) (f) for debt instruments that are outstanding;

(f) the variation of the basis, terms, times and places of payment of all or any part of the board's indebtedness;

(g) the creation and setting aside of sinking funds, retirement funds and funds prescribed under clause 247 (3) (e) and the restriction of money out of any portion of the revenues of the board for meeting obligations relating to all or any part of the board's indebtedness;

(h) the custody, management, investment and application of sinking funds, retirement funds, funds prescribed under clause 247 (3) (e), deferred revenues and surpluses;

(i) the ratification and confirmation of any agreement, arrangement or compromise entered into with any of the board's creditors respecting all or any part of the board's indebtedness;

(j) any amendment or cancellation of any order made by the Minister under this section or of the terms of any agreement, arrangement or compromise ratified and confirmed by the Minister under clause (i);

(k) the implementation of an interim plan, pending a final plan, or of a final plan, which may cancel all or any portion of interest in arrears and may alter, modify or compromise the rights of debenture holders, holders of instruments prescribed under clause 247 (3) (f) or other creditors during any period of time between the relevant date of default and the end of the fifth year following the date on which the final plan was ordered implemented by the Minister. 1997, c. 31, s. 113 (4); 2009, c. 25, s. 36 (2); 2009, c. 34, Sched. I, s. 13; 2010, c. 26, Sched. 5, s. 5.

Limitation

(3) The Minister shall not make any order under clause (2) (k) unless creditors, representing not less than two-thirds in amount of the aggregate of the indebtedness of the board, excluding indebtedness in respect of which the board is not directly but only contingently or collaterally liable, have filed in writing with the Minister their approval of the making of the order. 1997, c. 31, s. 113 (4).

Publication of notice of intention to exercise powers

(4) Where the Minister intends to exercise a power under subsection (2), he or she shall first give notice of the intention in *The Ontario Gazette* and by any other publication and to the persons and in the manner that the Minister considers proper. 1997, c. 31, s. 113 (4).

Same

(5) The notice shall state the date after which the matter is to be dealt with by the Minister. 1997, c. 31, s. 113 (4).

Same

(6) The time stated under subsection (5) shall be at least two months after the notice is published in *The Ontario Gazette*. 1997, c. 31, s. 113 (4).

Incidental matters

(7) Subsection (4) does not apply with respect to any matter that, in the opinion of the Minister, is merely incidental to the exercise of a power under subsection (2). 1997, c. 31, s. 113 (4).

Objection to be filed with Minister

(8) The Minister shall not make any order under subsection (2) if an objection in writing to the making of the order is filed with the Minister by creditors representing not less than one-third in amount of the aggregate of the indebtedness of the board, excluding indebtedness in respect of which the board is not directly but only contingently or collaterally liable. 1997, c. 31, s. 113 (4).

Approval by creditors

(9) If creditors, representing not less than two-thirds in amount of the aggregate of the indebtedness of the board, excluding indebtedness in respect of which the board is not directly but only contingently or collaterally liable, have filed in writing with the Minister their approval of the making of any order of the Minister under subsection (1), it is not necessary that two months referred to in subsection (6) elapse. 1997, c. 31, s. 113 (4).

Notice when matter to be varied

(10) When a matter is being dealt with by the Minister under this section and the Minister intends to vary the terms of any indebtedness, he or she shall first give notice of the intention to the persons and in the manner that the Minister considers proper. 1997, c. 31, s. 113 (4).

Same

(11) The notice shall state the date after which the variation is to be dealt with by the Minister. 1997, c. 31, s. 113 (4).

Same

(12) The time stated under subsection (11) shall be at least two weeks after the notice. 1997, c. 31, s. 113 (4).

Certain debenture and other debt not to form part of debt after order of Minister

257.35 After an order of the Minister has been made under section 257.34, no portion

of the debenture debt of the board represented by debentures or debt incurred by any instrument prescribed under clause 247 (3) (f) ordered to be cancelled, retired or exchanged forms part of its debt within the meaning of a provision of this or any other Act limiting the board's borrowing powers. 1997, c. 31, s. 113 (4).

Variation or cancellation of subsisting agreements

257.36 Where a board is subject to an order under subsection 257.31 (2) or (3), the board may, with the approval of the Minister, enter into an agreement with any person with whom the board has previously entered into an agreement or obligation that, or some term or obligation of which, remains in whole or in part or in any manner to be carried out by the board, for the amendment or cancellation of the subsisting agreement or obligation. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 9.

Minister to approve instrument issues

257.37 (1) Without the approval of the Minister first being obtained, a board that is subject to an order under subsection 257.31 (2) or (3) shall not, under this or any other Act, exercise or be required to exercise any of its powers if that exercise will or may require money to be provided by the issue of instruments prescribed under clause 247 (3) (f) of the board. 2009, c. 25, s. 37.

Approval of instrument by-laws

(2) Where a board is subject to an order under subsection 257.31 (2) or (3), the board may, with the approval of the Minister, pass by-laws providing for the issue of instruments prescribed under clause 247 (3) (f) or authorizing the sale of such instruments or the offering of such instruments as security, but no such by-law has any force and effect until approved by the Minister. 2009, c. 25, s. 37.

Minister to have control over money and its application

257.38 (1) Where a board is subject to an order under subsection 257.31 (2) or (3), the Minister has full charge and control over all money belonging to the board and received by any person for or on its behalf and the money shall be deposited in one of the following institutions, to be designated by the board or, in the absence of designation by the board, by the Minister:

1. A bank listed in Schedule I or II to the *Bank Act* (Canada).
2. Repealed: 2002, c. 8, Sched. I, s. 8.
3. A loan or trust corporation registered under the *Loan and Trust Corporations Act*.
4. A credit union as defined in section 1 of the *Credit Unions and Caisses Populaires Act, 1994*. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 11; 2002, c. 8, Sched. I, s. 8.

Same

(2) When money is deposited as required by subsection (1), it shall only be applied for the purposes, in the manner and at the times that the Minister may approve. 1997, c. 31, s. 113 (4).

Same

(3) All cheques drawn and issued by the board shall be signed and countersigned by the persons and in the manner that the Minister may authorize. 1997, c. 31, s. 113 (4).

Same

(4) No money belonging to or revenues of the board may be applied by any person except with the approval of or otherwise than as directed by the Minister. 1997, c. 31,

s. 113 (4).

Exercise of board jurisdiction subject to order

257.39 The powers and duties under this or any other Act of a board that is subject to an order under subsection 257.31 (2) or (3) shall only be exercised or performed in accordance with and subject to this Division and any order made or agreement entered into under it. 1997, c. 31, s. 113 (4).

Exclusive jurisdiction

257.40 (1) Subject to subsections (3) and (4), the Minister has exclusive jurisdiction as to all matters arising under this Division or out of the exercise by the board or any person of any of the powers conferred by this Division, and that jurisdiction is not open to question or review in any proceeding or by any court. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 12.

Review of orders, etc.

(2) The Minister may at any time review any order, direction or decision made by him or her under this Division and confirm, amend or revoke it. 1997, c. 31, s. 113 (4).

Exclusive jurisdiction

(3) The Lieutenant Governor in Council has exclusive jurisdiction as to the making of an order under subsection 257.31 (2) or (3), and that jurisdiction is not open to question or review in any proceeding or by any court. 1997, c. 31, s. 113 (4).

Review of orders, etc.

(4) The Lieutenant Governor in Council may at any time review any order made by the Lieutenant Governor in Council under subsection 257.31 (2) or (3) and confirm, amend or revoke it. 1997, c. 31, s. 113 (4).

Limitation

(5) This section is subject to section 257.52. 1997, c. 31, s. 113 (4).

Powers of Minister

257.41 The Minister may make any orders from time to time that he or she considers advisable to carry out the provisions of this Division or any agreement made under it and may make rules in respect of any thing done under this Division. 1997, c. 31, s. 113 (4).

Forms of certificates, notices, etc.

257.42 Every certificate, notice or other form that is in substantial conformity with the form required for it under this Division is not open to objection on the ground that it is not in the form required by this Division. 1997, c. 31, s. 113 (4).

Powers exercisable for and in name of board

257.43 Where a board has become subject to an order made under subsection 257.31 (2) or (3), all things done by or for the Minister under this Division in relation to the affairs of the board shall for all purposes be deemed to have been done by and for the board and in its name. 1997, c. 31, s. 113 (4).

Minister to have access to all records

257.44 Where a board is subject to an order under subsection 257.31 (2) or (3), the Minister shall have access at all times to all records of the board, including but not limited to all by-laws, assessment rolls, collectors' rolls, minute books, books of account, vouchers and other records relating to the board's financial transactions, and may inspect and copy them. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 13.

Powers to enforce orders

257.45 (1) Where a board fails to comply with any order, direction or decision of the Minister under this Division, the Minister may, on the notice, if any, that he or she considers appropriate, do or order done all things necessary for compliance with the order, direction or decision, and may exercise all the powers of the board for the purpose, under its name. 1997, c. 31, s. 113 (4).

(2) Repealed: 2006, c. 10, s. 34 (1).

Personal liability of members of the board

(3) If a board that is subject to an order made under subsection 257.31 (2) or (3) applies any of its funds otherwise than as the Minister orders or authorizes, the members of the board who voted for the application are jointly and severally liable for the amount so applied, which may be recovered in a court of competent jurisdiction. 2006, c. 10, s. 34 (2).

Dismissal of officers or employees

(4) The Minister may dismiss from office any officer or employee of a board who fails to carry out any order, direction or decision of the Minister under this Division and may exercise all the powers of the board for the purpose, under its name. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 14 (2).

No indemnification

(5) A board shall not indemnify any of its members, officers or employees with respect to any fine imposed on conviction for an offence under this Division or with respect to any liability under subsection (3). 2000, c. 11, s. 14 (3); 2009, c. 34, Sched. I, s. 14.

Injunction against exercise of board powers

257.46 The Minister may by injunction proceedings prevent the exercise by or for a board of any of its powers that has not been approved by the Minister, if that approval is required under this Division. 1997, c. 31, s. 113 (4).

Combining board offices

257.47 Where a board is subject to an order under subsection 257.31 (2) or (3), the Minister may direct that two or more of the offices of the board shall be combined and held by the same officer, and may subsequently separate any of the offices so combined. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 15.

Expenses

257.48 (1) The Minister may direct payment of the fees or remuneration and expenses reasonably incurred by the Ministry under this Division that he or she may determine. 1997, c. 31, s. 113 (4).

Appointment of Minister

(2) The Minister may appoint a person, who may be an officer of the board, to exercise the powers and perform the duties that the Minister may provide, and the person so appointed shall be paid the salary and allowed the expenses that the Minister may determine. 1997, c. 31, s. 113 (4).

Board may be heard as to salaries

(3) The Minister, in determining the salaries to be paid to any person appointed under subsection (2), shall give consideration to any representations that the board may at any time make. 1997, c. 31, s. 113 (4).

Payment of salaries and expenses

(4) All salaries, fees, remuneration and expenses payable under this section and all other expenses incurred by the Minister in carrying out the provisions of this Division or in

the exercise of his or her powers under it shall be paid by the board to the extent directed by the Minister and be chargeable to such of its accounts as the Minister may direct. 1997, c. 31, s. 113 (4); 2000, c. 11, s. 16.

Conflict

257.49 The powers contained in this Division shall be deemed to be in addition to and not in derogation of any power of the Minister under this or any other Act but, where the provisions of any Act or any other provision of this Act conflict with the provisions of this Division, the provisions of this Division prevail. 1997, c. 31, s. 113 (4).

Revocation of order

257.50 (1) The Lieutenant Governor in Council shall revoke an order made under subsection 257.31 (2) or (3) if the Lieutenant Governor in Council is of the opinion that the affairs of a board no longer need to be administered under this Division. 1997, c. 31, s. 113 (4).

Same

(2) The Lieutenant Governor in Council shall revoke an order made under subsection 257.31 (2) or (3) if the financial statements of a board for a fiscal year and the auditor's report on the statements submitted to the Ministry under section 252 indicate that the board did not have an accumulated deficit for the fiscal year. 1997, c. 31, s. 113 (4); 2010, c. 26, Sched. 5, s. 6.

***Legislation Act, 2006*, Part III**

257.51 (1) Part III (Regulations) of the *Legislation Act, 2006* does not apply to anything done under any provision of this Division or Division C.1. 1997, c. 31, s. 113 (4); 2006, c. 21, Sched. F, s. 136 (1); 2009, c. 34, Sched. I, s. 15 (1).

Non-application of *Statutory Powers Procedure Act*

(2) The *Statutory Powers Procedure Act* does not apply to anything done under this Division or Division C.1. 1997, c. 31, s. 113 (4); 2009, c. 34, Sched. I, s. 15 (2).

***Municipal Affairs Act*, Parts II and III**

(3) Parts II and III of the *Municipal Affairs Act* do not apply in relation to boards. 1997, c. 31, s. 113 (4).

Denominational, linguistic and cultural issues

257.52 (1) Nothing in this Division or Division C.1 authorizes the Minister to interfere with or control,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. 1997, c. 31, s. 113 (4); 2009, c. 34, Sched. I, s. 16 (1).

Same

(2) The powers under this Division and Division C.1 shall be exercised in a manner that is consistent with,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. 1997, c. 31, s. 113 (4); 2009, c. 34, Sched. I, s. 16 (2).

DIVISION E
EDUCATION DEVELOPMENT CHARGES

DEFINITIONS

Interpretation

257.53 (1) In this Division,

"board" means a board other than a board established under section 68; ("conseil")

"building permit" means a permit under the *Building Code Act, 1992* in relation to a building or structure; ("permis de construire")

"development" includes redevelopment; ("aménagement")

"education development charge" means a development charge imposed under a by-law passed under subsection 257.54 (1) respecting growth-related net education land costs incurred or proposed to be incurred by a board; ("redevance d'aménagement scolaire")

"education development charge account" means an account established under subsection 257.82 (1); ("compte de redevances d'aménagement scolaires")

"education development charge by-law" means a by-law passed under subsection 257.54 (1); ("règlement de redevances d'aménagement scolaires")

"education land cost" means education land cost within the meaning of subsections (2), (3) and (4); ("dépense immobilière à fin scolaire")

"growth-related net education land cost" means the portion of the net education land cost reasonably attributable to the need for such net education land cost that is attributed to or will result from development in all or part of the area of jurisdiction of a board; ("dépense immobilière nette à fin scolaire liée à la croissance")

"municipality" includes an upper-tier municipality; ("municipalité")

"net education land cost" means the education land cost reduced by any capital grants and subsidies paid or that may be paid to the board in respect of such education land cost; ("dépense immobilière nette à fin scolaire")

"non-residential development" means development other than residential development; ("aménagement non résidentiel")

"owner" means the owner of the land or a person who has made application for an approval for the development of the land on which an education development charge is imposed; ("propriétaire")

"pupil accommodation" means a building to accommodate pupils or an addition or alteration to a building that enables the building to accommodate an increased number of pupils. ("installations d'accueil pour les élèves") 1997, c. 31, s. 113 (5); 2002, c. 17, Sched. F, Table; 2009, c. 34, Sched. I, s. 17.

Education land costs

(2) Subject to subsections (3) and (4), the following are education land costs for the purposes of this Division if they are incurred or proposed to be incurred by a board:

1. Costs to acquire land or an interest in land, including a leasehold interest, to be used by the board to provide pupil accommodation.

2. Costs to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation.

3. Costs to prepare and distribute education development charge background studies as required under this Division.

4. Interest on money borrowed to pay for costs described in paragraphs 1 and 2.

5. Costs to undertake studies in connection with an acquisition referred to in paragraph 1. 1997, c. 31, s. 113 (5).

Exclusions from education land costs

(3) The following are not education land costs:

1. Costs of any building to be used to provide pupil accommodation.

2. Costs that are prescribed in the regulations as costs that are not education land costs. 1997, c. 31, s. 113 (5).

Education land costs, leases, etc.

(4) Only the capital component of costs to lease land or to acquire a leasehold interest is an education land cost. 1997, c. 31, s. 113 (5).

EDUCATION DEVELOPMENT CHARGE BY-LAWS

Education development charge by-law

257.54 (1) If there is residential development in the area of jurisdiction of a board that would increase education land costs, the board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential or non-residential development. 1997, c. 31, s. 113 (5).

What development can be charged for

(2) An education development charge may be imposed only for development that requires,

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;

(b) the approval of a minor variance under section 45 of the *Planning Act*;

(c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;

(d) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(e) a consent under section 53 of the *Planning Act*;

(f) the approval of a description under section 50 of the *Condominium Act*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure. 1997, c. 31, s. 113 (5).

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

(a) permit the enlargement of an existing dwelling unit; or

(b) permit the creation of one or two additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential

buildings. 1997, c. 31, s. 113 (5).

Application of by-law

(4) An education development charge by-law may apply to the entire area of jurisdiction of a board or only part of it. 1997, c. 31, s. 113 (5).

Limited exemption

(5) No land, except land owned by and used for the purposes of a board or a municipality, is exempt from an education development charge under a by-law passed under subsection (1) by reason only that it is exempt from taxation under section 3 of the *Assessment Act*. 1997, c. 31, s. 113 (5).

Conditions

(6) The imposition of an education development charge by a board is subject to the prescribed conditions. 1997, c. 31, s. 113 (5).

Exemption for industrial development

257.55 (1) If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the education development charge that is payable in respect of the enlargement is determined in accordance with this section. 1997, c. 31, s. 113 (5).

Enlargement 50 per cent or less

(2) If the gross floor area is enlarged by 50 per cent or less, the amount of the education development charge in respect of the enlargement is zero. 1997, c. 31, s. 113 (5).

Enlargement more than 50 per cent

(3) If the gross floor area is enlarged by more than 50 per cent the amount of the education development charge in respect of the enlargement is the amount of the education development charge that would otherwise be payable multiplied by the fraction determined as follows:

1. Determine the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
2. Divide the amount determined under paragraph 1 by the amount of the enlargement. 1997, c. 31, s. 113 (5).

When by-law effective

257.56 An education development charge by-law comes into force on the fifth day after the day on which it is passed or the day specified in the by-law, whichever is later. 1997, c. 31, s. 113 (5).

If jurisdiction divided into regions

257.57 If the regulations divide the area of the jurisdiction of a board into prescribed regions for the purposes of this section the following apply:

1. Despite subsection 257.54 (4), an education development charge by-law of the board shall not apply with respect to land in more than one region.
2. The education development charges collected under an education development charge by-law that applies to land in a region shall not, except with the prior written approval of the Minister, be used in relation to land that is outside that region. 1997, c. 31, s. 113 (5).

Duration of education development charge by-law

257.58 (1) Unless it expires or is repealed earlier, an education development charge by-law expires five years after the day it comes into force. 1997, c. 31, s. 113 (5).

Board can pass new by-law

(2) Subsection (1) does not prevent a board from passing a new education development charge by-law. 1997, c. 31, s. 113 (5).

Contents of by-law

257.59 An education development charge by-law shall,

(a) designate the categories of residential development and non-residential development on which an education development charge shall be imposed;

(b) designate those uses of land, buildings or structures on which an education development charge shall be imposed;

(c) designate the areas in which an education development charge shall be imposed; and

(d) subject to the regulations, establish the education development charges to be imposed in respect of the designated categories of residential and non-residential development and the designated uses of land, buildings or structures. 1997, c. 31, s. 113 (5).

PROCESS BEFORE PASSING OF BY-LAWS

Review of policies

257.60 (1) Before passing an education development charge by-law, the board shall conduct a review of the education development charge policies of the board. 1997, c. 31, s. 113 (5).

Public meeting

(2) In conducting a review under subsection (1), the board shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in at least one newspaper having general circulation in the area of jurisdiction of the board. 1997, c. 31, s. 113 (5).

Non-application, first by-law under new scheme

(3) A board is not required to conduct a review under this section before passing the first education development charge by-law it passes after December 31, 1997. 1997, c. 31, s. 113 (5).

Education development charge background study

257.61 (1) Before passing an education development charge by-law, the board shall complete an education development charge background study. 1997, c. 31, s. 113 (5).

Same

(2) The education development charge background study shall include,

(a) estimates of the anticipated amount, type and location of residential and non-residential development;

(b) the number of projected new pupil places and the number of new schools required to provide those new pupil places;

(c) estimates of the education land cost, the net education land cost and the growth-related net education land cost of the new schools required to provide the

projected new pupil places; and

(d) such other information as may be prescribed. 1997, c. 31, s. 113 (5).

By-law within one year after study

257.62 An education development charge by-law may be passed only within a period of 365 days following the completion of the education development charge background study. 2002, c. 18, Sched. G, s. 12.

Public meeting before by-law passed

257.63 (1) Before passing an education development charge by-law, the board shall,

(a) hold at least one public meeting;

(b) give at least 20-days notice of the meeting or meetings in accordance with the regulations; and

(c) ensure that the proposed by-law and the education development charge background study are made available to the public at least two weeks prior to the meeting or, if there is more than one meeting, prior to the first meeting. 1997, c. 31, s. 113 (5).

Making representations

(2) Any person who attends a meeting under this section may make representations relating to the proposed by-law. 1997, c. 31, s. 113 (5).

Board determination is final

(3) If a proposed by-law is changed following a meeting under this section, the board shall determine whether a further meeting under this section is necessary and such a determination is final and not subject to review by a court or the Ontario Municipal Board. 1997, c. 31, s. 113 (5).

APPEAL OF BY-LAWS

Notice of by-law and time for appeal

257.64 (1) The secretary of a board that has passed an education development charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed. 1997, c. 31, s. 113 (5).

Requirements of notice

(2) Notices required under this section must meet the requirements prescribed in the regulations and shall be given in accordance with the regulations. 1997, c. 31, s. 113 (5).

Same

(3) Every notice required under this section must be given not later than 20 days after the day the by-law is passed. 1997, c. 31, s. 113 (5).

When notice given

(4) A notice required under this section shall be deemed to have been given,

(a) if the notice is by publication in a newspaper, on the day that the publication occurs;

(b) if the notice is given by mail, on the day that the notice is mailed. 1997, c. 31, s. 113 (5).

Appeal of by-law after passed

257.65 Any person or organization may appeal an education development charge by-law to the Ontario Municipal Board by filing with the secretary of the board that passed the by-law, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection. 1997, c. 31, s. 113 (5).

Secretary's duties on appeal

257.66 (1) If the secretary of the board receives a notice of appeal on or before the last day for appealing an education development charge by-law, the secretary shall compile a record that includes,

(a) a copy of the by-law certified by the secretary;

(b) a copy of the education development charge background study;

(c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Division; and

(d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed. 1997, c. 31, s. 113 (5).

Same

(2) The secretary shall forward a copy of the notice of appeal and the record to the secretary of the Ontario Municipal Board within 30 days after the last day of appeal and shall provide such other information or material as the Ontario Municipal Board may require in respect of the appeal. 1997, c. 31, s. 113 (5).

Affidavit, declaration conclusive evidence

(3) An affidavit or declaration of the secretary of a board that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Division is conclusive evidence of the facts stated in the affidavit or declaration. 1997, c. 31, s. 113 (5).

OMB hearing of appeal

257.67 (1) The Ontario Municipal Board shall hold a hearing to deal with any notice of appeal of an education development charge by-law forwarded by the secretary of a board. 1997, c. 31, s. 113 (5).

Who to get notice

(2) The Ontario Municipal Board shall determine who shall be given notice of the hearing and in what manner. 1997, c. 31, s. 113 (5).

Powers of OMB

(3) After the hearing, the Ontario Municipal Board may,

(a) dismiss the appeal in whole or in part;

(b) order the board to repeal or amend the by-law in accordance with the Ontario Municipal Board's order;

(c) repeal or amend the by-law in such manner as the Ontario Municipal Board may determine. 1997, c. 31, s. 113 (5).

Limitation on powers

(4) The Ontario Municipal Board may not amend or order the amendment of a by-law so as to,

(a) increase the amount of an education development charge that will be payable in any particular case;

(b) remove, or reduce the scope of, an exemption;

(c) change the date the by-law will expire. 1997, c. 31, s. 113 (5).

Dismissal without hearing

(5) Despite subsection (1), the Ontario Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal. 1997, c. 31, s. 113 (5).

When OMB ordered repeals, amendments effective

257.68 The repeal or amendment of an education development charge by-law by the Ontario Municipal Board, or by a board pursuant to an order of the Ontario Municipal Board, shall be deemed to have come into force on the day the by-law came into force. 1997, c. 31, s. 113 (5).

Refunds, if OMB repeals by-law, etc.

257.69 (1) If the Ontario Municipal Board repeals or amends an education development charge by-law or orders a board to repeal or amend an education development charge by-law,

(a) in the case of a repeal, any education development charge paid under the by-law shall be refunded;

(b) in the case of an amendment, the difference between any education development charge paid under the by-law and the education development charge that would have been payable under the by-law as amended shall be refunded. 1997, c. 31, s. 113 (5).

When refund due

(2) A refund required under subsection (1) shall be made,

(a) if the Ontario Municipal Board repeals or amends the by-law, within 30 days after the Board's order;

(b) if the Ontario Municipal Board orders the board to repeal or amend the by-law, within 30 days after the repeal or amendment by the board. 1997, c. 31, s. 113 (5).

Interest

(3) Interest shall be paid on an amount refunded under subsection (1) at the prescribed interest rate from the time the amount was paid to the time it is refunded. 1997, c. 31, s. 113 (5).

Source of refund, interest

(4) An amount refunded under subsection (1) and interest paid under subsection (3) shall be paid out of the appropriate education development charge account. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

Who refund paid to

(5) An amount refunded under subsection (1) and any interest on it shall be paid to the person who paid the education development charge. 1997, c. 31, s. 113 (5).

Information from municipality

(6) If a refund is required under subsection (1), the municipality to which the education development charge was paid shall provide the board with the information

necessary to determine the amount to be refunded, the interest payable on that amount and the person to whom the refund and interest should be paid. 1997, c. 31, s. 113 (5).

AMENDMENT OF BY-LAWS

Amendment of by-law

257.70 (1) Subject to subsection (2), a board may pass a by-law amending an education development charge by-law. 1997, c. 31, s. 113 (5).

Limitation

(2) A board may not amend an education development charge by-law so as to do any one of the following more than once in the one-year period immediately following the coming into force of the by-law or in any succeeding one-year period:

1. Increase the amount of an education development charge that will be payable in any particular case.
2. Remove, or reduce the scope of, an exemption.
3. Extend the term of the by-law. 1997, c. 31, s. 113 (5).

When amendment effective

257.71 A by-law amending an education development charge by-law comes into force on the fifth day after it is passed. 1997, c. 31, s. 113 (5).

Process before passing amendment

257.72 Before passing a by-law amending an education development charge by-law, the board shall,

(a) give notice of the proposed amendment in accordance with the regulations; and

(b) ensure that the following are made available to the public,

(i) the education development charge background study for the by-law being amended, and

(ii) sufficient information to allow the public to understand the proposed amendment. 1997, c. 31, s. 113 (5).

Notice of amendment and time for appeal

257.73 (1) The secretary of a board that has passed a by-law amending an education development charge by-law shall give written notice of the passing of the amending by-law, and of the last day for appealing the amending by-law, which shall be the day that is 40 days after the day the amending by-law is passed. 1997, c. 31, s. 113 (5).

Requirements of notice

(2) Notices required under this section must meet the requirements prescribed in the regulations and shall be given in accordance with the regulations. 1997, c. 31, s. 113 (5).

Same

(3) Every notice required under this section must be given not later than 20 days after the day the amending by-law is passed. 1997, c. 31, s. 113 (5).

When notice given

(4) A notice required under this section shall be deemed to have been given,

(a) if the notice is by publication in a newspaper, on the day that the publication occurs;

(b) if the notice is given by mail, on the day that the notice is mailed. 1997, c. 31, s. 113 (5).

Appeal of amending by-law after passed

257.74 (1) Any person or organization may appeal a by-law amending an education development charge by-law to the Ontario Municipal Board by filing with the secretary of the board that passed the amended by-law, on or before the last day for appealing the amending by-law, a notice of appeal setting out the objection to the amending by-law and the reasons supporting the objection. 1997, c. 31, s. 113 (5).

Same

(2) An appeal under subsection (1) may not raise an issue that could have been raised in an appeal under section 257.65. 1997, c. 31, s. 113 (5).

Secretary's duties on appeal

257.75 (1) If the secretary of the board receives a notice of appeal on or before the last day for appealing a by-law amending an education development charge by-law, the secretary shall compile a record that includes,

(a) a copy of the education development charge by-law, as amended to the day the amending by-law was passed, certified by the secretary;

(b) a copy of the amending by-law certified by the secretary;

(c) a copy of the education development charge background study for the education development charge by-law;

(d) a copy of the information made available to the public under subclause 257.72 (b) (ii) for the amending by-law and all previous amending by-laws amending the education development charge by-law; and

(e) an affidavit or declaration certifying that notice of the passing of the amending by-law and of the last day for appealing it was given in accordance with this Division. 1997, c. 31, s. 113 (5).

Same

(2) The secretary shall forward a copy of the notice of appeal and the record to the secretary of the Ontario Municipal Board within 30 days after the last day of appeal and shall provide such other information or material as the Ontario Municipal Board may require in respect of the appeal. 1997, c. 31, s. 113 (5).

Affidavit, declaration conclusive evidence

(3) An affidavit or declaration of the secretary of a board that notice of the passing of the amending by-law and of the last day for appealing it was given in accordance with this Division is conclusive evidence of the facts stated in the affidavit or declaration. 1997, c. 31, s. 113 (5).

OMB hearing of appeal

257.76 (1) The Ontario Municipal Board shall hold a hearing to deal with any notice of appeal of a by-law amending an education development charge by-law forwarded by the secretary of a board. 1997, c. 31, s. 113 (5).

Who to get notice

(2) The Ontario Municipal Board shall determine who shall be given notice of the hearing and in what manner. 1997, c. 31, s. 113 (5).

Powers of OMB

(3) After the hearing, the Ontario Municipal Board may,

(a) dismiss the appeal in whole or in part;

(b) order the board to repeal or amend the amending by-law in accordance with the Ontario Municipal Board's order;

(c) repeal or amend the amending by-law in such manner as the Ontario Municipal Board may determine. 1997, c. 31, s. 113 (5).

Limitation on powers

(4) The Ontario Municipal Board may not amend or order the amendment of an amending by-law so as to,

(a) increase the amount of an education development charge that will be payable in any particular case under the education development charge by-law as amended by the amending by-law;

(b) remove, or reduce the scope of, an exemption under the education development charge by-law as amended by the amending by-law;

(c) change the date the education development charge by-law will expire as provided in that by-law as amended by the amending by-law. 1997, c. 31, s. 113 (5).

Dismissal without hearing

(5) Despite subsection (1), the Ontario Municipal Board may, where it is of the opinion that the objection to the amending by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal. 1997, c. 31, s. 113 (5).

When OMB ordered repeals, amendments effective

257.77 The repeal or amendment of a by-law amending an education development charge by-law by the Ontario Municipal Board, or by a board pursuant to an order of the Ontario Municipal Board, shall be deemed to have come into force on the day the amending by-law came into force. 1997, c. 31, s. 113 (5).

Refunds, if OMB repeals by-law, etc.

257.78 Section 257.69 applies, with necessary modifications, with respect to the repeal or amendment of a by-law amending an education development charge by-law by the Ontario Municipal Board or pursuant to an order of the Ontario Municipal Board. 1997, c. 31, s. 113 (5).

Non-application of certain provisions to OMB amendments

257.79 Subsection 257.70 (2) and sections 257.71 to 257.77 do not apply with respect to the amendment, by the Ontario Municipal Board or pursuant to an order of the Ontario Municipal Board, of an education development charge by-law or a by-law amending an education development charge by-law. 1997, c. 31, s. 113 (5).

Collection of Education Development Charges

When charge payable

257.80 An education development charge is payable upon a building permit being issued. 1997, c. 31, s. 113 (5).

Who charge payable to

257.81 An education development charge is payable to the municipality issuing the building permit. 1997, c. 31, s. 113 (5).

Education development charge accounts

257.82 (1) A board that has passed an education development charge by-law shall establish education development charge accounts in accordance with the regulations. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 18.

Deposit of charges into accounts

(2) A municipality that receives an education development charge shall deposit the charge in the appropriate education development charge account not later than the 25th day of the month after the month in which the charge was received. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

Withholding of building permit until charge paid

257.83 Despite any other Act, a municipality shall not issue a building permit for development to which an education development charge applies unless the charge has been paid. 1997, c. 31, s. 113 (5).

Land given for credit

257.84 (1) A board that has passed a by-law imposing education development charges on land of an owner may, with the consent of the Minister, accept land for pupil accommodation in place of the payment of all or a part of the education development charges. 1997, c. 31, s. 113 (5).

Same

(2) A board that accepts land under subsection (1) shall, in accordance with the regulations made under section 257.101, give the owner credits toward the education development charges imposed on the owner by the board. 1997, c. 31, s. 113 (5).

COMPLAINTS ABOUT EDUCATION DEVELOPMENT CHARGES

Complaint to council of municipality

257.85 (1) An owner, the owner's agent or a board, may complain to the council of the municipality to which an education development charge is payable that,

(a) the amount of the education development charge was incorrectly determined;

(b) a credit is or is not available to be used against the education development charge, or that the amount of a credit was incorrectly determined; or

(c) there was an error in the application of the education development charge by-law. 1997, c. 31, s. 113 (5).

Time limit

(2) A complaint may not be made under subsection (1) later than 90 days after the day the education development charge, or any part of it, is payable. 1997, c. 31, s. 113 (5).

Form of complaint

(3) The complaint must be in writing, must state the complainant's name, the address where notice can be given to the complainant and the reasons for the complaint. 1997, c. 31, s. 113 (5).

Parties

(4) The parties to the complaint are the complainant and,

(a) the board if the complainant is the owner or the owner's agent; or

(b) the owner if the complainant is the board. 1997, c. 31, s. 113 (5).

Hearing

(5) The council shall hold a hearing into the complaint and shall give the parties an opportunity to make representations at the hearing. 1997, c. 31, s. 113 (5).

Notice of hearing

(6) The clerk of the municipality shall mail a notice of the hearing to the parties at least 14 days before the hearing. 1997, c. 31, s. 113 (5).

Council's powers

(7) After hearing the evidence and submissions of the parties, the council may dismiss the complaint or rectify any incorrect determination or error that was the subject of the complaint. 1997, c. 31, s. 113 (5).

Notice of decision and time for appeal

257.86 (1) The clerk of the municipality shall mail to the parties a notice of the council's decision, and of the last day for appealing the decision, which shall be the day that is 40 days after the day the decision is made. 1997, c. 31, s. 113 (5).

Requirements of notice

(2) The notice required under this section must be mailed not later than 20 days after the day the council's decision is made. 1997, c. 31, s. 113 (5).

Appeal of council's decision

257.87 (1) A party may appeal the decision of the council of the municipality to the Ontario Municipal Board by filing with the clerk of the municipality, on or before the last day for appealing the decision, a notice of appeal setting out the reasons for the appeal. 1997, c. 31, s. 113 (5).

Additional ground

(2) A party may also appeal to the Ontario Municipal Board if the council of the municipality does not deal with the complaint within 60 days after the complaint is made by filing with the clerk of the municipality a notice of appeal. 1997, c. 31, s. 113 (5).

Clerk's duties on appeal

257.88 (1) If a notice of appeal under subsection 257.87 (1) is filed with the clerk of the municipality on or before the last day for appealing a decision, the clerk shall compile a record that includes,

(a) a copy of the education development charge by-law certified by the clerk;

(b) the original or a true copy of the complaint and all written submissions and material received from the parties;

(c) a copy of the council's decision certified by the clerk; and

(d) an affidavit or declaration certifying that notice of the council's decision and of the last day for appealing it was given in accordance with this Division. 1997, c. 31, s. 113 (5).

Same

(2) If a notice of appeal under subsection 257.87 (2) is filed with the clerk of the municipality, the clerk shall compile a record that includes,

(a) a copy of the education development charge by-law certified by the clerk; and

(b) the original or a true copy of the complaint and all written submissions and

material received from the parties. 1997, c. 31, s. 113 (5).

Same

(3) The clerk shall forward a copy of the notice of appeal and the record to the secretary of the Ontario Municipal Board within 30 days after the notice is received and shall provide such other information and material that the Board may require in respect of the appeal. 1997, c. 31, s. 113 (5).

OMB hearing of appeal

257.89 (1) The Ontario Municipal Board shall hold a hearing to deal with any notice of appeal relating to a complaint forwarded by the clerk of a municipality. 1997, c. 31, s. 113 (5).

Notice to parties

(2) The Ontario Municipal Board shall give notice of the hearing to the parties. 1997, c. 31, s. 113 (5).

Powers of OMB

(3) After the hearing, the Ontario Municipal Board may do anything that could have been done by the council of the municipality under subsection 257.85 (7). 1997, c. 31, s. 113 (5).

Refund if education development charge reduced

257.90 (1) If an education development charge that has already been paid is reduced by the council of a municipality under section 257.85 or by the Ontario Municipal Board under section 257.89, the overpayment shall immediately be refunded. 1997, c. 31, s. 113 (5).

Interest

(2) Interest shall be paid on an amount refunded under subsection (1) at the prescribed interest rate from the time the amount was paid to the time it is refunded. 1997, c. 31, s. 113 (5).

Source of refund, interest

(3) An amount refunded under subsection (1) and interest paid under subsection (2) shall be paid out of the appropriate education development charge account. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

Who refund paid to

(4) An amount refunded under subsection (1) and any interest on it shall be paid to the person who paid the education development charge. 1997, c. 31, s. 113 (5).

Payment if education development charge increased

257.91 If an education development charge that has already been paid is increased by the council of a municipality under section 257.85 or by the Ontario Municipal Board under section 257.89, the increase shall immediately be paid by the person who paid the education development charge. 1997, c. 31, s. 113 (5).

SPECIAL CASES

Territory without municipal organization

257.92 If there is an education development charge on land that is in territory without municipal organization, sections 257.81 to 257.91 apply with the following modifications:

1. Under section 257.81, the charge is payable to the board under whose by-law the

charge is imposed and subsection 257.82 (2) applies to the board.

2. Section 257.83 applies to the official responsible for issuing building permits for the area the land is in.

3. Complaints under section 257.85 may be made to the board by the owner or the owner's agent. The complainant is the only party to the complaint. In sections 257.85 to 257.90, all references to the municipality or the council of the municipality shall be deemed to be references to the board and all references to the clerk of the municipality shall be deemed to be references to the secretary of the board.

4. If the decision of the board is appealed to the Ontario Municipal Board under section 257.87, the parties to the appeal are the complainant and the board. 1997, c. 31, s. 113 (5).

Areas where province issues building permits

257.93 If the council of a municipality has entered into an agreement providing for the enforcement of the *Building Code Act, 1992* by Ontario, sections 257.81 to 257.91 apply with the modifications set out in the regulations. 1997, c. 31, s. 113 (5).

MISCELLANEOUS

Different types of boards treated the same

257.94 In doing anything under this Division the Ontario Municipal Board shall treat English-language public boards, English-language Roman Catholic boards, French-language public district school boards and French-language separate district school boards in the same manner. 1997, c. 31, s. 113 (5).

Registration of by-law

257.95 A board that has passed an education development charge by-law may register the by-law or a certified copy of it against the land to which it applies. 1997, c. 31, s. 113 (5).

Recovery of unpaid amounts, lien on land

257.96 Section 349 of the *Municipal Act, 2001* or section 314 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications with respect to an education development charge or any part of it that remains unpaid after it is payable. 1997, c. 31, s. 113 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (33).

Reports by municipalities to boards

257.97 (1) Each month a municipality shall make a report to a board if, in the period that the report would cover, any education development charges payable under an education development charge by-law of the board would be payable to the municipality. 1997, c. 31, s. 113 (5).

When due

(2) The monthly reports shall be made on or before the 5th day of each month. 1997, c. 31, s. 113 (5).

Contents

(3) The monthly reports shall contain the prescribed information. 1997, c. 31, s. 113 (5).

Statement of treasurer

257.98 (1) The treasurer of a board shall each year on or before such date as the

board may direct, give the board a financial statement relating to education development charge by-laws and education development charge accounts. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 19 (1).

Requirements

(2) A statement must include, for the preceding year, statements of the opening and closing balances of the education development charge accounts and of the transactions relating to the accounts and such other information as is prescribed in the regulations. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 19 (2).

Copy to Minister

(3) The treasurer shall give a copy of a statement to the Minister within 60 days after giving the statement to the board. 1997, c. 31, s. 113 (5).

Board may borrow from account

257.99 A board may borrow money from an education development charge account but if it does so, the board shall repay the amount used plus interest at a rate not less than the prescribed minimum interest rate. 1997, c. 31, s. 113 (5); 2009, c. 34, Sched. I, s. 21.

257.100 Repealed: 2009, c. 33, Sched. 2, s. 25 (2).

Regulations

257.101 (1) The Lieutenant Governor in Council may make regulations that may have general or particular application in respect of a board,

(a) prescribing any matter that is referred to as prescribed in this Division;

(b) for the purposes of clause 257.54 (3) (b), prescribing classes of residential buildings, prescribing the maximum number of additional dwelling units, not exceeding two, for buildings in such classes, prescribing restrictions and governing what constitutes a separate building;

(c) defining or clarifying “gross floor area” and “existing industrial building” for the purposes of this Division;

(d) dividing the area of the jurisdiction of a board into two or more prescribed regions for the purposes of section 257.57;

(e) governing the expiry of education development charge by-laws that are passed by different boards but that apply to the same area;

(f) for the purposes of clause 257.63 (1) (b), subsection 257.64 (2), clause 257.72 (a) and subsection 257.73 (2), governing notices referred to in those provisions;

(g) prescribing modifications to the application of sections 257.81 to 257.91 in the circumstances set out in section 257.93;

(h) prescribing information to be included in monthly reports under section 257.97 and prescribing the period that each report must cover;

(i) prescribing the interest rate or a method for determining the interest rate that shall be paid under subsections 257.69 (3) and 257.90 (2);

(j) prescribing the minimum interest rate or a method for determining the minimum interest rate that boards shall pay under section 257.99;

(k) governing education development charge accounts, including,

(i) governing the establishment and administration of such accounts,

(ii) the use of money from such accounts,

(iii) requiring the approval of the Minister in respect of the manner in which or the rate at which the money is withdrawn from such accounts;

(l) requiring the approval of the Minister to any factor, criterion, rate, amount, portion, estimate or project used in determining an education development charge;

(m) prescribing the manner of calculating or determining education development charges and prescribing classes of persons that may make determinations necessary for the calculation of education development charges;

(n) providing for the sharing of proceeds where more than one board establishes education development charges in respect of the same area;

(o) prescribing information that boards must provide to other boards and to the Minister for the purposes of developing education development charges under this Division;

(p) prescribing the terms of agreements for credit in lieu of payment of education development charges, determining the amount of the credit and governing the allocation of the credit between or among boards;

(q) requiring a board to exempt an owner from an educational development charge if the owner meets the prescribed conditions;

(r) requiring boards to give notice of the particulars of education development charge by-laws that are in force, in the manner, and to the persons, prescribed in the regulations;

(s) requiring boards to prepare and distribute pamphlets to explain their education development charge by-laws and governing the preparation of such pamphlets and their distribution by boards and others. 1997, c. 31, s. 113 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 15 (34); 2009, c. 34, Sched. I, s. 20.

Forms

(2) Regulations under subsection (1) may require the use of forms approved by the Minister. 1997, c. 31, s. 113 (5).

TRANSITIONAL PROVISIONS

Interpretation

257.102 (1) In sections 257.103 and 257.105,

"old Act" means the former *Education Development Charges Act* as it read immediately before this section came into force; ("ancienne loi")

"successor board" means a board that, for the purposes of this Division, is prescribed in the regulations as a successor board to an old board. ("conseil qui succède") 1997, c. 31, s. 113 (5); 2009, c. 33, Sched. 13, s. 1 (15).

(2) Repealed: 2009, c. 33, Sched. 13, s. 1 (16).

By-law under the old Act

257.103 (1) This section applies with respect to an education development charge by-law under the old Act. 1997, c. 31, s. 113 (5).

Continued

(2) An education development charge by-law of an old board continues as an education development charge by-law of each successor board of the old board whose area of jurisdiction includes part of the area to which the by-law applies. 1997, c. 31, s. 113 (5).

Application of old Act, new Act

(3) The old Act continues to apply to a by-law continued under subsection (2) except that sections 257.80 to 257.91 and 257.94 to 257.100 apply instead of the corresponding provisions of the old Act. 1997, c. 31, s. 113 (5).

Duration of continued by-law

(4) Unless it expires or is repealed earlier, a by-law continued under subsection (2) expires at the end of August 31, 1999. 1997, c. 31, s. 113 (5); 1998, c. 33, s. 46.

Note: The amendments made by the Statutes of Ontario, 1998, chapter 33 apply, except where the context otherwise requires, with respect to the entire 1998 taxation year not just that portion of it that follows December 18, 1998. See: 1998, c. 33, s. 47 (1).

Modifications of by-law

(5) The following apply to a by-law of a board continued under subsection (2):

1. The area to which the by-law applies is restricted to the area that the by-law applied to immediately before this section comes into force that is within the area of jurisdiction of the board.

2. If the education development charge by-law of the old board was continued as a by-law of more than one successor board and any of the areas to which the continued by-laws apply overlap, the education development charges payable in respect of land in the areas of overlap shall be determined, in accordance with the regulations, so that the education development charges payable under the continued by-laws do not exceed the amount that would have been payable had the by-law continued as the by-law of a single board. 1997, c. 31, s. 113 (5).

Amendment, repeal of by-law

(6) A board may, under the old Act, amend or repeal an education development charge by-law continued under subsection (2) but the board may not pass a new education development charge by-law under that Act. 1997, c. 31, s. 113 (5).

Restriction, while continued by-law in force

(7) A board shall not pass an education development charge by-law under this Division that applies to an area to which a by-law of the board continued under subsection (2) applies. 1997, c. 31, s. 113 (5).

Certain by-laws passed under old Act

(8) Despite subsection (2), an education development charge by-law of an old board passed on or after September 22, 1997 but before the day this section comes into force expires upon the coming into force of this section. 1997, c. 31, s. 113 (5).

Same, refund of charges paid

(9) An education development charge paid under a by-law of an old board described under subsection (8) shall be refunded to the person who paid it and the obligation to refund the charge shall be deemed to be a liability of the old board that shall be transferred to one or more boards. 1997, c. 31, s. 113 (5).

Certain old requests, appeals

257.104 Despite the repeal of section 46 of the *Education Development Charges Act* (formerly the *Development Charges Act*), that section continues to apply with respect to the requests and appeals described in that section made before November 23, 1989. 1997, c. 31, s. 113 (5).

Regulations, transition

257.105 (1) Without limiting the generality of section 257.3, the Lieutenant Governor in Council may make regulations,

(a) prescribing boards as successor boards for the purposes of this Division;

(b) governing the determination of education development charges in the circumstances referred to in paragraph 2 of subsection 257.103 (5);

(c) varying, limiting or excluding the application of any provision of the old Act and the regulations under the old Act to by-laws continued under subsection 257.103 (2);

(d) setting out transitional rules dealing with matters not specifically dealt with in sections 257.102 to 257.104;

(e) clarifying the transitional rules set out in sections 257.102 to 257.104. 1997, c. 31, s. 113 (5).

General or particular

(2) A regulation made under subsection (1) may be general or particular. 1997, c. 31, s. 113 (5).

DIVISION F
REVIEW OF EDUCATION FUNDING

Operation of Division C

257.106 (1) Division C is inoperative with respect to English-language public boards. 1997, c. 31, s. 113 (6).

Same

(2) Division C is inoperative with respect to French-language public district school boards. 1997, c. 31, s. 113 (6).

Same

(3) Division C is inoperative with respect to English-language Roman Catholic boards. 1997, c. 31, s. 113 (6).

Same

(4) Division C is inoperative with respect to French-language separate district school boards. 1997, c. 31, s. 113 (6).

Same

(5) Division C is inoperative with respect to a board of a Protestant separate school. 1997, c. 31, s. 113 (6).

257.107 Repealed: 2009, c. 25, s. 38.

Note: On August 31, 1998, every permanent teacher's contract, probationary teacher's contract and continuing education teacher's contract between a board and a teacher that is made in accordance with the regulations ceases to be in force. See: 1997, c. 31, ss. 114 (2).

PART IX.1
EXTENDED DAY PROGRAMS AND THIRD PARTY PROGRAMS

Definitions

258. In this Part,

"operator" means, in respect of a third party program, the owner or person who has the charge, management or control of the program; ("exploitant")

"parent" includes a person who has lawful custody of a child. ("parents") 2010, c. 10, s. 10; 2011, c. 9, Sched. 10, s. 4.

Extended day or third party programs

259. (1) Subject to the regulations, policies and guidelines made under this Part, every board shall do one of the following in each elementary school of the board, on every school day, other than professional activity days, outside the time when junior kindergarten and kindergarten are operated in the school, for pupils of the board who are enrolled in junior kindergarten or kindergarten:

1. Operate an extended day program.
2. Ensure that a third party program is operated by a person or entity other than a board. 2011, c. 9, Sched. 10, s. 5.

Same

(2) Subject to the regulations, policies and guidelines made under this Part, a board may also do one of the following in a school of the board, outside the time when junior kindergarten and kindergarten are operated in the school, for any pupils of the board to whom the board decides to provide the program:

1. Operate an extended day program.
2. Ensure that a third party program is operated by a person or entity other than a board. 2011, c. 9, Sched. 10, s. 5.

Same

(3) Two or more boards may enter into agreements for the purposes of subsection (4). 2011, c. 9, Sched. 10, s. 5.

Same

(4) Subject to the regulations, policies and guidelines made under this Part, a board may do one of the following in a school of the board, outside the time when junior kindergarten and kindergarten are operated in the school, for pupils enrolled in a school of another board if the board has entered into an agreement with the other board to do so:

1. Operate an extended day program.
2. Ensure that a third party program is operated by a person or entity other than a board. 2011, c. 9, Sched. 10, s. 5.

Same

(5) If an agreement under subsection (4) provides that the program will be operated on every school day, other than professional activity days, for pupils who are enrolled in junior kindergarten or kindergarten in a school of the other board, the other board is relieved of its obligations under subsection (1) with respect to that school until,

(a) the agreement is terminated or expires; or

(b) if the program is a third party program, the program is terminated or ceases to operate. 2011, c. 9, Sched. 10, s. 5.

No limitation of rights

(6) Subject to subsection (7), nothing in this section limits any right of a board to enter into an agreement with a person or entity to operate a program in a school of the board. 2011, c. 9, Sched. 10, s. 5.

Conflict with subs. (1) program

(7) A board shall not enter into an agreement with a person or entity, other than a board, to operate a program in a school of the board that is of the same nature as a program operated in the school under subsection (1). 2011, c. 9, Sched. 10, s. 5.

Third party programs

259.1 A board shall ensure that a third party program operated in a school of the board meets the following requirements:

1. The program must be a day nursery licensed under the *Day Nurseries Act* or another program prescribed by the regulations made under this Part.
2. The program must be led by an early childhood educator or another person who an operator of a day nursery may employ for the purposes of subsection 59 (1) of Regulation 262 of the Revised Regulations of Ontario, 1990 (General) made under the *Day Nurseries Act*.
3. The program must meet any conditions and criteria prescribed by the regulations, policies or guidelines made under this Part, including conditions and criteria related to programs or operators of programs. 2011, c. 9, Sched. 10, s. 5.

Operator not agent of board

259.2 Nothing under this Part makes the operator of a third party program an agent of a board. 2011, c. 9, Sched. 10, s. 5.

Termination or cessation of third party program

259.3 (1) If a third party program operated in a school of a board under section 259 is terminated or ceases to operate during a school year, the following applies:

1. The board is relieved of its obligations under subsection 259 (1), with respect to that school, for seven days after the day the program is terminated or ceases to operate.
2. For the remainder of the school year, the board shall ensure that a program under subsection 259 (1) for pupils enrolled in that school is operated,
   i. in respect of school days other than professional activity days, during at least the same hours of operation of the program that was terminated or ceased to operate, and
   ii. if required by the regulations, policies or guidelines made under this Part,
      A. on professional activity days or any other day on which the program that was terminated or ceased to operate would have operated under the agreement that governed it, and
      B. during at least the same hours of operation on the days described in sub-subparagraph A that the program that was terminated or ceased to operate would have operated under the agreement that governed it.

2011, c. 9, Sched. 10, s. 5.

Same, s. 259 (5) agreement

(2) If a third party program operated under an agreement referred to in subsection 259 (5) is terminated or ceases to operate during a school year, the following applies to the board that was relieved of its obligations under subsection 259 (5):

1. The board continues to be relieved of its obligations under subsection 259 (1), with respect to the school in respect of which the agreement applies, for seven days after the day the program is terminated or ceases to operate.

2. For the remainder of the school year, the board shall ensure that a program under subsection 259 (1) for pupils enrolled in that school is operated,

   i. in respect of school days other than professional activity days, during at least the same hours of operation of the program that was terminated or ceased to operate, and

   ii. if required by the regulations, policies or guidelines made under this Part,

      A. on professional activity days or any other day on which the program that was terminated or ceased to operate would have operated under the agreement that governed it, and

      B. during at least the same hours of operation on the days described in sub-subparagraph A that the program that was terminated or ceased to operate would have operated under the agreement that governed it. 2011, c. 9, Sched. 10, s. 5.

Designate early childhood educator positions

260. (1) Subject to the regulations, policies and guidelines made under this Part, every board shall designate at least one position in each extended day program unit in each school of the board as requiring an early childhood educator to lead the unit. 2010, c. 10, s. 10.

Appoint early childhood educators

(2) Subject to the regulations, policies and guidelines made under this Part, every board shall appoint early childhood educators to positions designated under subsection (1). 2010, c. 10, s. 10.

Fees

260.1 (1) Every board shall charge fees in accordance with the regulations made under subsection 260.6 (1) to parents of pupils enrolled in extended day programs operated by the board to recover operating costs incurred by the board. 2011, c. 9, Sched. 10, s. 6.

Same

(2) No fees may be charged under subsection (1) unless the fees are charged in accordance with the regulations made under subsection 260.6 (1). 2011, c. 9, Sched. 10, s. 6.

Same

(3) For greater certainty, paragraph 23.1 of subsection 171 (1) applies to fees charged under subsection (1). 2010, c. 10, s. 10.

Delegation by principal

260.2 A principal may delegate any of his or her duties under this Act that relate to the operation of extended day programs to,

(a) a vice principal; or

(b) another person, if approved by the board in accordance with the regulations, policies or guidelines made under this Part. 2010, c. 10, s. 10.

Right to attend

260.3 (1) Part II, except sections 19 and 20, and sections 167.1 and 293 do not apply to extended day programs. 2010, c. 10, s. 10.

Same

(2) Without limiting the generality of subsection (1), the right to attend a school of a board under Part II, section 167.1 or section 293 does not confer a right to be enrolled in an extended day program operated by the board. 2010, c. 10, s. 10.

Same, enrolment

(3) Enrolment in a school, whether in junior kindergarten, kindergarten or otherwise, does not confer a right to be enrolled in a program operated under section 259. 2011, c. 9, Sched. 10, s. 7.

Agreements re financial assistance

260.4 The Minister and, if authorized by the Minister, a board, may enter into agreements with any person or entity respecting the provision of financial assistance to persons who are charged fees under section 260.1. 2010, c. 10, s. 10.

Policies and guidelines: s. 259 (1) obligation

260.4.1 (1) The Minister may issue policies and guidelines, and require boards to comply with them, respecting the schools at which a board is required and is not required to operate or ensure the operation of a program under subsection 259 (1). 2011, c. 9, Sched. 10, s. 8.

Same

(2) Without limiting the generality of subsection (1), the Minister may issue a policy or guideline under subsection (1) respecting assumptions and calculations to be used in estimating or determining enrolment in, or staffing required for, extended day programs or third party programs in schools of the board. 2011, c. 9, Sched. 10, s. 8.

***Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy or guideline of the Minister under this section. 2011, c. 9, Sched. 10, s. 8.

Policies and guidelines: extended day programs

260.5 (1) The Minister may issue policies and guidelines respecting all aspects of the operation of extended day programs and require boards to comply with them. 2010, c. 10, s. 10.

Same

(2) Without limiting the generality of subsection (1), the Minister may issue a policy or guideline under subsection (1),

(a) Repealed: 2011, c. 9, Sched. 10, s. 9.

(b) respecting the hours during which and the days on which extended day programs shall or may be operated;

(c) respecting content for extended day programs;

(d) requiring a board to establish criteria and conditions respecting which pupils may

be enrolled in extended day programs operated by the board, including criteria and conditions respecting which pupils referred to in subsections 259 (1), (2) and (4) may be enrolled in extended day programs operated by the board;

(e) specifying criteria and conditions that a board must establish and that a board may establish under clause (d);

(f) authorizing a board to enrol children in extended day programs offered during the time period beginning at the end of a school year and ending at the start of the next school year if,

(i) the children have registered to be enrolled as pupils of the board in the next school year, or

(ii) the children have registered to be enrolled as pupils of another board in the next school year, if the boards have entered into an agreement with each other under subsection 259 (4);

(g) prescribing the qualifications and experience required for the purpose of qualifying a person to be appointed to a position in an extended day program designated by the board as requiring an early childhood educator;

(h) prescribing the qualifications and experience required for the purpose of qualifying a person, other than a person described in clause (g), to be appointed to a position in an extended day program;

(i) providing for the circumstances in which a board is not required to designate a position in an extended day program unit operated under subsection 259 (2) or (4) as requiring an early childhood educator to lead the unit or to appoint an early childhood educator to such a position;

(j) governing the size of extended day program units, including,

(i) establishing the methods to be used by a board in determining the size of its extended day program units,

(ii) requiring boards to,

(A) prepare reports and plans containing specified information relating to the size of its extended day program units,

(B) make the reports and plans available to the public in the specified manner, and

(C) submit the reports and plans required to the Minister in the specified manner;

(k) prescribing the language or languages in which extended day programs shall be operated;

(l) providing for reviews of extended day programs and require boards to participate in the reviews;

(m) respecting the approval by a board of a delegation under clause 260.2 (b). 2010, c. 10, s. 10; 2011, c. 9, Sched. 10, s. 9.

***Legislation Act, 2006*, Part III**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy or guideline of the Minister under this section. 2010, c. 10, s. 10.

Policies and guidelines: third party programs

260.5.1 (1) The Minister may issue policies and guidelines and require boards to comply with them,

(a) governing agreements between boards and operators of third party programs, including prescribing terms and conditions that must or may be included;

(b) prescribing conditions and criteria for the purposes of paragraph 3 of section 259.1, including conditions and criteria related to programs or operators of programs;

(c) requiring boards to comply with all or part of subparagraph 2 ii of subsections 259.3 (1) and (2). 2011, c. 9, Sched. 10, s. 10.

***Legislation Act, 2006*, Part III**

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy or guideline of the Minister under this section. 2011, c. 9, Sched. 10, s. 10.

Regulations: extended day and third party programs

260.5.2 The Lieutenant Governor in Council may by regulation,

(a) do anything that may be done by policy or guideline under sections 260.4.1, 260.5 and 260.5.1;

(b) prescribe programs for the purposes of paragraph 1 of section 259.1. 2011, c. 9, Sched. 10, s. 10.

Regulations: extended day programs, fees

260.6 (1) The Lieutenant Governor in Council may make regulations respecting the fees that a board shall charge under subsection 260.1 (1), including regulations respecting,

(a) the amount of the fees or any part of the fees;

(b) the manner or method of calculating or determining the amount of the fees or any part of the fees;

(c) criteria or conditions relating to the calculation or determination of the amount of the fees or any part of the fees;

(d) fee deposits;

(e) the time of payment of the fees or any part of the fees;

(f) the assumptions and calculations to be used in estimating or determining operating costs of extended day programs in schools of the board, including regulations respecting what is to be included and excluded in determining those costs and regulations respecting how those costs are to be calculated;

(g) the assumptions and calculations to be used in estimating or determining any surplus or deficit or projected surplus or deficit for a fiscal year resulting from the collection of fees;

(h) the management of any surplus or deficit or projected surplus or deficit, including the use of any surplus or projected surplus and the manner of making up any deficit or projected deficit;

(i) respecting assumptions and calculations to be used in estimating or determining enrolment in, or staffing required for, extended day programs in schools of the board. 2011, c. 9, Sched. 10, s. 11 (1).

Fee adjustments

(2) A regulation made under clause (1) (h) may provide for adjustments, including a reduction or an increase, to be made to fees charged under subsection 260.1 (1) at any time, including adjustments to,

(a) fees charged in the course of a fiscal year during which the surplus or deficit occurs or is projected; and

(b) fees charged in one or more fiscal years following the fiscal year in which the surplus or deficit occurs or is projected. 2011, c. 9, Sched. 10, s. 11 (1).

Same, subs. (1)

(3) In making a regulation under subsection (1), the Lieutenant Governor in Council shall recognize that the fees to be charged by a board must bear a reasonable relationship to the operating costs incurred by the board. 2010, c. 10, s. 10; 2011, c. 9, Sched. 10, s. 11 (2).

Regulations: extended day programs, financial assistance

260.7 The Lieutenant Governor in Council may make regulations respecting the provision of financial assistance to persons who are charged fees under section 260.1, including regulations,

(a) providing for such positions as the Lieutenant Governor in Council considers advisable to manage the provision of the financial assistance;

(b) authorizing the Minister and such other persons or entities as may be specified in the regulations to appoint persons or entities to the positions referred to in clause (a), subject to any restrictions or criteria relating to the appointments set out in the regulations;

(c) designating persons or entities to be responsible for such aspects of the delivery of the financial assistance as are set out in the regulations;

(d) respecting the powers, duties and functions of,

(i) the Minister and any other person or entity authorized to make appointments under clause (b),

(ii) any person or entity appointed under clause (b),

(iii) any person or entity designated under clause (c);

(e) designating geographic areas for the purpose of managing the provision of the financial assistance;

(f) respecting agreements that may be entered into by the Minister or any person or entity referred to in subclause (d) (i), (ii) or (iii) in relation to the provision of the financial assistance;

(g) respecting agreements that may be entered into by boards in relation to the provision of the financial assistance;

(h) specifying terms and conditions that may or must be included in the agreements referred to in clauses (f) and (g), including terms providing for the transfer of powers, duties and functions under this section from one person or entity to another;

(i) governing eligibility for, applications for and payment of the financial assistance;

(j) governing application forms and their contents;

(k) governing the resolution of disputes relating to eligibility for and the amount of the financial assistance;

(l) governing the criteria for and the manner of calculating the amounts of the financial assistance;

(m) requiring a person or entity who has entered into an agreement with the Minister under section 260.4 or clause (f) to provide reports, at such times and with such content as are specified in the regulations, to a board. 2010, c. 10, s. 10.

Transitional regulations

260.8 (1) The Lieutenant Governor in Council may make regulations respecting transitional matters related to the implementation of this Part. 2010, c. 10, s. 10.

Conflict with transitional regulations

(2) In the event of a conflict, a regulation made under subsection (1) prevails over provisions of an Act or regulation that are administered by the Minister. 2010, c. 10, s. 10.

Offence

260.9 (1) Every person who knowingly furnishes false information in any application, statement or report that relates to the provision, management or receipt of financial assistance under this Part is guilty of an offence and on conviction is liable to a fine of not more than $2,000. 2010, c. 10, s. 10.

Same

(2) Section 211 does not apply to a person who knowingly furnishes false information in any application, statement or report referred to in subsection (1). 2010, c. 10, s. 10.

PART X
TEACHERS, DESIGNATED EARLY CHILDHOOD EDUCATORS, PUPIL RECORDS AND EDUCATION NUMBERS

Teachers and Designated Early Childhood Educators

Probationary period

261. The probationary period, if any, for teachers and designated early childhood educators when they first become employed by a board shall not exceed two years. 1997, c. 31, s. 117; 2010, c. 10, s. 13.

Membership in Ontario College of Teachers

262. Except as otherwise provided in or under this Act, no person shall be employed in an elementary or secondary school to teach or to perform any duty for which membership in the College is required under this Act unless the person is a member of the Ontario College of Teachers. 1996, c. 12, s. 64 (11).

Membership in College of Early Childhood Educators

262.1 Except as otherwise provided under paragraph 10.1 of subsection 8 (1), no person shall be employed by a board in a position designated by the board as requiring an early childhood educator, and no person shall be employed by a board to perform any duty for which membership in the College of Early Childhood Educators is required under this Act, unless the person is a member of the College. 2010, c. 10, s. 14.

Termination of contract where welfare of school involved

263. (1) Despite the other provisions of this Part and despite any provision in a collective agreement, if any, when a teacher is employed by a board and a matter arises that

in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

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

(b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which the teacher would otherwise be entitled, and, on doing so, the teacher's employment is terminated. R.S.O. 1990, c. E.2, s. 263; 1997, c. 31, ss. 118, 119.

Same, designated early childhood educators

(2) Despite the other provisions of this Part and despite any provision in a collective agreement, if any, when a designated early childhood educator is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the designated early childhood educator is employed,

(a) the board or the designated early childhood educator may, with the consent of the Minister, give the other party 30 days written notice of termination, and the designated early childhood educator's employment is terminated at the expiration of 30 days from the date the notice is given; or

(b) the board may, with the consent of the Minister, give the designated early childhood educator written notice of immediate termination together with one-tenth of his or her yearly salary in addition to the amount to which he or she would otherwise be entitled, and, on doing so, his or her employment is terminated. 2010, c. 10, s. 15.

DUTIES

Duties of teacher

264. (1) It is the duty of a teacher and a temporary teacher,

teach

(a) to teach diligently and faithfully the classes or subjects assigned to the teacher by the principal;

learning

(b) to encourage the pupils in the pursuit of learning;

religion and morals

(c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

co-operation

(d) to assist in developing co-operation and co-ordination of effort among the members of the staff of the school;

discipline

(e) to maintain, under the direction of the principal, proper order and discipline in the teacher's classroom and while on duty in the school and on the school ground;

language of instruction

(f) in instruction and in all communications with the pupils in regard to discipline and the management of the school,

(i) to use the English language, except where it is impractical to do so by reason of the pupil not understanding English, and except in respect of instruction in a language other than English when such other language is being taught as one of the subjects in the course of study, or

(ii) to use the French language in schools or classes in which French is the language of instruction except where it is impractical to do so by reason of the pupil not understanding French, and except in respect of instruction in a language other than French when such other language is being taught as one of the subjects in the course of study;

timetable

(g) to conduct the teacher's class in accordance with a timetable which shall be accessible to pupils and to the principal and supervisory officers;

professional activity days

(h) to participate in professional activity days as designated by the board under the regulations;

absence from school

(i) to notify such person as is designated by the board if the teacher is to be absent from school and the reason therefor;

school property

(j) to deliver the register, the school key and other school property in the teacher's possession to the board on demand, or when the teacher's agreement with the board has expired, or when for any reason the teacher's employment has ceased; and

textbooks

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

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

(ii) in all subject areas, only textbooks that are approved by the board;

duties assigned

(l) to perform all duties assigned in accordance with this Act and the regulations. R.S.O. 1990, c. E.2, s. 264 (1); 2003, c. 2, s. 20 (1).

Sign language

(1.1) Despite clause (1) (f), a teacher or temporary teacher may use American Sign Language or Quebec Sign Language in accordance with the regulations. 1993, c. 11, s. 36.

(1.2) Repealed: 2001, c. 14, Sched. A, s. 7.

(1.3) Repealed: 2001, c. 14, Sched. A, s. 7.

Refusal to give up school property

(2) 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 the teacher's possession forfeits

any claim that the teacher may have against the board. R.S.O. 1990, c. E.2, s. 264 (2).

Teachers, conferences

(3) Teachers may organize themselves for the purpose of conducting professional development conferences and seminars. R.S.O. 1990, c. E.2, s. 264 (3).

Duty of teachers and designated early childhood educators to co-operate, etc.

264.1 (1) It is the duty of the following persons to co-ordinate the matters listed in subsection (2) and to co-operate with each other with respect to those matters:

1. Teachers.
2. Temporary teachers.
3. Designated early childhood educators.
4. Persons who, under the authority of a letter of permission, are appointed by a board to positions designated by the board as requiring an early childhood educator. 2010, c. 10, s. 16.

Same

(2) The matters referred to in subsection (1) are:

1. Planning for and providing education to pupils in junior kindergarten and kindergarten.
2. Observing, monitoring and assessing the development of pupils in junior kindergarten and kindergarten.
3. Maintaining a healthy physical, emotional and social learning environment.
4. Communicating with families.
5. Performing all duties assigned to them by the principal with respect to junior kindergarten and kindergarten. 2010, c. 10, s. 16.

Duties of teachers not limited

(3) Nothing in this section limits any duties of teachers under this Act, including duties related to report cards, instruction, training and evaluation of the progress of pupils in junior kindergarten and kindergarten, the management of junior kindergarten and kindergarten classes, and the preparation of teaching plans. 2010, c. 10, s. 16.

Membership in Colleges

(4) Nothing in this section limits the operation of sections 262 and 262.1. 2010, c. 10, s. 16.

Duties of principal

265. (1) It is the duty of a principal of a school, in addition to the principal's duties as a teacher,

discipline

(a) to maintain proper order and discipline in the school;

co-operation

(b) to develop co-operation and co-ordination of effort among the members of the staff of the school;

register pupils and record attendance

(c) 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

(d) in accordance with this Act, the regulations and the guidelines issued by the Minister, to collect information for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record;

timetable

(e) to prepare a timetable, to conduct the school according to the timetable and relevant school year calendar, to make the timetable and calendar accessible to pupils, teachers, designated early childhood educators and supervisory officers, to assign classes and subjects to teachers and to assign junior kindergarten or kindergarten classes or extended day program units to designated early childhood educators;

examinations and reports

(f) to hold, subject to the approval of the appropriate supervisory officer, such examinations as the principal considers necessary for the promotion of pupils or for any other purpose and report as required by the board the progress of the pupil to his or her parent or guardian where the pupil is a minor and otherwise to the pupil;

promote pupils

(g) subject to revision by the appropriate supervisory officer, to promote such pupils as the principal considers proper and to issue to each such pupil a statement thereof;

textbooks

(h) to ensure that all textbooks used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves textbooks, those approved by the Minister;

reports

(i) to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in the principal's power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board;

care of pupils and property

(j) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds;

report to M.O.H.

(k) to report promptly to the board and to the medical officer of health when the principal has reason to suspect the existence of any communicable disease in the school, and of the unsanitary condition of any part of the school building or the school grounds;

persons with communicable diseases

(l) to refuse admission to the school of any person who the principal believes is infected with or exposed to communicable diseases requiring an order under section 22 of the *Health Protection and Promotion Act* until furnished with a certificate of a medical officer of health or of a legally qualified medical practitioner approved by the medical officer of health that all danger from exposure to contact with such person has passed;

access to school or class

(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils; and

visitor's book

(n) to maintain a visitor's book in the school when so determined by the board. R.S.O. 1990, c. E.2, s. 265; 1991, c. 10, s. 6; 2010, c. 10, s. 17.

(2), (3) Repealed: 2009, c. 25, s. 39.

(4) Repealed: 2001, c. 14, Sched. A, s. 8.

PUPIL RECORDS

Pupil records

266. (1) In this section, except in subsection (12),

"record", in respect of a pupil, means a record under clause 265 (1) (d). 1991, c. 10, s. 7 (1); 2006, c. 10, s. 35 (1).

Pupil records privileged

(2) A record is privileged for the information and use of supervisory officers and the principal, teachers and designated early childhood educators of the school for the improvement of instruction and other education of the pupil, and such record,

(a) subject to subsections (2.1), (3), (5), (5.1), (5.2) and (5.3), is not available to any other person; and

(b) except for the purposes of subsections (5), (5.1), (5.2) and (5.3), 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 is an adult, the written permission of the pupil. R.S.O. 1990, c. E.2, s. 266 (2); 1991, c. 10, s. 7 (2); 2006, c. 10, s. 35 (2, 3); 2010, c. 10, s. 18.

Information to medical officer of health

(2.1) The principal of a school shall, upon request by the medical officer of health serving the area in which the school is located, give that medical officer of health the following information in respect of pupils enrolled in the school:

1. The pupil's name, address and telephone number.
2. The pupil's birthdate.
3. The name, address and telephone number of the pupil's parent or guardian. 1991, c. 10, s. 7 (3).

Right of parent and pupil

(3) A pupil, and his or her parent or guardian where the pupil is a minor, is entitled to examine the record of such pupil. R.S.O. 1990, c. E.2, s. 266 (3).

Idem

(4) Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, 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. R.S.O. 1990, c. E.2, s. 266 (4).

Reference to supervisory officer

(5) If the principal refuses to comply with a request under subsection (4), the pupil, parent or guardian who made the request may, in writing, require the principal to refer it to the appropriate supervisory officer. 2006, c. 10, s. 35 (4).

Same

(5.1) The supervisory officer shall consider the request and shall,

(a) require the principal to comply with the request; or

(b) submit the record and the request to a person designated by the Minister. 2006, c. 10, s. 35 (4).

Hearing

(5.2) Subject to subsection (5.3), on receiving the record and request under clause (5.1) (b), the designated person shall hold a hearing, at which the principal and the person who made the request have the rights of parties, and the designated person shall decide the matter, and his or her decision is final and binding. 2006, c. 10, s. 35 (4).

Exception

(5.3) The designated person may refuse to hold a hearing if,

(a) in his or her opinion, the request is trivial, frivolous or vexatious; or

(b) the request is for the removal of information from a record and, in his or her opinion, a guideline made under paragraph 27 of subsection 8 (1) requires that the information be included in the record. 2006, c. 10, s. 35 (4).

Use re further education or employment

(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) a report required by this Act or the regulations; or

(b) a report,

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

(ii) 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 or she is an adult, or the parent or guardian of the pupil where the pupil is a minor. R.S.O.

1990, c. E.2, s. 266 (6).

Information for Minister or board

(7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board. R.S.O. 1990, c. E.2, s. 266 (7).

No action re content

(8) No action shall be brought against any person in respect of the content of a record. R.S.O. 1990, c. E.2, s. 266 (8).

Testimony re content

(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. R.S.O. 1990, c. E.2, s. 266 (9).

Secrecy re contents

(10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to the person's knowledge in the course of his or her 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 or her duties; or

(b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

(c) with the written consent of the pupil where the pupil is an adult. R.S.O. 1990, c. E.2, s. 266 (10).

Definition

(11) For the purposes of this section,

"guardian" includes a person, society or corporation who or that has custody of a pupil. R.S.O. 1990, c. E.2, s. 266 (11).

Application to former records

(12) This section, except subsections (3), (4), (5), (5.1), (5.2) and (5.3), applies with necessary modifications to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972. R.S.O. 1990, c. E.2, s. 266 (12); 2006, c. 10, s. 35 (5).

Use of record in disciplinary cases

(13) Nothing in this section prevents the use of a record in respect of a pupil by the principal of the school attended by the pupil or the board that operates the school for the purposes of a disciplinary proceeding instituted by the principal in respect of conduct for which the pupil is responsible to the principal. R.S.O. 1990, c. E.2, s. 266 (13).

ONTARIO EDUCATION NUMBERS

Definition of "personal information"

266.1 In sections 266.2 to 266.5,

"personal information" means personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* and section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*. 1997, c. 31, s. 120.

Assignment of numbers

266.2 (1) The Minister may assign an Ontario education number to a person who is enrolled or who seeks admission to be enrolled in a prescribed educational or training institution. 1997, c. 31, s. 120.

Same

(2) For the purpose of assigning an Ontario education number, the Minister and prescribed educational and training institutions are authorized to collect, directly or indirectly, personal information. 1997, c. 31, s. 120.

Same

(3) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to a collection under subsection (2). 1997, c. 31, s. 120.

Same

(4) For the purpose of assigning an Ontario education number, the Minister and prescribed educational and training institutions may use or disclose personal information and the disclosure shall be deemed to be for the purposes of complying with this Act. 1997, c. 31, s. 120.

Privacy re education numbers

266.3 (1) Except as permitted by this section or otherwise by law, no person shall collect, use, disclose or require the production of another person's Ontario education number. 1997, c. 31, s. 120.

Exception

(2) A prescribed educational or training institution may collect, use, disclose or require the production of a person's Ontario education number for purposes related to the provision of educational services to that person. 1997, c. 31, s. 120.

Same

(3) The Minister and a prescribed person or entity may collect, use or disclose or require the production of Ontario education numbers for purposes related to education administration, funding, planning or research. 2010, c. 10, s. 19.

Same

(4) The Minister and a prescribed person, entity, educational institution or training institution may collect, use, disclose or require the production of a person's Ontario education number for purposes related to the provision of financial assistance associated with the person's education. 2010, c. 10, s. 19.

Offence

266.4 (1) Every person who contravenes subsection 266.3 (1) is guilty of an offence. 1997, c. 31, s. 120.

Penalty, individuals

(2) An individual who is convicted of an offence under this section is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both. 1997, c. 31, s. 120.

Penalty, corporations

(3) A corporation that is convicted of an offence under this section is liable to a fine of not more than $25,000. 1997, c. 31, s. 120.

Regulations

266.5 (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing educational institutions, training institutions, persons or entities, or classes of educational institutions, training institutions, persons or entities, for the purposes of this section and sections 266.2 to 266.4;

(b) Repealed: 2010, c. 10, s. 20.

(c) for purposes associated with Ontario education numbers, authorizing personal information to be collected by the Ministry or by prescribed educational or training institutions, other than directly from the individual to whom the information relates, and regulating the manner in which the information is collected;

(d) requiring the use of Ontario education numbers by prescribed educational or training institutions for the purposes specified in the regulations;

(e) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of sections 266.2 to 266.4. 1997, c. 31, s. 120; 2006, c. 10, s. 37; 2010, c. 10, s. 20.

General or particular

(2) A regulation under this section may be general or particular. 1997, c. 31, s. 120.

Classes

(3) A class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1997, c. 31, s. 120.

PART X.0.1
NEW TEACHER INDUCTION

Interpretation

267. (1) In this section and in sections 268 to 276.2, every reference to a board shall be read as a reference to a board, the Provincial Schools Authority and a demonstration school established or continued under section 13. 2006, c. 10, s. 38.

Definitions

(2) In this Part,

"new teacher" means,

(a) a teacher who is employed as a teacher by a board and whose new teaching period has not elapsed, or

(b) any other teacher who is prescribed as a new teacher for the purposes of this Part; ("nouvel enseignant")

"new teaching period" means, with respect to a teacher, the 24-month period that follows the day on which the teacher first begins to teach for a board, other than as an occasional teacher. ("nouvelle période d'enseignement") 2006, c. 10, s. 38.

Same

(3) A temporary teacher is not a new teacher within the meaning of the definition of "new teacher" in subsection (2) unless the regulations prescribe the temporary teacher for the purposes of clause (b) of the definition. 2006, c. 10, s. 38.

Same

(4) A teacher who is a new teacher within the meaning of the definition of "new teacher" in subsection (2) ceases to be a new teacher when,

(a) he or she successfully completes the new teacher induction program; or

(b) subject to any extension provided for in the regulations, his or her new teaching period has elapsed. 2006, c. 10, s. 38.

Same

(5) For greater certainty, a teacher does not have more than one new teaching period. 2006, c. 10, s. 38.

New teacher induction program

268. (1) Every board shall establish a new teacher induction program. 2006, c. 10, s. 38.

Content of program

(2) A new teacher induction program shall contain the following elements:

1. An orientation for new teachers.

2. Mentoring for new teachers.

3. Professional development and training appropriate for new teachers.

4. Such other elements as are prescribed. 2006, c. 10, s. 38.

Board to offer program

(3) Every board shall offer the new teacher induction program to each new teacher for the 12 months that follow the date on which the teacher first begins to teach for the board. 2006, c. 10, s. 38.

Extension

(4) A board shall offer the program to a new teacher for a second 12-month period if the teacher does not successfully complete the program in the first 12-month period. 2006, c. 10, s. 38.

Principal's role

269. (1) The principal assigned to the school to which a new teacher is assigned shall, as soon as possible after the new teacher first begins to teach, determine which elements of the new teacher induction program offered by the board are appropriate for that teacher to participate in and inform the teacher of that determination. 2006, c. 10, s. 38.

Same

(2) In making a determination under subsection (1) with respect to a new teacher who was previously assigned to a different school, the principal shall take into account,

(a) any elements of the new teacher induction program that the teacher participated in at the previous school; and

(b) the results of any performance appraisals conducted in respect of the teacher at the previous school. 2006, c. 10, s. 38.

Same

(3) The principal may, at any time while a new teacher is participating in the program, revise a determination made under subsection (1) in light of circumstances relating to the teacher's development and, whenever he or she does so, shall inform the teacher as soon as possible. 2006, c. 10, s. 38.

Teacher participation

270. (1) Every new teacher shall participate in the following elements of the new teacher induction program:

1. The elements that the principal has determined to be appropriate under section 269.
2. The elements in which the regulations require the teacher or a class to which the teacher belongs to participate. 2006, c. 10, s. 38.

Completion of program

(2) A new teacher successfully completes the program when he or she receives two satisfactory ratings in performance appraisals under Part X.2 no later than the end of his or her new teaching period, subject to any extension provided for in the regulations. 2006, c. 10, s. 38.

Participation a factor in appraisals

(3) A principal shall take a teacher's participation in the new teacher induction program in accordance with subsection (1) into account when conducting a performance appraisal of a new teacher under Part X.2. 2006, c. 10, s. 38.

Minister's guidelines

271. (1) The Minister may issue guidelines respecting new teacher induction programs and boards shall comply with those guidelines. 2006, c. 10, s. 38.

Same

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a guideline of the Minister under this section. 2006, c. 10, s. 38; 2006, c. 10, s. 67 (3).

Board to report to College

272. When a new teacher successfully completes the program, the board shall, within 60 days, inform the Ontario College of Teachers of that fact. 2006, c. 10, s. 38.

Regulations

273. (1) The Lieutenant Governor in Council may make regulations,

(a) governing elements of the new teacher induction program, including, but not limited to, prescribing additional elements that a new teacher induction program shall contain;

(b) requiring a new teacher to participate in specified elements of the new teacher induction program;

(c) prescribing teachers as new teachers for the purposes of clause (b) of the definition of "new teacher" in subsection 267 (2);

(d) providing for the circumstances in which and the extent to which periods of time shall be excluded from the calculation of any period or timeline specified in or under this Part;

(e) providing for extensions to a teacher's new teaching period for the purposes of extending the time in which,

(i) the teacher is a new teacher, and

(ii) the teacher may successfully complete the new teacher induction program. 2006, c. 10, s. 38.

Same

(2) A regulation that may be made under subsection (1) with respect to a teacher may be made with respect to a class of teachers. 2006, c. 10, s. 38.

Transitional provisions

Interpretation

274. In this section and in sections 275 to 276.2,

"changeover date" means, with respect to a board, the date on which the board implements the new teacher induction program required under this Part; ("date du changement")

"new section 277.29" means section 277.29 as it reads on the coming into force of section 42 of the *Education Statute Law Amendment Act (Student Performance), 2006*; ("nouvel article 277.29")

"old section 277.29" means section 277.29 as it read immediately before the coming into force of section 42 of the *Education Statute Law Amendment Act (Student Performance), 2006*. ("ancien article 277.29") 2006, c. 10, s. 38.

Implementation of program

275. (1) Every board shall implement the new teacher induction program required under this Part by the later of,

(a) the commencement of the 2006-2007 school year; and

(b) the day that is one week after the day the *Education Statute Law Amendment Act (Student Performance), 2006* receives Royal Assent. 2006, c. 10, s. 38.

Board to inform Minister and new teachers

(2) Every board shall inform the following people, in writing and with reasonable notice, of the date on which it intends to implement the program:

1. The Minister.

2. Every teacher who the board reasonably expects will, on that date, be a new teacher within the meaning of the definition of "new teacher" in subsection 267 (2).

3. Every teacher who, immediately before that date, is new to the profession or new to the board under old section 277.29. 2006, c. 10, s. 38.

Application of old s. 277.29

276. (1) Old section 277.29 continues to apply with respect to a board until immediately before the board's changeover date. 2006, c. 10, s. 38.

New teachers

(2) For greater certainty, a teacher shall continue to be considered "new to the board" and "new to the profession" in accordance with old section 277.29 until the changeover date of the board that employs him or her. 2006, c. 10, s. 38.

Application of regulation

(3) If Ontario Regulation 99/02 (Teacher Performance Appraisal) is amended after the day the *Education Statute Law Amendment Act (Student Performance), 2006* receives Royal Assent, that regulation as it read immediately before any such amendment continues to apply for the purposes of teacher performance appraisals conducted under old section 277.29 until the board's changeover date. 2006, c. 10, s. 38.

Application of new s. 277.29: changeover date

(4) New section 277.29 applies with respect to a board on the board's changeover

date. 2006, c. 10, s. 38.

Teacher new to the board

276.1 Where a teacher was new to a board within the meaning of old section 277.29 immediately before the board's changeover date, the following rules apply:

1. If the teacher received one or more ratings that were not unsatisfactory in performance appraisals conducted before the changeover date, the evaluation cycle set out in Ontario Regulation 99/02 (Teacher Performance Appraisal) begins on the changeover date unless paragraph 2 applies.
2. If a teacher's rating in the most recent performance appraisal conducted before the changeover date was unsatisfactory, the teacher is subject to the process following an unsatisfactory rating set out in sections 277.35 to 277.40 and any actions already started with respect to the teacher under those sections continue on and after the changeover date. 2006, c. 10, s. 38.

Teacher new to the profession

Deemed completion of program

276.2 (1) Where a teacher was new to the profession within the meaning of old section 277.29 immediately before the board's changeover date and before that date received two or more ratings that were not unsatisfactory, the following rules apply:

1. The teacher is deemed to have successfully completed the new teacher induction program.
2. The evaluation cycle set out in Ontario Regulation 99/02 (Teacher Performance Appraisal) begins on the changeover date unless paragraph 3 applies.
3. If the teacher's rating in the most recent performance appraisal conducted before the changeover date was unsatisfactory, the teacher is subject to the process following an unsatisfactory rating set out in sections 277.35 to 277.40 and any actions already started with respect to the teacher under those sections continue on and after the changeover date. 2006, c. 10, s. 38.

New teacher status

(2) Where a teacher was new to the profession within the meaning of old section 277.29 immediately before the board's changeover date and before that date did not receive two or more ratings that were not unsatisfactory, the teacher shall be considered a new teacher within the meaning of this Part and the following rules apply:

1. If, before the changeover date, the teacher had received a rating in a performance appraisal that was not unsatisfactory, that rating shall be considered a satisfactory rating for the purposes of the two satisfactory ratings required to successfully complete the new teacher induction program.
2. Subject to paragraph 3, if the teacher's rating in the most recent performance appraisal conducted before the changeover date was unsatisfactory and the teacher was subject to the process following an unsatisfactory rating set out in sections 277.35 to 277.38, on and after the changeover date,
   i. the teacher is subject to performance appraisals under new section 277.29,
   ii. the teacher is deemed to have received a rating that is not satisfactory under new section 277.29,

iii. the teacher is subject to the process following an initial rating that is not satisfactory for new teachers set out in sections 277.40.1 to 277.40.5 and the principal shall, promptly after the changeover date, provide the teacher and the appropriate supervisory officer with the enrichment plan required under clause 277.40.1 (2) (g), and

iv. any actions that had already started with respect to the teacher under sections 277.35 to 277.40 are cancelled.

3. If the teacher's rating in the most recent performance appraisal conducted before the changeover date was unsatisfactory and the termination of the teacher's employment had been recommended under subsection 277.38 (5) or (9) or was required to be recommended, the teacher is subject to section 277.39 on and after the changeover date and any actions already started with respect to the teacher under that section continue. 2006, c. 10, s. 38.

277. Repealed: 1997, c. 31, s. 121 (1).

PART X.1
TEACHERS' COLLECTIVE BARGAINING

INTERPRETATION

Interpretation

277.1 (1) In this Part,

"designated bargaining agent" for a teachers' bargaining unit means the bargaining agent described in subsection 277.3 (2), 277.4 (3) or (4) as the bargaining agent for the unit; ("agent négociateur désigné")

"Part X.1 teacher" means a teacher employed by a board to teach but does not include a supervisory officer, a principal, a vice-principal or an instructor in a teacher-training institution; ("enseignant visé par la partie X.1")

"person" includes a designated bargaining agent and a trade union; ("personne")

"teachers' bargaining unit" means a bargaining unit described in subsection 277.3 (1), 277.4 (1) or (2) or 277.7 (1). ("unité de négociation d'enseignants") 1997, c. 31, s. 122.

Same

(2) Unless a contrary intention appears, expressions used in this Act relating to collective bargaining have the same meaning as in the *Labour Relations Act, 1995*. 1997, c. 31, s. 122.

COLLECTIVE BARGAINING

Labour Relations Act, 1995

277.2 (1) The *Labour Relations Act, 1995* applies with necessary modifications with respect to boards, designated bargaining agents and Part X.1 teachers, except where otherwise provided or required by this Part. 1997, c. 31, s. 122.

Constitutional rights

(2) The *Labour Relations Act, 1995* shall not be interpreted so as to adversely affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867* or by section 23 of the *Canadian Charter of Rights and Freedoms*. 1997, c. 31, s. 122.

Related employers

(3) No person is entitled to make an application to the Ontario Labour Relations Board under subsection 1 (4) of the *Labour Relations Act, 1995* with respect to a board. 1997, c. 31, s. 122.

Strike

(4) For the purposes of subsection (1),

(a) the definition of "strike" in section 1 of the *Labour Relations Act, 1995* does not apply; and

(b) "strike" includes any action or activity by teachers in combination or in concert or in accordance with a common understanding that is designed or may reasonably be expected to have the effect of curtailing, restricting, limiting or interfering with,

(i) the normal activities of a board or its employees,

(ii) the operation or functioning of one or more of a board's schools or of one or more of the programs in one or more schools of a board, or

(iii) the performance of the duties of teachers set out in the Act or the regulations under it,

including any withdrawal of services or work to rule by teachers acting in combination or in concert or in accordance with a common understanding. 2000, c. 11, s. 20; 2003, c. 2, s. 20 (2); 2009, c. 25, s. 40.

Role of residents

(5) Any supporter of a board may exercise the same rights that the board may exercise under sections 100 and 109 of the *Labour Relations Act, 1995*. 2000, c. 11, s. 20.

Teachers' bargaining units, district school boards

277.3 (1) Each district school board has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more elementary schools or to perform duties in respect of such schools all or most of the time.

2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be assigned to an elementary school.

3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more secondary schools or to perform duties in respect of such schools all or most of the time.

4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be assigned to a secondary school. 1997, c. 31, s. 122.

Designated bargaining agents

(2) The following bargaining agents represent the corresponding bargaining units:

1. For the elementary school teachers' unit at an English-language public district school board, the Elementary Teachers' Federation of Ontario is the bargaining agent.

2. For each of the secondary school teachers' units at an English-language public district school board, The Ontario Secondary School Teachers' Federation is the bargaining agent.

3. For every teachers' bargaining unit at an English-language separate district school board, The Ontario English Catholic Teachers' Association is the bargaining agent.

4. For every teachers' bargaining unit at a French-language district school board, l'Association des enseignantes et des enseignants franco-ontariens is the bargaining agent. 1997, c. 31, s. 122; R.S.O. 1990, c. E.2, s. 277.6 (1).

Teachers' bargaining units, school authorities

277.4 (1) Every school authority (other than a board established under section 68) has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to teach pupils enrolled in a French-language instructional unit or to perform duties in respect of such instructional units all or most of the time.

2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the school authority's roster of occasional teachers who may be assigned to teach pupils enrolled in a French-language instructional unit.

3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is not assigned to teach pupils enrolled in a French-language instructional unit or to perform duties in respect of such instructional units all or most of the time.

4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the school authority's roster of occasional teachers who may be assigned to teach pupils other than those enrolled in a French-language instructional unit. 1997, c. 31, s. 122.

Same

(2) Every board established under section 68 has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more elementary schools or to perform duties in respect of such schools all or most of the time.

2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be assigned to an elementary school.

3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more secondary schools or to perform duties in respect of such schools all or most of the time.

4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be assigned to a secondary school. 1997, c. 31, s. 122.

Designated bargaining agents

(3) The bargaining agent for a bargaining unit is each of the following organizations,

acting jointly, that, on December 31, 1997, had a branch affiliate representing a member of the bargaining unit for collective bargaining purposes under the *School Boards and Teachers Collective Negotiations Act*:

1. L'Association des enseignantes et des enseignants franco-ontariens.
2. The Elementary Teachers' Federation of Ontario.
3. The Ontario English Catholic Teachers' Association.
4. Repealed: R.S.O. 1990, c. E.2, s. 277.6 (2).
5. The Ontario Secondary School Teachers' Federation. 1997, c. 31, s. 122; R.S.O. 1990, c. E.2, s. 277.6 (2).

Same

(4) Despite subsection (3), the bargaining agent for a bargaining unit described in paragraph 1 or 2 of subsection (1) is l'Association des enseignantes et des enseignants franco-ontariens. 1997, c. 31, s. 122.

Occasional teachers

277.5 (1) An occasional teacher may be a member of more than one teachers' bargaining unit. 1997, c. 31, s. 122.

Same

(2) An occasional teacher is on a board's roster of occasional teachers if he or she is on a list of occasional teachers maintained by a school operated by the board. 1997, c. 31, s. 122.

Same

(3) Upon request, a board shall give a designated bargaining agent a copy of the roster and a principal of a school operated by the board shall give a designated bargaining agent a copy of the list of occasional teachers maintained by the school. 1997, c. 31, s. 122.

Transition

(4) On January 1, 1998, occasional teachers who are members of a bargaining unit composed primarily of occasional teachers (other than a teachers' bargaining unit established under this Part) cease to be members of that unit. 1997, c. 31, s. 122.

Outstanding grievances

(5) A grievance with respect to an occasional teacher that is not finally determined on January 1, 1998 is continued and the designated bargaining agent for the teachers' bargaining unit in which the teacher is a member represents the teacher for the purposes of the grievance, instead of the bargaining agent that represented the teacher on December 31, 1997. 1997, c. 31, s. 122.

Elementary Teachers' Federation of Ontario

277.6 (1) Spent: 1997, c. 31, s. 122.

(2) Spent: 1997, c. 31, s. 122.

Replacement of specified bargaining agents

(3) On the day named by proclamation under subsection (1), the Elementary Teachers' Federation of Ontario replaces The Federation of Women Teachers' Associations of Ontario and the Ontario Public School Teachers' Federation as a party to all proceedings, negotiations and collective agreements under this Part. 1997, c. 31, s. 122.

Note: Subsections 277.6 (1), (2) and (3) were proclaimed into force on July 1, 1998.

Combined bargaining unit

277.7 (1) One or more teachers' bargaining units (the "predecessor bargaining units") may be combined to establish one teachers' bargaining unit,

(a) if the designated bargaining agent for each of the predecessor bargaining units is the same; and

(b) if the employer and the designated bargaining agent agree. 1997, c. 31, s. 122.

Discontinuation of combined bargaining unit

(2) If the employer and the designated bargaining agent agree, the combined bargaining unit may be discontinued and, in that case, the predecessor bargaining units are re-established. 1997, c. 31, s. 122.

Appropriate bargaining units, bargaining agents

277.8 (1) The teachers' bargaining units shall be deemed to be appropriate bargaining units. 1997, c. 31, s. 122.

Certification of bargaining agents

(2) Each designated bargaining agent shall be deemed to be certified as the bargaining agent for the corresponding bargaining unit as specified in subsection 277.3 (2), 277.4 (3) or (4) or 277.7 (1). 1997, c. 31, s. 122.

Same

(3) No trade union is entitled to apply for certification as the bargaining agent for a teachers' bargaining unit. 1997, c. 31, s. 122.

Same

(4) No person is entitled to apply for a declaration that a designated bargaining agent no longer represents the members of a teachers' bargaining unit. 1997, c. 31, s. 122.

Joint negotiations

277.9 (1) In negotiations for a collective agreement, two or more district school boards may act jointly as a party and two or more bargaining agents may act jointly as a party if the boards and the agents all agree to do so. 1997, c. 31, s. 122.

Same, school authorities

(2) Subsection (1) applies with respect to school authorities, with necessary modifications. 1997, c. 31, s. 122.

Same, bargaining agents

(3) In negotiations with one district school board or school authority, two or more bargaining agents may act jointly as a party. 1997, c. 31, s. 122.

Agreements

(4) The joint parties may negotiate one agreement or may negotiate separate agreements for each board and bargaining unit. 1997, c. 31, s. 122.

Arbitration

277.10 When resolving matters in dispute, an arbitrator or board of arbitration appointed under section 40 or 43 of the *Labour Relations Act, 1995* shall consider the factors and criteria set out in subsection 35 (1.1) of the *School Boards and Teachers Collective Negotiations Act* as it reads immediately before its repeal. 1997, c. 31, s. 122.

Terms of collective agreements

277.11 (1) A collective agreement between a board and a designated bargaining agent

for a teachers' bargaining unit that is entered into on or after September 1, 2004 shall,

(a) provide for a term of operation of either two years or four years; and

(b) have a commencement date of September 1 of the year in which the previous collective agreement expired. 2005, c. 4, s. 1; 2012, c. 11, s. 21 (2).

Deemed term of operation

(2) A collective agreement that does not provide for a term of operation in accordance with clause (1) (a) shall be deemed to provide for a term of operation as follows:

1. If the collective agreement provides for a term of operation of less than two years, it shall be deemed to provide for a term of operation of two years.

2. If the collective agreement provides for a term of operation of more than two years but less than four years, it shall be deemed to provide for a term of operation of four years.

3. If the collective agreement provides for a term of operation of more than four years, it shall be deemed to provide for a term of operation of four years. 2005, c. 4, s. 1.

Terms and conditions, certain circumstances

(3) Where the term of operation of a collective agreement is extended by subsection (2), the terms and conditions that apply immediately before the extension continue to apply during the period of the extension, unless revised under subsection 58 (5) of the *Labour Relations Act, 1995*. 2005, c. 4, s. 1.

Deemed commencement

(4) A collective agreement that does not provide for a commencement date in accordance with clause (1) (b) shall be deemed to provide for it. 2005, c. 4, s. 1; 2012, c. 11, s. 21 (3).

No extension of term

(5) Despite subsection 58 (2) of the *Labour Relations Act, 1995*, no agreement may be entered into to continue the term of operation of a collective agreement or of any of its provisions beyond the term of operation of the agreement, and any renewal provision in a collective agreement that purports to do so shall be deemed to be void. 2005, c. 4, s. 1.

Exception for two-year agreements

(6) Despite subsection (5) and subsection 58 (5) of the *Labour Relations Act, 1995*, the parties to a collective agreement entered into on or after September 1, 2004 that provides or is deemed to provide for a term of operation of two years may, by mutual consent before the collective agreement has ceased to operate, continue the term of operation of the agreement for a period of two years. 2006, c. 10, s. 39.

Definition, commencement date

(7) In this section,

"commencement date" means the first day of the term of a collective agreement. 2012, c. 11, s. 21 (4).

277.12 Repealed: 2001, c. 14, Sched. A, s. 10.

Conflict

277.13 In case of conflict, this Act and regulations made under it prevail over the provisions of a collective agreement. 1997, c. 31, s. 122.

Enforcement of Part X.1

277.13.1 (1) This Part may be enforced as if it formed part of the *Labour Relations Act, 1995* and, for that purpose, that Act shall be read as if it included this Part. 1997, c. 31, s. 122.

Same

(2) Without limiting the generality of subsection (1),

(a) a designated bargaining agent shall be deemed to be a trade union for the purposes of the *Labour Relations Act, 1995*;

(b) sections 110 to 118 of the *Labour Relations Act, 1995* apply with necessary modifications with respect to anything the Ontario Labour Relations Board does under this Part;

(c) subsections 96 (4), (6) and (7) and sections 122 and 123 of the *Labour Relations Act, 1995* apply with necessary modifications with respect to proceedings before the Ontario Labour Relations Board and its decisions, determinations and orders;

(d) Repealed: R.S.O. 1990, c. E.2, s. 277.13.1 (8). (See: 1997, c. 31, s. 122.)

1997, c. 31, s. 122.

(3) Repealed: R.S.O. 1990, c. E.2, s. 277.13.1 (8). (See: 1997, c. 31, s. 122.)

Labour relations officers

(4) The Ontario Labour Relations Board may authorize a labour relations officer to inquire into any matter that comes before it under this Part and to endeavour to settle any such matter. 1997, c. 31, s. 122.

Interim orders

(5) The Ontario Labour Relations Board may make interim orders with respect to a matter that is or will be the subject of a pending or intended proceeding. 1997, c. 31, s. 122.

Timing of decisions, etc.

(6) The Ontario Labour Relations Board shall make decisions, determinations and orders under this Part in an expeditious fashion. 1997, c. 31, s. 122.

Finality

(7) A decision, determination or order made by the Ontario Labour Relations Board is final and binding for all purposes. 1997, c. 31, s. 122.

(8) Repealed: 2001, c. 14, Sched. A, s. 11.

277.13.2 Repealed: R.S.O. 1990, c. E.2, s. 277.13.2 (2). (See: 1997, c. 31, s. 122.)

PART X.2
TEACHER PERFORMANCE APPRAISAL

MISCELLANEOUS

Purpose of Part

277.14 The purpose of this Part is,

(a) to ensure that pupils receive the benefit of an education system staffed by teachers who are performing their duties satisfactorily;

(b) to provide for fair, effective and consistent teacher evaluation in every school; and

(c) to promote professional growth. 2001, c. 24, s. 4.

Interpretation

277.15 (1) In this Part,

"designated bargaining agent" has the same meaning as in Part X.1; ("agent négociateur désigné")

"new teacher" has the same meaning as in Part X.0.1; ("nouvel enseignant")

"parent" includes a person who has lawful custody of a child; ("parents")

"teacher" means,

(a) a member of a teachers' bargaining unit, and

(b) a temporary teacher,

but does not include an occasional teacher, a continuing education teacher, a supervisory officer, a principal, a vice-principal or an instructor in a teacher-training institution; ("enseignant")

"teachers' bargaining unit" has the same meaning as in Part X.1; ("unité de négociation d'enseignants")

"year" means a period of time beginning on September 1 and ending on August 31 of the following calendar year. ("an", "année") 2001, c. 24, s. 4; 2006, c. 10, s. 40.

References to teachers' bargaining units

(2) For greater certainty,

(a) a reference in this Part to a teachers' bargaining unit composed of elementary school teachers is a reference to a bargaining unit composed of elementary school teachers other than occasional teachers; and

(b) a reference in this Part to a teachers' bargaining unit composed of secondary school teachers is a reference to a bargaining unit composed of secondary school teachers other than occasional teachers. 2001, c. 24, s. 4.

Elementary and secondary teachers

(3) For greater certainty, in this Part,

(a) a teacher is an elementary school teacher if he or she is,

(i) a member of a teachers' bargaining unit composed of elementary school teachers, or

(ii) a temporary teacher who is assigned to one or more elementary schools or to perform duties in respect of such schools all or most of the time; and

(b) a teacher is a secondary school teacher if he or she is,

(i) a member of a teachers' bargaining unit composed of secondary school teachers, or

(ii) a temporary teacher who is assigned to one or more secondary schools or to perform duties in respect of such schools all or most of the time. 2001, c. 24, s. 4.

References to supervisory officer

(4) A reference in this Part to a supervisory officer is a reference to a supervisory

officer who qualified as such as a teacher. 2001, c. 24, s. 4.

Interpretation of Part

(5) Nothing in this Part, or any regulation, guideline, policy or rule under it, shall be interpreted to limit rights otherwise available to a board relating to discipline of any teacher employed by the board, including but not limited to rights relating to reassignment of duties, suspension or termination of the employment of the teacher, whether or not a performance appraisal process relating to the teacher is being conducted under this Part. 2001, c. 24, s. 4.

(6) Repealed: 2009, c. 33, Sched. 13, s. 1 (17).

Application to certain schools

277.16 (1) This Part does not apply to schools established or continued under section 13 or to schools operated by a ministry under the *Provincial Schools Negotiations Act* except in accordance with regulations made under this section. 2001, c. 24, s. 4.

Same

(2) The Lieutenant Governor in Council may make regulations providing for the application of this Part, and the regulations, guidelines, rules and policies under it, to schools or classes of schools referred to in subsection (1), with such modifications as the Lieutenant Governor in Council considers advisable. 2001, c. 24, s. 4.

Delegation of principal's duties, powers

277.17 (1) A duty or power of a principal under this Part may be delegated by the principal assigned to a school to a vice-principal assigned to the same school. 2001, c. 24, s. 4.

Supervisory officer acting for principal

(2) A duty or power of a principal under this Part shall be performed or exercised by the appropriate supervisory officer where,

(a) the principal and the supervisory officer agree that the supervisory officer shall perform the duty or exercise the power; or

(b) the supervisory officer is of the opinion that the principal is unable to perform the duty or exercise the power in a timely way because of absence or for some other reason. 2001, c. 24, s. 4.

Delegation of supervisory officer's duties, powers

277.18 (1) A duty or power of a supervisory officer under this Part, including a duty or power under section 277.17, may be performed or exercised by another supervisory officer employed by the same board where,

(a) the supervisory officers so agree; or

(b) the supervisory officer who would ordinarily perform the duty or exercise the power is unable to do so in a timely way because of absence or for some other reason. 2001, c. 24, s. 4.

Same

(2) A determination under clause (1) (b) respecting when a supervisory officer is unable to perform a duty or exercise a power in a timely way and respecting which other supervisory officer shall perform the duty or exercise the power shall be made in accordance with policies established by the board that employs the supervisory officer who would ordinarily perform the duty or exercise the power. 2001, c. 24, s. 4.

Same

(3) In the circumstances described in clause (1) (b), where no other supervisory officer employed by the same board is able to perform the duty and exercise the power in a timely way, because of absence or for some other reason, a supervisory officer employed by another board may, by arrangement between the two boards, perform the duty and exercise the power. 2001, c. 24, s. 4.

Same

(4) Every board shall establish policies and procedures for the purposes of subsections (2) and (3). 2001, c. 24, s. 4.

Appraisals by different individuals

277.19 Where this Part requires or permits a series of one or more performance appraisals to be conducted as part of a process, the effect of each of the appraisals is the same regardless of whether the duties and powers in relation to different appraisals are performed or exercised by different individuals or individuals holding different titles. 2001, c. 24, s. 4.

Board rules, certain circumstances

277.20 (1) Every board shall establish rules respecting which principal and supervisory officer shall exercise the powers and perform the duties of principal and supervisory officer, as the case may be, under this Part in relation to a teacher who, during part or all of any period or process required or permitted by this Part or the regulations, guidelines, policies and rules under it,

(a) is assigned to more than one school;

(b) is not assigned to duties in a school;

(c) is assigned to duties in a school as well as to other duties; or

(d) moves from one school to another. 2001, c. 24, s. 4.

Same

(2) Where the rules under this section apply, this Part and any regulation, guideline, rule or policy under it shall be read with necessary modifications. 2001, c. 24, s. 4.

Regulations, certain circumstances

277.21 (1) The Lieutenant Governor in Council may make regulations in relation to this Part,

(a) providing for the circumstances in which and the extent to which periods of time shall be excluded from the calculation of any period or timeline specified in or under this Part;

(b) establishing rules to apply where one board seconds a teacher to another board;

(c) establishing rules to apply where a teacher is absent,

(i) during all or part of a year that is scheduled as an evaluation year for him or her,

(ii) during all or part of a year that is not scheduled as an evaluation year for him or her,

(iii) during all or part of a period specified in section 277.29,

(iv) during all or part of a period specified in sections 277.35 to 277.39;

(d) respecting transitional and ongoing matters related to the implementation of this Part;

(e) providing for exemptions from provisions of this Part and specifying conditions and restrictions respecting the exemptions. 2001, c. 24, s. 4.

Regulations re time periods, cl. (1) (a)

(2) Without limiting the generality of clause (1) (a), the circumstances that may be provided for under it include periods of time during which a teacher involved in a performance appraisal or any person who has duties or powers in respect of a performance appraisal is absent from work or is assigned to different duties. 2001, c. 24, s. 4.

Same

(3) Where a regulation under clause (1) (a) provides for the exclusion of one or more periods of time from the calculation of a period or timeline specified in or under this Part, the regulation may also provide for whether and in which circumstances the exclusion alters the running of the period or timeline and, if it does alter the running of the period or timeline, how to calculate the altered period or timeline. 2001, c. 24, s. 4.

Regulations re secondments, cl. (1) (b)

(4) Without limiting the generality of clause (1) (b), a regulation under that clause may,

(a) provide that the regulation prevails over the terms of a secondment agreement;

(b) assign responsibilities under this Part as between the seconding board and the secondee board;

(c) provide for the termination of the secondment agreement in circumstances specified in the regulation;

(d) provide for such modifications to the provisions of this Part and the regulations, guidelines, rules or policies under it as are in the opinion of the Lieutenant Governor in Council advisable in connection with secondments. 2001, c. 24, s. 4.

Same

(5) Without limiting the generality of clause (4) (d), where a secondment agreement is terminated, a regulation under clause (1) (b) may provide for the effect or lack of effect of a performance appraisal conducted by the secondee board during the period of the secondment. 2001, c. 24, s. 4.

Regulations re certain absences, cl. (1) (c)

(6) Without limiting the generality of clause (1) (c), a regulation under that clause may,

(a) provide for such modifications to the provisions of this Part and the regulations, guidelines, rules or policies under it as are in the opinion of the Lieutenant Governor in Council advisable in connection with absences;

(b) provide for exceptions to be made from the rules set out in the regulation, in circumstances specified in the regulation;

(c) provide that the exceptions referred to in clause (b) may be in the discretion of persons specified in the regulation, and providing for conditions and restrictions on the exercise of that discretion. 2001, c. 24, s. 4.

(7) Repealed: 2006, c. 10, s. 41.

Board policies and rules, general

277.22 (1) A board may establish policies and rules that are consistent with this Part, and anything provided for under it, relating to performance appraisals of teachers employed by it, and shall establish such policies and rules where doing so is necessary to bring this Part into operation and make it work effectively. 2001, c. 24, s. 4.

Same, time periods

(2) Without limiting the generality of subsection (1), every board shall establish policies and rules,

(a) to ensure, as far as possible, that all timelines provided for in this Part and the regulations, guidelines, rules and policies under it are complied with; and

(b) to provide for accountability on the part of a person who does not comply with a timeline provided for in this Part or the regulations, guidelines, rules and policies under it. 2001, c. 24, s. 4.

Missed timeline

(3) If, despite subsection (2), a step or process required or permitted by this Part, or by the regulations, guidelines, rules or policies under it, is not completed within the timeline provided for, the step or process shall be completed by the appropriate person as soon as possible thereafter and timelines for all succeeding steps shall be calculated from the time the late step or process was actually completed. 2001, c. 24, s. 4.

Compliance with timelines

277.23 A board, supervisory officer, principal, vice-principal, teacher or any other person with duties related to performance appraisals under this Part shall comply with all timelines and periods set out in this Part and in any regulation, guideline, rule or policy under it, despite any arbitral order or decision,

(a) that purports to alter, interrupt, suspend or otherwise affect the timeline or period; or

(b) that would, if followed, have the effect of altering, interrupting, suspending or otherwise affecting the timeline or period. 2001, c. 24, s. 4.

277.24-277.27 Repealed: 2009, c. 25, s. 41.

PERFORMANCE APPRAISALS

Appraisals, teachers other than new teachers

277.28 Performance appraisals of teachers, other than new teachers, shall be conducted in accordance with Ontario Regulation 99/02 (Teacher Performance Appraisal). 2006, c. 10, s. 42.

New teacher appraisals

277.29 (1) Every board shall ensure that each new teacher employed by it is scheduled for two performance appraisals in the first 12-month period following his or her beginning to teach. 2006, c. 10, s. 42.

Additional appraisals

(2) If a new teacher does not successfully complete the new teacher induction program in the first 12-month period, the board shall ensure that the teacher is scheduled for further appraisals according to the following schedule:

1. If the teacher received two ratings that were not satisfactory and was placed on

review as a result of the second such rating, a third appraisal within 120 school days of the day on which the teacher is notified that he or she is on review status.

2. If the teacher received one not satisfactory rating and one satisfactory rating in the first 12-month period, a third appraisal within 120 school days of the commencement of the second 12-month period following the teacher's beginning to teach.

3. A fourth appraisal, if needed, within 120 school days of the third appraisal but no later than the end of the second 12-month period following the teacher's beginning to teach. 2006, c. 10, s. 42.

Principal to conduct appraisal

(3) The performance appraisals required under this section shall be conducted by the principal assigned to the school to which the new teacher is assigned. 2006, c. 10, s. 42.

Principal may determine timing

(4) The principal may conduct performance appraisals of a teacher under this section at such intervals as the principal considers appropriate, subject to any requirements in this Part or any regulation, guideline, rule or policy under it. 2006, c. 10, s. 42.

Written notice of rating

(5) The principal shall give the teacher written notice of the rating determined for each performance appraisal conducted under this section. 2006, c. 10, s. 42.

Extension of time

(6) If the board extends the teacher's new teaching period in accordance with the regulations, the extension also applies to the period of 120 school days within which an appraisal mentioned in paragraph 1, 2 or 3, as the case may be, of subsection (2) must be scheduled. 2006, c. 10, s. 42.

Evaluation cycle begins

277.30 On the day a person ceases to be a new teacher, the evaluation cycle set out in Ontario Regulation 99/02 (Teacher Performance Appraisal) begins to run for him or her. 2006, c. 10, s. 42.

STANDARDS, METHODS AND RESULTS OF PERFORMANCE APPRAISALS

Regulations: standards, methods and results

277.31 (1) The Lieutenant Governor in Council may make regulations in relation to performance appraisals conducted under this Part,

(a) respecting competencies to be evaluated in conducting performance appraisals;

(b) respecting the rating scale to be used in conducting performance appraisals;

(c) respecting the standards, methods, processes, timelines and steps to be followed and the input and material to be taken into account in conducting performance appraisals;

(d) respecting processes, timelines and steps to be followed following performance appraisals that result in ratings that are not unsatisfactory;

(e) respecting the results of performance appraisal ratings that are not unsatisfactory, including but not limited to regulations providing for a range of results and criteria to be applied in determining results. 2001, c. 24, s. 4.

Rating scale

(2) Without limiting the generality of clause (1) (b), regulations under that clause shall provide for,

(a) which rating or ratings shall be considered unsatisfactory for the purposes of this Part; and

(b) with respect to new teachers, which rating or ratings shall be considered not satisfactory or unsatisfactory for the purposes of this Part. 2006, c. 10, s. 43 (1).

(3) Repealed: 2006, c. 10, s. 43 (1).

Parental and pupil input

(4) Subject to subsections (5) to (8), and without limiting the generality of clause (1) (c), regulations under that clause may provide that documents recording parental input, pupil input or both shall be taken into account. 2001, c. 24, s. 4.

Same

(5) Without limiting the generality of subsection (4), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account may,

(a) prescribe the kinds of parental input, pupil input or both that may be sought;

(b) provide for the use of survey forms;

(c) provide for processes, timelines and steps to be followed by boards in developing survey forms, including the kinds of consultations to be undertaken or approvals to be obtained. 2001, c. 24, s. 4.

Same

(6) Subject to subsection (7), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account shall also provide that the teacher shall be given an opportunity to review the documents and to respond respecting the documents to the person who conducted the performance appraisal. 2001, c. 24, s. 4.

Same

(7) A regulation that provides that documents recording parental input, pupil input or both shall be taken into account shall also provide that, where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the teacher. 2001, c. 24, s. 4.

Same

(8) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in a teacher receiving an unsatisfactory rating, a new teacher receiving a rating that is not satisfactory or in recommending or determining that any teacher's employment should be terminated. 2006, c. 10, s. 43 (2).

General or particular

(9) A regulation under subsection (1) may be general or particular in its application and may apply in respect of any class of matter, person or thing and, for that purpose, a class may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 2006, c. 10, s. 43 (2).

Additional competencies, processes, etc.

277.32 (1) In addition to complying with section 277.31 and the regulations under it,

a board may, in relation to the performance appraisals conducted by it under this Part, provide for,

(a) competencies that are additional to those provided for under clause 277.31 (1) (a);

(b) standards, methods, processes, timelines and steps to be followed that are additional to those set out under clause 277.31 (1) (c) and input and material to be taken into account that are additional to those set out under clause 277.31 (1) (c);

(c) processes, timelines and steps that are additional to those set out under clause 277.31 (1) (d) to be followed following performance appraisals that result in ratings that are not unsatisfactory;

(d) results of performance appraisal ratings that are not unsatisfactory, including but not limited to a range of results and criteria to be applied in determining results, that are additional to those set out under clause 277.31 (1) (e). 2001, c. 24, s. 4.

Same

(2) Subject to subsections (3) to (6), and without limiting the generality of clause (1) (b), a board acting under that clause may provide that documents recording parental input, pupil input or both shall be taken into account. 2001, c. 24, s. 4.

Same

(3) Where a board provides that documents recording parental input, pupil input or both shall be taken into account, the regulations under subsection 277.31 (5) apply with necessary modifications. 2001, c. 24, s. 4.

Same

(4) Subject to subsection (5), where a board provides that documents recording parental input, pupil input or both shall be taken into account, the teacher shall be given an opportunity to review the documents and to respond respecting the documents to the person who conducted the performance appraisal. 2001, c. 24, s. 4.

Same

(5) Where a board provides that documents recording parental input, pupil input or both shall be taken into account and where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the teacher. 2001, c. 24, s. 4.

Same

(6) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in a teacher receiving an unsatisfactory rating, a new teacher receiving a rating that is not satisfactory or in recommending or determining that any teacher's employment should be terminated. 2006, c. 10, s. 44.

Same

(7) This section shall not be interpreted as authorizing boards,

(a) to require or permit performance appraisals to be conducted under this Part that are additional to those required or permitted under other sections of this Part; or

(b) to provide for anything that conflicts with the provisions in or under other sections of this Part relating to performance appraisals under this Part, including but not limited to provisions relating to timelines. 2001, c. 24, s. 4.

General or specific

(8) An action of a board under this section may be general or be specific to a class of teachers specified by the board. 2001, c. 24, s. 4.

Minister's guidelines

277.33 (1) The Minister may issue guidelines describing knowledge and practices that the person conducting a performance appraisal under this Part shall look for in order to assist in evaluating the teacher's competencies and in determining the rating to be given to the teacher. 2001, c. 24, s. 4.

Same

(2) While a person conducting a performance appraisal shall comply with the guidelines, the guidelines shall not be taken as a comprehensive statement of what the person shall or may look for or take into account when conducting a performance appraisal. 2001, c. 24, s. 4.

Same

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a guideline of the Minister under this section. 2001, c. 24, s. 4; 2006, c. 21, Sched. F, s. 136 (1).

Performance appraisal document, etc.

277.34 (1) The Minister may approve a performance appraisal document for the purposes of this Part. 2001, c. 24, s. 4.

Other documents, forms, etc.

(2) The Minister may approve other documents, forms and formats for the purposes of this Part. 2001, c. 24, s. 4.

Use of documents, forms, etc.

(3) Every body or person who has a duty or power under this Part shall use the approved documents, forms and formats for the purposes for which they are approved. 2001, c. 24, s. 4.

Same

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an approval of the Minister under this section. 2001, c. 24, s. 4; 2006, c. 21, Sched. F, s. 136 (1).

PROCESS FOLLOWING UNSATISFACTORY RATING

Interpretation, school days

277.35 (1) For the purposes of sections 277.36, 277.37 and 277.38, a period of 15, 60 or 120 school days shall be determined by counting consecutive school days in the school year or school years of the board that employs the teacher. 2001, c. 24, s. 4.

Same

(2) Every board that has more than one school year shall establish rules respecting which school year applies in respect of each teacher employed by it and, for that purpose, the board may establish different rules for different classes of teachers. 2001, c. 24, s. 4.

Initial unsatisfactory rating

277.36 (1) This section applies when a principal conducting a performance appraisal of a teacher, other than a new teacher, under Ontario Regulation 99/02 (Teacher Performance Appraisal) determines that the rating is unsatisfactory. 2006, c. 10, s. 45.

Duties of principal

(2) Within 15 school days of determining that a performance appraisal of a teacher

has resulted in an unsatisfactory rating, the principal shall,

(a) give the teacher written notice of the unsatisfactory rating and explain the reasons for the unsatisfactory rating to the teacher;

(b) explain to the teacher what is lacking in the teacher's performance;

(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;

(d) taking input from the teacher into account, recommend steps and actions that the teacher should take to improve his or her performance;

(e) provide the teacher and the appropriate supervisory officer with a copy of the performance appraisal document;

(f) provide the teacher and the appropriate supervisory officer with a brief summary in writing of the explanations referred to in clauses (a) to (c); and

(g) provide the teacher and the appropriate supervisory officer with an improvement plan in writing setting out the steps and actions referred to in clause (d). 2001, c. 24, s. 4.

Second appraisal

(3) Within 60 school days of giving the notice of the unsatisfactory rating under clause (2) (a), the principal shall conduct a second performance appraisal. 2001, c. 24, s. 4.

Timing of second appraisal

(4) The interval between the performance appraisal referred to in subsection (1) and the performance appraisal required by subsection (3) shall be in the discretion of the principal, subject to any relevant board policies. 2001, c. 24, s. 4.

Same

(5) In exercising his or her discretion under subsection (4), the principal shall balance the desirability of giving the teacher a reasonable opportunity to improve his or her performance against the interests of the pupils in receiving quality education. 2001, c. 24, s. 4.

Second unsatisfactory rating

277.37 (1) This section applies when a principal conducting a performance appraisal under subsection 277.36 (3) determines that the rating is unsatisfactory, with the result that a teacher has received two consecutive unsatisfactory ratings under this Part. 2001, c. 24, s. 4.

Duties of principal

(2) Within 15 school days of determining that a performance appraisal of a teacher has resulted in an unsatisfactory rating, the principal shall,

(a) give the teacher written notice of the unsatisfactory rating, explain the reasons for the unsatisfactory rating to the teacher, place the teacher on review status and advise the teacher in writing of that fact;

(b) explain to the teacher what is lacking in the teacher's performance;

(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;

(d) explain to the teacher the ways, if any, in which the teacher's performance has changed since the previous performance appraisal;

(e) seek input from the teacher as to what steps and actions would be likely to help the teacher improve his or her performance;

(f) provide the appropriate supervisory officer and, subject to subsections 277.31 (7) and 277.32 (5), the teacher, with a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal;

(g) prepare a written improvement plan for the teacher setting out steps and actions that the teacher should take to improve his or her performance, taking into account input from the teacher under clause (e); and

(h) provide the teacher and the appropriate supervisory officer with,

(i) a brief summary in writing of the explanations referred to in clauses (a) to (d), and

(ii) a copy of the written improvement plan prepared under clause (g). 2001, c. 24, s. 4.

Same

(3) Before preparing the plan referred to in clause (2) (g), the principal shall consult with the appropriate supervisory officer. 2001, c. 24, s. 4.

Same

(4) Subsection (3) does not apply where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17 or 277.18. 2001, c. 24, s. 4.

Review status

277.38 (1) Throughout any period during which a teacher is on review status, the principal shall,

(a) monitor the teacher's performance;

(b) consult regularly with the supervisory officer regarding the teacher's performance and steps that may be taken to improve it; and

(c) provide such feedback and recommendations to the teacher as the principal considers might help the teacher improve his or her performance. 2001, c. 24, s. 4.

Same

(2) Clause (1) (b) does not apply where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17. 2001, c. 24, s. 4.

Review status, third appraisal

(3) Subject to subsection (5), during the 120 school days starting with the day on which the teacher is advised that he or she is on review status, the principal shall conduct one more performance appraisal. 2001, c. 24, s. 4.

Review status ended if rating not unsatisfactory

(4) Where the principal conducting the performance appraisal under subsection (3) determines that the rating is not unsatisfactory,

(a) the teacher immediately ceases to be on review status;

(b) the principal shall advise the teacher in writing of that fact and give the teacher written notice of the rating on the appraisal under subsection (3); and

(c) subsections (6) to (14) and section 277.39 do not apply. 2001, c. 24, s. 4.

Recommendation of termination, no third appraisal

(5) If, at any time during the 120 school days starting with the day on which the teacher is advised that he or she is on review status, the principal and supervisory officer jointly determine that the delay necessitated by conducting a performance appraisal under subsection (3) is inconsistent with the protection of the best interests of pupils, they shall refrain from conducting the appraisal and shall promptly transmit a joint recommendation in writing to the board that the teacher's employment with the board should be terminated. 2001, c. 24, s. 4.

Same

(6) A recommendation under subsection (5) shall include a statement that in the opinion of both the principal and the supervisory officer the delay necessitated by a third performance appraisal is inconsistent with the protection of the best interests of pupils. 2001, c. 24, s. 4.

Same

(7) Where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17, the supervisory officer shall act jointly with another supervisory officer under subsection (5). 2001, c. 24, s. 4.

Same

(8) For the purposes of subsection (7), the other supervisory officer shall be selected in accordance with the policies of the board that employs the first supervisory officer. 2001, c. 24, s. 4.

Recommendation of termination following third appraisal

(9) Where a performance appraisal conducted under subsection (3) results in an unsatisfactory rating, the principal shall promptly transmit a recommendation in writing to the board that the teacher's employment with the board should be terminated. 2001, c. 24, s. 4.

Same

(10) A recommendation under subsection (5) or (9) shall be accompanied by,

(a) written reasons for the recommendation; and

(b) a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal referred to in subsection 277.36 (1) and any performance appraisals conducted under subsection 277.36 (3) and subsection (3) of this section. 2001, c. 24, s. 4.

Same

(11) The principal shall promptly provide the teacher with,

(a) a copy of a recommendation under subsection (5) or (9);

(b) a copy of the written reasons referred to in clause (10) (a); and

(c) subject to subsections 277.31 (7) and 277.32 (5), copies of all documents referred to in clause (10) (b). 2001, c. 24, s. 4.

Same

(12) Pending the board's decision whether to terminate the teacher's employment, the director of education for the board, or the supervisory officer acting as the board's director

of education, shall,

(a) suspend the teacher with pay; or

(b) reassign the teacher to duties that are appropriate in the circumstances in the view of the director of education or supervisory officer. 2009, c. 25, s. 42 (1).

(13) Repealed: 2009, c. 25, s. 42 (2).

Same

(14) No hearing is required before making a decision under subsection (12). 2001, c. 24, s. 4; 2009, c. 25, s. 42 (3).

Board decision

277.39 (1) A board that receives a recommendation to terminate a teacher's employment under section 277.38 shall determine, based on the competencies provided for under clause 277.31 (1) (a) and clause 277.32 (1) (a), whether or not the teacher is performing satisfactorily in the position to which he or she was assigned immediately before any action of a director of education or supervisory officer under subsection 277.38 (12). 2001, c. 24, s. 4; 2009, c. 25, s. 43 (1).

Same

(2) The determination of the board shall be by majority vote of the members of the board present at a meeting of the board at which there is quorum, within 60 days of receiving the recommendation. 2001, c. 24, s. 4.

Consequences of decision

(3) Where the board determines that the teacher is not performing satisfactorily in the position to which he or she was assigned immediately before any action of a director of education or supervisory officer under subsection 277.38 (12), the board shall terminate the teacher's employment with the board. 2001, c. 24, s. 4; 2009, c. 25, s. 43 (2).

Same

(4) Where the board does not make the determination described in subsection (3), the suspension or reassignment under subsection 277.38 (12) shall cease and, except where the teacher and the board agree otherwise, the teacher shall resume his or her former position. 2001, c. 24, s. 4; 2009, c. 25, s. 43 (3).

Notice to Ontario College of Teachers

277.40 (1) Where a board terminates a teacher's employment under section 277.39, the secretary of the board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act, 1996*, regarding the reasons for the termination. 2001, c. 24, s. 4.

Same

(2) Where a teacher employed by a board resigns while he or she is on review status, the secretary of the board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act, 1996*, regarding the reasons for the teacher having been placed on review status. 2001, c. 24, s. 4.

Same

(3) For greater certainty, a complaint made by a secretary of a board under this section shall be deemed to be a complaint made by a member of the public under clause 26 (1) (a) of the *Ontario College of Teachers Act, 1996*. 2001, c. 24, s. 4.

PROCESS FOLLOWING RATING THAT IS NOT SATISFACTORY – NEW TEACHERS

Initial not satisfactory rating

277.40.1 (1) This section applies when a principal conducting a performance appraisal of a new teacher under section 277.29 determines that the rating is not satisfactory and it is the new teacher's first such rating. 2006, c. 10, s. 46.

Duties of principal

(2) Within 15 school days of determining that a performance appraisal of a new teacher has resulted in a rating that is not satisfactory, the principal shall,

(a) give the teacher written notice of the not satisfactory rating and explain the reasons for the not satisfactory rating to the teacher;

(b) explain to the teacher what is lacking in the teacher's performance;

(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;

(d) taking input from the teacher into account and in accordance with any guidelines issued by the Minister,

(i) determine which elements of the new teacher induction program offered by the board are appropriate for the teacher to participate in to improve his or her performance, and

(ii) develop an enrichment plan based on participation in those elements;

(e) provide the teacher and the appropriate supervisory officer with a copy of the performance appraisal document;

(f) provide the teacher and the appropriate supervisory officer with a brief summary in writing of the explanations referred to in clauses (a) to (c); and

(g) provide the teacher and the appropriate supervisory officer with the enrichment plan required under subclause (d) (ii). 2006, c. 10, s. 46.

Second not satisfactory rating

277.40.2 (1) This section applies when a principal conducting a performance appraisal of a new teacher under section 277.29 determines that the rating is not satisfactory, with the result that the teacher has received two not satisfactory ratings under this Part. 2006, c. 10, s. 46.

Duties of principal

(2) Within 15 school days of determining that a performance appraisal of a new teacher has resulted in a not satisfactory rating, the principal shall,

(a) give the teacher written notice of the not satisfactory rating, explain the reasons for the not satisfactory rating to the teacher, place the teacher on review status and advise the teacher in writing of that fact;

(b) explain to the teacher what is lacking in the teacher's performance;

(c) explain to the teacher what is expected of the teacher in areas in which his or her performance is lacking;

(d) explain to the teacher the ways, if any, in which the teacher's performance has changed since the previous performance appraisal;

(e) seek input from the teacher as to what steps and actions would be likely to help the teacher improve his or her performance;

(f) provide the appropriate supervisory officer and, subject to subsections 277.31 (7) and 277.32 (5), the teacher with a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal;

(g) prepare a written improvement plan for the teacher setting out steps and actions that the teacher should take to improve his or her performance, taking into account input from the teacher under clause (e); and

(h) provide the teacher and the appropriate supervisory officer with,

(i) a brief summary in writing of the explanations referred to in clauses (a) to (d), and

(ii) a copy of the written improvement plan prepared under clause (g). 2006, c. 10, s. 46.

Review status

277.40.3 (1) Throughout any period during which a new teacher is on review status, the principal shall,

(a) monitor the teacher's performance;

(b) consult regularly with the supervisory officer regarding the teacher's performance and steps that may be taken to improve it; and

(c) provide such feedback and recommendations to the teacher as the principal considers might help the teacher improve his or her performance. 2006, c. 10, s. 46.

Same

(2) Clause (1) (b) does not apply where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17. 2006, c. 10, s. 46.

Review status, further appraisals

(3) Subject to subsection (5), after a new teacher is advised that he or she is on review status, the principal shall conduct a further performance appraisal, which shall occur,

(a) in the case of a teacher who is placed on review status as a result of a not satisfactory rating in his or her second performance appraisal in the first 12-month period following his or her beginning to teach, within 120 school days of the day on which the teacher is advised that he or she is on review status;

(b) in the case of a teacher who is placed on review status as a result of a not satisfactory rating in his or her third performance appraisal, during the 120 school days following the teacher's third performance appraisal but no later than the end of the second 12-month period following the teacher's beginning to teach. 2006, c. 10, s. 46.

Review status ended if rating not unsatisfactory

(4) Where the principal conducting the performance appraisal under subsection (3) determines that the rating is not unsatisfactory,

(a) the teacher immediately ceases to be on review status;

(b) the principal shall advise the teacher in writing of that fact and give the teacher written notice of the rating on the appraisal under subsection (3); and

(c) subsections (5) to (14) and section 277.40.4 do not apply. 2006, c. 10, s. 46.

Recommendation of termination, no further appraisal

(5) If, at any time during the 120 school days starting with the day on which the teacher is advised that he or she is on review status, the principal and supervisory officer jointly determine that the delay necessitated by conducting a performance appraisal under subsection (3) is inconsistent with the protection of the best interests of pupils, they shall refrain from conducting the appraisal and shall promptly transmit a joint recommendation in writing to the board that the teacher's employment with the board should be terminated. 2006, c. 10, s. 46.

Same

(6) A recommendation under subsection (5) shall include a statement that in the opinion of both the principal and the supervisory officer the delay necessitated by a further performance appraisal is inconsistent with the protection of the best interests of pupils. 2006, c. 10, s. 46.

Same

(7) Where the principal's duties and powers are performed and exercised by a supervisory officer in accordance with section 277.17, the supervisory officer shall act jointly with another supervisory officer under subsection (5). 2006, c. 10, s. 46.

Same

(8) For the purposes of subsection (7), the other supervisory officer shall be selected in accordance with the policies of the board that employs the first supervisory officer. 2006, c. 10, s. 46.

Recommendation of termination following further appraisal

(9) Where a performance appraisal conducted under subsection (3) results in an unsatisfactory rating, the principal shall promptly transmit a recommendation in writing to the board that the teacher's employment with the board should be terminated. 2006, c. 10, s. 46.

Same

(10) A recommendation under subsection (5) or (9) shall be accompanied by,

(a) written reasons for the recommendation; and

(b) a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal referred to in subsection 277.36 (1) and any performance appraisals conducted under subsection 277.36 (3) and subsection (3) of this section. 2006, c. 10, s. 46.

Same

(11) The principal shall promptly provide the teacher with,

(a) a copy of a recommendation under subsection (5) or (9);

(b) a copy of the written reasons referred to in clause (10) (a); and

(c) subject to subsections 277.31 (7) and 277.32 (5), copies of all documents referred to in clause (10) (b). 2006, c. 10, s. 46.

Same

(12) Pending the board's decision whether to terminate the teacher's employment, the director of education for the board, or the supervisory officer acting as the board's director

of education, shall,

(a) suspend the teacher with pay; or

(b) reassign the teacher to duties that are appropriate in the circumstances in the view of the director of education or supervisory officer. 2009, c. 25, s. 44 (1).

(13) Repealed: 2009, c. 25, s. 44 (2).

Same

(14) No hearing is required before making a decision under subsection (12). 2006, c. 10, s. 46; 2009, c. 25, s. 44 (3).

Board decision

277.40.4 (1) A board that receives a recommendation to terminate a new teacher's employment under section 277.40.3 shall determine, based on the competencies provided for under clauses 277.31 (1) (a) and 277.32 (1) (a), whether or not the teacher is performing satisfactorily in the position to which he or she was assigned immediately before any action of a director of education or supervisory officer under subsection 277.40.3 (12). 2006, c. 10, s. 46; 2009, c. 25, s. 45 (1).

Same

(2) The determination of the board shall be by majority vote of the members of the board present at a meeting of the board at which there is quorum, within 60 days of receiving the recommendation. 2006, c. 10, s. 46.

Consequences of decision

(3) Where the board determines that the teacher is not performing satisfactorily in the position to which he or she was assigned immediately before any action of a director of education or supervisory officer under subsection 277.40.3 (12), the board shall terminate the teacher's employment with the board. 2006, c. 10, s. 46; 2009, c. 25, s. 45 (2).

Same

(4) Where the board does not make the determination described in subsection (3), the suspension or reassignment under subsection 277.40.3 (12) shall cease and, except where the teacher and the board agree otherwise, the teacher shall resume his or her former position. 2006, c. 10, s. 46; 2009, c. 25, s. 45 (3).

Notice to Ontario College of Teachers

277.40.5 (1) Where a board terminates a new teacher's employment under section 277.40.4, the secretary of the board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act, 1996* regarding the reasons for the termination. 2006, c. 10, s. 46.

Same

(2) Where a new teacher employed by a board resigns while he or she is on review status, the secretary of the board shall promptly file a complaint under section 26 of the *Ontario College of Teachers Act, 1996* regarding the reasons for the teacher having been placed on review status. 2006, c. 10, s. 46.

Same

(3) For greater certainty, a complaint made by a secretary of a board under this section shall be deemed to be a complaint made by a member of the public under clause 26 (1) (a) of the *Ontario College of Teachers Act, 1996*. 2006, c. 10, s. 46.

ARBITRATION

Arbitration under collective agreements

277.41 A collective agreement between a board and a designated bargaining agent for a teachers' bargaining unit may provide for the final and binding settlement by arbitration, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of this Part or any regulation, guideline, rule or policy under it, including any question as to whether a matter is arbitrable. 2001, c. 24, s. 4; 2006, c. 10, s. 47.

RECORDS OF PERFORMANCE APPRAISALS

Board to receive copies of appraisals

277.42 Every person who conducts a performance appraisal of a teacher under this Part shall ensure that a copy of the performance appraisal document and copies of all documents relied on in conducting the performance appraisal are promptly given to the board. 2001, c. 24, s. 4.

Boards to request copies of appraisals

277.43 (1) A board that is contemplating employing a teacher, other than a new teacher, shall contact the last board that employed the teacher, if any, in order to request,

(a) copies of the performance appraisal documents that are in the possession of the board that relate to the last two performance appraisals of the teacher conducted by the board, if either of those two appraisals resulted in an unsatisfactory rating;

(b) copies of all documents relied on in conducting the last two performance appraisals of the teacher conducted by the board, if either of those two appraisals resulted in an unsatisfactory rating;

(c) copies of any documents relating to the termination of the employment of the teacher or to a recommendation for the termination of the employment of the teacher that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board; and

(d) copies of any documents relating to resignation by the teacher while on review status that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board. 2001, c. 24, s. 4; 2006, c. 10, s. 48 (1).

Boards to request documents re new teachers

(1.1) A board that is contemplating employing a new teacher shall contact the last board that employed the teacher, if any, in order to request,

(a) information about the elements of the new teacher induction program that the teacher was required to participate in at the board in accordance with section 270;

(b) copies of the performance appraisal documents that are in the possession of the board that relate to performance appraisals of the teacher conducted by the board;

(c) copies of all documents relied on in conducting performance appraisals of the teacher;

(d) copies of any enrichment plan prepared for the teacher under clause 277.40.1 (2) (g) and any improvement plan prepared for the teacher under clause 277.40.2 (2) (g);

(e) copies of any documents relating to the termination of the employment of the

teacher or to a recommendation for the termination of the employment of the teacher that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board; and

(f) copies of any documents relating to resignation by the teacher while on review status that are in the possession of the board and that, in the opinion of the board, may be relevant to the decision of the requesting board. 2006, c. 10, s. 48 (2).

Response of previous board employer

(2) A board that receives a request under subsection (1) or (1.1) shall promptly inform the requesting board whether there are any documents to provide in response to the request and, if so, shall promptly provide the documents. 2006, c. 10, s. 48 (3).

Other information exchange

(3) Nothing in this section shall be interpreted to limit rights otherwise available to a board to obtain or give information relating to prospective or past employees. 2001, c. 24, s. 4.

Regulations

277.44 The Lieutenant Governor in Council may make regulations respecting the period during which boards must retain records made under this Part. 2001, c. 24, s. 4.

INFORMATION

Information

277.45 (1) Every board shall make information about the performance appraisal system set out in this Part available to,

(a) teachers employed by the board;

(b) pupils who are enrolled in schools of the board and their parents;

(c) the chair of the school council for each school governed by the board. 2001, c. 24, s. 4.

Same

(2) The Minister may issue guidelines relating to the requirements of subsection (1) and the boards shall comply with those guidelines. 2001, c. 24, s. 4.

Same

(3) Without limiting the generality of subsection (2), the guidelines may provide for,

(a) the nature of the information to be provided in various circumstances and to various classes of persons specified in the guidelines; and

(b) when and how the information is to be provided, both in transitional and ongoing circumstances. 2001, c. 24, s. 4.

***Legislation Act, 2006*, Part III**

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an act of the Minister under this section. 2001, c. 24, s. 4; 2006, c. 21, Sched. F, s. 136 (1).

PART X.3
DESIGNATED EARLY CHILDHOOD EDUCATORS — INDUCTION, PERFORMANCE APPRAISAL AND REPORTING OBLIGATIONS

INTERPRETATION

Definitions

277.46 In this Part,

"new designated early childhood educator" means,

(a) a designated early childhood educator whose new period has not elapsed, or

(b) any other designated early childhood educator who is prescribed as a new designated early childhood educator for the purposes of this Part; ("nouvel éducateur de la petite enfance désigné")

"new period", in relation to a designated early childhood educator, means the 24-month period that follows the day on which the designated early childhood educator was first appointed to work as a designated early childhood educator. ("nouvelle période") 2010, c. 10, s. 21.

INDUCTION AND PERFORMANCE APPRAISALS

Induction programs

277.47 (1) Subject to the regulations, every board may establish and implement an induction program for its new designated early childhood educators. 2010, c. 10, s. 21.

Same

(2) If required by the regulations, every board shall, subject to the regulations, establish and implement an induction program for its new designated early childhood educators. 2010, c. 10, s. 21.

Same

(3) An induction program for new designated early childhood educators shall contain the following elements:

1. An orientation for new designated early childhood educators.
2. Mentoring for new designated early childhood educators.
3. Professional development and training appropriate for new designated early childhood educators.
4. Such other elements as are prescribed. 2010, c. 10, s. 21.

Same

(4) A board shall not require a person employed by the board as a teacher to mentor a new designated early childhood educator. 2010, c. 10, s. 21.

Performance appraisals

277.48 (1) Subject to the regulations, every board may establish and implement a program for conducting performance appraisals of its designated early childhood educators. 2010, c. 10, s. 21.

Same

(2) If required by the regulations, every board shall, subject to the regulations, establish and implement a program for conducting performance appraisals of its designated early childhood educators. 2010, c. 10, s. 21.

Same

(3) A board shall not require a person employed by the board as a teacher to conduct or participate in performance appraisals of designated early childhood educators. 2010, c. 10, s. 21.

Regulations, induction and performance appraisal

277.49 (1) The Lieutenant Governor in Council may make regulations,

(a) requiring boards to establish and implement an induction program for its new designated early childhood educators for the purposes of subsection 277.47 (2);

(b) requiring boards to establish and implement a program for conducting performance appraisals of its designated early childhood educators for the purposes of subsection 277.48 (2);

(c) respecting induction programs permitted or required under this Part, including but not limited to regulations respecting the processes and content of the programs and regulations prescribing elements for the purposes of paragraph 4 of subsection 277.47 (3);

(d) respecting programs for conducting performance appraisals permitted or required under this Part, including but not limited to regulations respecting the processes, content and consequences of performance appraisals;

(e) prescribing designated early childhood educators as new designated early childhood educators for the purposes of clause (b) of the definition of "new designated early childhood educator" in section 277.46;

(f) providing that one or more provisions of this Part or the regulations under it apply, with such modifications as may be specified in the regulation, to persons who are not early childhood educators and who are appointed by a board to a position designated by the board as requiring an early childhood educator;

(g) providing for extensions to a designated early childhood educator's new period for the purposes of extending the time in which the designated early childhood educator is a new designated early childhood educator;

(h) respecting transitional and ongoing matters related to the implementation of induction programs and programs for performance appraisals under this Part. 2010, c. 10, s. 21.

Rating scale

(2) Without limiting the generality of clause (1) (d), regulations under that clause may be made respecting,

(a) competencies to be evaluated in conducting performance appraisals;

(b) the standards, methods, timelines and steps to be followed and the input and material to be taken into account in conducting performance appraisals;

(c) the rating scale to be used in conducting performance appraisals;

(d) the consequences of the ratings received in performance appraisals;

(e) which ratings shall be considered unsatisfactory for the purposes of this Part;

(f) the processes, timelines and steps to be followed following performance appraisals that result in ratings that are unsatisfactory;

(g) the circumstances in which a board shall terminate a designated early childhood educator's employment with the board;

(h) the processes to be followed before the determination that the circumstances referred to in clause (g) exist is made. 2010, c. 10, s. 21.

Same

(3) The circumstances provided for under clause (2) (g) must include at least one unsatisfactory rating. 2010, c. 10, s. 21.

Same

(4) A regulation made under this section may be general or specific. 2010, c. 10, s. 21.

REPORTS BETWEEN BOARDS AND THE COLLEGE OF EARLY CHILDHOOD EDUCATORS

Board reports re: termination, etc.

277.50 (1) A board that terminates the employment of an early childhood educator or imposes restrictions on the duties of an early childhood educator for reasons of professional misconduct shall, within 30 days after the termination or restriction, file a written report setting out the reasons with the Registrar of the College of Early Childhood Educators. 2010, c. 10, s. 21.

Same

(2) If a board intended to terminate the employment of an early childhood educator or to impose restrictions on the duties of an early childhood educator for reasons of professional misconduct but did not do so because the individual resigned, the board shall, within 30 days after the resignation, file a written report setting out the reasons on which the board had intended to act with the Registrar of the College of Early Childhood Educators. 2010, c. 10, s. 21.

Same

(3) If an early childhood educator resigns while the board is engaged in an investigation into allegations of an act or omission by the early childhood educator that would, if proven, have caused the board to terminate the early childhood educator's employment or to impose restrictions on the early childhood educator's duties for reasons of professional misconduct, the board shall file with the Registrar within 30 days after the resignation a written report stating the nature of the allegations being investigated. 2010, c. 10, s. 21.

Information and disclosure

(4) For the purpose of taking action in response to a board's report made under subsection (1), (2) or (3), the College may require the board to provide the College with information, including personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* or section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*, in respect of members of the College, and the board shall provide such information. 2010, c. 10, s. 21.

Limits on collection and use

(5) The College shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use. 2010, c. 10, s. 21.

Registrar to report back

(6) Where a board makes a report to the Registrar under subsection (1), (2) or (3), the Registrar shall, as soon as is reasonably possible, provide the board with a written report respecting the action, if any, taken by the Registrar in response to the board's report. 2010, c. 10, s. 21.

College reports to board

277.51 (1) The College shall provide boards with information respecting certain decisions and orders under the *Early Childhood Educators Act, 2007* in accordance with the

following rules and with subsection (2):

1. If a decision respecting an early childhood educator is made under subsection 31 (5) of the *Early Childhood Educators Act, 2007*, the Registrar shall provide the documents referred to in subsection 31 (7) of that Act to the board.
2. If an order respecting an early childhood educator is made under subsection 32 (3) of the *Early Childhood Educators Act, 2007*, the Registrar shall provide a copy of the order to the board.
3. If an order respecting an early childhood educator is made under section 33 or 34 of the *Early Childhood Educators Act, 2007*, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the board with the same material as is served on the parties under subsection 35 (15) of that Act.
4. If a decision respecting an early childhood educator is made under section 36 of the *Early Childhood Educators Act, 2007*, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the board with the same material as is served on the parties under subsection 36 (13) or (14) of that Act.
5. If an order respecting an early childhood educator is made under section 37 of the *Early Childhood Educators Act, 2007*, the Registrar shall provide a copy of the order to the board.
6. If a court order respecting an early childhood educator is made under section 38 of the *Early Childhood Educators Act, 2007*, the Registrar shall provide a copy of the order, with reasons, if any, to the board. 2010, c. 10, s. 21.

Same

(2) The following are the boards who shall receive the information referred to in subsection (1):

1. A board who employed the early childhood educator at the time the relevant decision or order referred to in subsection (1) was made, if the College has knowledge of that employment.
2. A board who made a report respecting the early childhood educator under section 49 of the *Early Childhood Educators Act, 2007*, if the subject of the report is related to the decision or order referred to in subsection (1). 2010, c. 10, s. 21.

Immunity of College of Early Childhood Educators

277.52 No proceeding for damages shall be instituted against the College of Early Childhood Educators or the Registrar of that College for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under sections 277.50 or 277.51 of this Act, or for any neglect or default in the performance or exercise in good faith of such duty or power. 2010, c. 10, s. 21.

PART XI
SUPERVISORY OFFICERS

Qualifications of supervisory officers

278. Every supervisory officer appointed under this Part shall hold the qualifications required by the regulations for a supervisory officer. R.S.O. 1990, c. E.2, s. 278.

Supervisory officers and director of education: district school boards

279. Every district school board shall, subject to the regulations, employ a supervisory

officer as director of education and such other supervisory officers as it considers necessary to supervise all aspects of the programs under its jurisdiction. 1997, c. 31, s. 123.

Appointment of director of education: school authorities

280. (1) Two or more public school authorities may with the approval of the Minister agree to appoint a supervisory officer as director of education to supervise all aspects of the programs under their jurisdictions. 1997, c. 31, s. 123.

Same

(2) Two or more Roman Catholic school authorities may with the approval of the Minister agree to appoint a supervisory officer as director of education to supervise all aspects of the programs under their jurisdictions. 1997, c. 31, s. 123.

Abolition of position

(3) A school authority that appoints a director of education with the approval of the Minister shall not abolish the position of director of education without the approval of the Minister. 1997, c. 31, s. 123.

If no director of education

(4) If a school authority does not appoint a supervisory officer as director of education, then a supervisory officer who is qualified as such as a teacher shall act as the director of education and perform all the duties of the director of education. 2009, c. 25, s. 46.

281. Repealed: 1997, c. 31, s. 123.

282. Repealed: 1997, c. 31, s. 123.

Chief executive officer

283. (1) A board shall not appoint or employ a person as a director of education unless the person is a supervisory officer who qualified as such as a teacher. 1997, c. 31, s. 124.

Same

(1.1) A director of education is the chief education officer and the chief executive officer of the board by which he or she is employed. 1997, c. 31, s. 124.

Idem

(2) The chief executive officer of a board shall, within policies established by the board, develop and maintain an effective organization and the programs required to implement such policies. R.S.O. 1990, c. E.2, s. 283 (2).

General report of chief executive officer

(3) At the first meeting in December of each year, the chief executive officer of a board shall submit to the board a report in a format approved by the Minister on the action he or she has taken during the preceding 12 months under subsection (2) and a copy of such report shall be submitted to the Minister on or before the 31st day of January next following. R.S.O. 1990, c. E.2, s. 283 (3).

Additional duties of director of education

283.1 (1) In addition to his or her other duties under this Act, the director of education shall,

(a) annually review with the board the multi-year plan developed under clause 169.1 (1) (f);

(b) ensure that the multi-year plan developed under clause 169.1 (1) (f) establishes the board's priorities and identifies specific measures and resources that will be applied in achieving those priorities and in carrying out its duties under this Act, in particular, its responsibility for student achievement as set out in section 169.1;

(c) implement and monitor the implementation of the multi-year plan developed under clause 169.1 (1) (f);

(d) report periodically to the board on the implementation of the multi-year plan developed under clause 169.1 (1) (f);

(e) act as secretary to the board;

(f) immediately upon discovery bring to the attention of the board any act or omission by the board that in the opinion of the director of education may result in or has resulted in a contravention of this Act or any policy, guideline or regulation made under this Act; and

(g) if a board does not respond in a satisfactory manner to an act or omission brought to its attention under clause (f), advise the Deputy Minister of the Ministry of the act or omission. 2009, c. 25, s. 47.

Exception, secretary of small boards

(2) Despite clause (1) (e), a board of not more than five elected members may appoint a member of the board to act as secretary to the board. 2009, c. 25, s. 47.

References to secretary

(3) A reference in this Act or any other Act, or in the regulations made under this or any other Act, to the secretary of a board is deemed to be a reference to the director of education of the board. 2009, c. 25, s. 47.

Same

(4) Subsection (3) does not apply to the references to secretary in clause (1) (e) and subsection (2), or to the reference to secretary in the definition of "employee" in section 57 of the *Ottawa-Carleton French-Language School Board Transferred Employees Act*. 2009, c. 25, s. 47.

Supervisory officers: school authorities

284. (1) Subject to subsection (2), every school authority shall appoint one or more English-speaking supervisory officers for schools and classes where English is the language of instruction and one or more French-speaking supervisory officers for schools and classes where French is the language of instruction. 1997, c. 31, s. 125.

Agreements

(2) Subsection (1) does not apply where a school authority has entered into an agreement under subsection (3) or (4). 1997, c. 31, s. 125.

Same

(3) With the approval of the Minister, a school authority may enter into an agreement with another board to obtain the services of an English-speaking or French-speaking supervisory officer appointed by the other board. 1997, c. 31, s. 125.

Same

(4) A school authority may enter into an agreement with the Minister to obtain the services of an English-speaking or French-speaking supervisory officer appointed by the Minister. 1997, c. 31, s. 125.

284.1 Repealed: 1997, c. 31, s. 125.

Responsibility of supervisory officer

285. (1) A board with a supervisory officer,

(a) shall, subject to the regulations, designate the title and area of responsibility of the supervisory officer; and

(b) may assign to the supervisory officer such administrative duties, in addition to those prescribed in section 286 and the regulations, as the board considers expedient. 1993, c. 11, s. 40.

Confirmation by Minister

(2) No person shall be appointed as a supervisory officer by a board until notice in writing of the proposed appointment and the area of responsibility to be assigned has been given to the Minister and the Minister has confirmed that the person to be appointed is eligible for the position. R.S.O. 1990, c. E.2, s. 285 (2).

Duties of supervisory officers

286. (1) Subject to the policies and guidelines established under paragraph 3.4 of subsection 8 (1) and subject to the regulations, a board or the Minister shall assign the following duties to its or the Minister's supervisory officer or officers,

assist teachers and designated early childhood educators

(a) to bring about improvement in the quality of education by assisting teachers and designated early childhood educators in their practices;

co-operate with boards

(b) to assist and co-operate with boards to the end that the schools may best serve the needs of the pupils;

visit schools

(c) to visit schools and classrooms as the Minister may direct and, where the supervisory officer has been appointed by a board, as the board may direct;

prepare reports

(d) to prepare a report of a visit to a school or classroom when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board and to give to a teacher or designated early childhood educator referred to in any such report a copy of the portion of the report that refers to the teacher or designated early childhood educator;

Acts and regulations

(e) to ensure that the schools under his or her jurisdiction are conducted in accordance with this Act and the regulations;

annual report to Minister

(f) to make a general annual report as to the performance of his or her duties and the condition of the schools in his or her area of jurisdiction when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board;

report to M.O.H.

(g) to report to the appropriate medical officer of health any case in which the school buildings or premises are found to be in an unsanitary condition;

report to the Minister

(h) to furnish the Minister with information respecting any school in his or her area of jurisdiction whenever required to do so;

supervise business

(i) to supervise the business functions of the board;

supervise buildings and property

(j) to supervise the use and maintenance of the buildings and property of the board; and

other

(k) to exercise such other powers and perform such other duties as may be prescribed by a regulation made, or a policy established, under Part XIII (Behaviour, Discipline and Safety). R.S.O. 1990, c. E.2, s. 286 (1); 1997, c. 31, s. 126; 2000, c. 12, s. 2; 2010, c. 10, s. 22.

Responsibility to Minister

(2) Every supervisory officer appointed by the Minister is responsible to the Minister for the performance of his or her duties. R.S.O. 1990, c. E.2, s. 286 (2).

Responsibility to board

(3) Every supervisory officer appointed by a board is responsible to the board through the chief executive officer for the performance of the duties assigned to the supervisory officer by the board. R.S.O. 1990, c. E.2, s. 286 (3).

Full-time position

(4) Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his or her tenure as a supervisory officer. R.S.O. 1990, c. E.2, s. 286 (4).

Access to books and records, etc.

(5) A provincial supervisory officer or a person designated by the Minister shall have access, as required by the Minister, to any school and to the books and records of a board or a school. R.S.O. 1990, c. E.2, s. 286 (5).

Suspension or dismissal of supervisory officer by board

287. (1) A supervisory officer appointed by a board may be suspended or dismissed by the board, in accordance with the regulations, for neglect of duty, misconduct or inefficiency. R.S.O. 1990, c. E.2, s. 287 (1).

Notice re suspension or dismissal

(2) Where a board suspends or dismisses a supervisory officer, the board shall forthwith notify in writing the supervisory officer and the Minister of the suspension or dismissal and the reasons therefor. R.S.O. 1990, c. E.2, s. 287 (2).

Principals, vice-principals

287.1 (1) A principal or a vice-principal may perform the duties of a teacher despite any provision in a collective agreement. 1997, c. 31, s. 127.

Regulations

(2) The Lieutenant Governor in Council may make regulations governing terms and conditions of employment for principals and for vice-principals. 1997, c. 31, s. 127.

Same

(3) A regulation may establish different requirements for different classes of principal or vice-principal. 1997, c. 31, s. 127.

PART XI.1
PERFORMANCE APPRAISAL OF PRINCIPALS, VICE-PRINCIPALS AND SUPERVISORY OFFICERS

Purpose of Part

287.2 The purpose of this Part is,

(a) to ensure that pupils receive the benefit of an education system staffed by supervisory officers, principals and vice-principals who are performing their duties satisfactorily;

(b) to provide for fair, effective and consistent evaluation of supervisory officers, principals and vice-principals, in every school; and

(c) to promote professional growth. 2001, c. 24, s. 5.

Interpretation

287.3 (1) In this Part,

"parent" includes a person who has lawful custody of a child. 2001, c. 24, s. 5.

References to supervisory officers

(2) A reference in this Part to a supervisory officer is a reference to a supervisory officer who qualified as such as a teacher. 2001, c. 24, s. 5.

Regulations: performance appraisals, principals, etc.

287.4 (1) The Lieutenant Governor in Council may make regulations respecting performance appraisals of supervisory officers, principals and vice-principals, including but not limited to regulations,

(a) respecting the frequency and timing of the appraisals;

(b) respecting competencies to be evaluated in conducting appraisals;

(c) respecting the rating scale to be used in conducting appraisals;

(d) respecting the standards, methods, processes, timelines and steps to be followed and the input and material to be taken into account in conducting the appraisals;

(e) providing for performance contracts, whether by permitting or requiring boards to require them as a condition of employment;

(f) respecting the documents, forms and formats to be used in connection with appraisals, including providing for the use of a document, form or format that is approved by a person or body specified in the regulation;

(g) respecting the documentation to be compiled and kept in connection with the appraisals;

(h) respecting transitional and ongoing matters related to the implementation of this Part;

(i) respecting the processes, timelines and steps to be followed following an appraisal;

(j) respecting the results of appraisal results, including but not limited to regulations providing for a range of results and criteria to be applied in determining results;

(k) respecting the application of the requirements under this Part;

(l) providing for exemptions from requirements under this Part and specifying conditions and restrictions respecting the exemptions;

(m) respecting which persons or bodies or classes of persons or bodies shall conduct appraisals or classes of appraisals;

(n) respecting disclosure, receipt and use of information related to or gathered in connection with the appraisals. 2001, c. 24, s. 5.

Subdelegation

(2) In a regulation under this section, the Lieutenant Governor in Council may,

(a) delegate duties and powers to boards, board officials and employees, ministry officials and employees and other persons and bodies as the Lieutenant Governor in Council considers advisable to ensure that the requirements under this Part are complied with and are implemented and administered effectively, fairly and reasonably;

(b) specify conditions and restrictions respecting the exercise of the duties and powers referred to in clause (a). 2001, c. 24, s. 5.

Same

(3) In determining what duties and powers to delegate under clause (2) (a) and what conditions and restrictions to specify under clause (2) (b), the Lieutenant Governor in Council may be guided, to the extent that the Lieutenant Governor in Council considers appropriate, by the provisions of Part X.2 that assign duties and powers to persons and bodies and the provisions of Part X.2 that permit subdelegation of duties and powers. 2001, c. 24, s. 5.

Parental and pupil input, certain performance appraisals

(4) Subject to subsections (5) to (8), a regulation under clause (1) (d) may provide that documents recording parental input, pupil input or both shall be taken into account. 2001, c. 24, s. 5.

Same

(5) Without limiting the generality of clause (1) (d), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account may,

(a) prescribe the kinds of parental input, pupil input or both that may be sought;

(b) provide for the use of survey forms;

(c) provide for processes, timelines and steps to be followed by boards in developing survey forms, including the kinds of consultations to be undertaken or approvals to be obtained. 2001, c. 24, s. 5.

Same

(6) Subject to subsection (7), a regulation that provides that documents recording parental input, pupil input or both shall be taken into account shall also provide that the person who is the subject of the performance appraisal shall be given an opportunity to review the documents and to respond respecting the documents to the person who conducted the performance appraisal. 2001, c. 24, s. 5.

Same

(7) A regulation that provides that documents recording parental input, pupil input or

both shall be taken into account shall also provide that, where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the person who is the subject of the performance appraisal. 2001, c. 24, s. 5.

Same

(8) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in determining the results of a performance appraisal or the consequences of those results. 2001, c. 24, s. 5.

General or specific

(9) A regulation under this section may be general or specific. 2001, c. 24, s. 5.

Additional competencies, processes, etc.

287.5 (1) In addition to complying with section 287.4 and the regulations under it, a board may, in relation to the performance appraisals conducted by it under this Part, provide for,

(a) competencies that are additional to those provided for under clause 287.4 (1) (b);

(b) standards, methods, processes, timelines and steps to be followed that are additional to those set out under clause 287.4 (1) (d) and the input and material to be taken into account that are additional to those set out under clause 287.4 (1) (d);

(c) processes, timelines and steps that are additional to those set out under clause 287.4 (1) (i) to be followed following performance appraisals;

(d) results of performance appraisal ratings, including but not limited to a range of results and criteria to be applied in determining results, that are additional to those set out under clause 287.4 (1) (j). 2001, c. 24, s. 5.

Same

(2) Subject to subsections (3) to (6), a board acting under clause (1) (b) may provide that documents recording parental input, pupil input or both shall be taken into account. 2001, c. 24, s. 5.

Same

(3) Where a board provides that documents recording parental input, pupil input or both shall be taken into account, the regulations under subsection 287.4 (5) apply with necessary modifications. 2001, c. 24, s. 5.

Same

(4) Subject to subsection (5), where a board provides that documents recording parental input, pupil input or both shall be taken into account, the supervisory officer, principal or vice-principal shall be given an opportunity to review the documents and respond respecting the documents to the person who conducted the performance appraisal. 2001, c. 24, s. 5.

Same

(5) Where a board provides that documents recording parental input, pupil input or both shall be taken into account and where the parent or pupil so requests, words or names that would identify the parent or pupil shall be removed from a document before it is provided to the supervisory officer, principal or vice-principal. 2001, c. 24, s. 5.

Same

(6) Information obtained solely through documents recording parental input, pupil input or both shall not be the sole factor in determining the results of a performance appraisal or the consequences of those results. 2001, c. 24, s. 5.

Same

(7) This section shall not be interpreted as authorizing boards,

(a) to require or permit performance appraisals to be conducted under this Part that are additional to those required or permitted under section 287.4; or

(b) to provide for anything that conflicts with the provisions in or under other sections of this Part relating to performance appraisals under this Part, including but not limited to provisions relating to timelines. 2001, c. 24, s. 5.

General or specific

(8) An action of a board under this section may be general or be specific to a class of supervisory officers, principals or vice-principals specified by the board. 2001, c. 24, s. 5.

Minister's guidelines

287.6 (1) The Minister may issue guidelines describing knowledge and practices that a person conducting a performance appraisal under this Part shall look for in order to assist in evaluating the competencies of and in determining the rating to be given to the supervisory officer, principal or vice-principal, as the case may be. 2001, c. 24, s. 5.

Same

(2) While a person conducting a performance appraisal shall comply with the guidelines, the guidelines shall not be taken as a comprehensive statement of what the person shall or may look for or take into account when conducting a performance appraisal. 2001, c. 24, s. 5.

Same

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a guideline of the Minister under this section. 2001, c. 24, s. 5; 2006, c. 21, Sched. F, s. 107 (2).

Interpretation of Part

287.7 (1) Nothing in this Part, or any regulation, guideline, policy or rule under it, shall be interpreted to limit rights otherwise available relating to discipline of any supervisory officer, principal or vice-principal, including but not limited to rights relating to reassignment of duties, suspension or termination of employment, whether or not a performance appraisal process relating to the supervisory officer, principal or vice-principal is being conducted under this Part. 2001, c. 24, s. 5.

Transition

(2) Nothing in this Part, or any regulation, guideline, policy or rule under it, shall be interpreted to limit a board's ability to complete a performance appraisal of a supervisory officer, principal or vice-principal begun before this Part begins to apply to that board and that supervisory officer, principal or vice-principal, or to follow any process or take any action relating to that performance appraisal that the board might have followed or taken but for this Part. 2001, c. 24, s. 5.

PART XII
LANGUAGE OF INSTRUCTION

Provisions Relating to District School Boards

French-language district school boards

288. A French-language district school board shall only operate classes, groups of classes and schools that are French-language instructional units. 1997, c. 31, s. 128.

English-language district school boards

289. An English-language district school board shall not operate classes, groups of classes or schools that are French-language instructional units. 1997, c. 31, s. 128.

PROVISIONS RELATING TO SCHOOL AUTHORITIES

Language of instruction: school authorities other than s. 67 boards

290. (1) This section does not apply to a board established under section 67. 1997, c. 31, s. 128.

Right to instruction in French-language instructional unit: school authorities

(2) Every French-speaking person who is qualified under this Act to be a resident pupil of a school authority has the right to receive elementary school instruction in a French-language instructional unit operated or provided by the school authority. 1997, c. 31, s. 128.

Duty of school authority to provide French-language instructional unit

(3) Every school authority that has one or more resident pupils who notify the school authority that they wish to exercise their right to receive elementary school instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board. 1997, c. 31, s. 128.

Meals, lodging and transportation

(4) A school authority that provides a French-language instructional unit for elementary school instruction by means of an agreement with another board shall provide to each French-speaking person who is a resident pupil of the school authority for whom French-language instruction is provided under the agreement and who resides with the parent or other person who has lawful custody of the pupil more than 24 kilometres from the French-language instructional unit,

(a) an allowance payable monthly in an amount set by the school authority for meals and lodging for each day of attendance as certified by the principal for the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or

(b) daily transportation in a manner determined by the school authority from the pupil's residence to the French-language instructional unit and return, where the parent or other person who has lawful custody of the pupil elects to have daily transportation. 1997, c. 31, s. 128.

English-language schools or classes

(5) Where a school authority operates or provides one or more elementary French-language instructional units, a resident pupil of the school authority has the right to receive elementary school instruction in the English language and subsections (2), (3) and (4) apply with necessary modifications in respect of the resident pupil and the school authority. 1997, c. 31, s. 128.

Language of instruction: s. 67 boards

Right to instruction in French-language instructional unit: s. 67 boards

291. (1) Every French-speaking person who is qualified under this Act to be a resident pupil of a school authority established under section 67 has the right to receive secondary school instruction in a French-language instructional unit operated or provided by the school authority. 1997, c. 31, s. 128.

Duty of s. 67 boards to provide French-language instructional unit

(2) Every school authority established under section 67 that has one or more resident pupils who notify the school authority that they wish to exercise their right to receive secondary school instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board. 1997, c. 31, s. 128.

Meals, lodging and transportation

(3) A school authority established under section 67 that provides a French-language instructional unit for secondary school instruction by means of an agreement with another board shall provide to each French-speaking person who is qualified to be a resident pupil of the school authority for whom French-language instruction is provided under the agreement and who resides with the parent or other person who has lawful custody of the pupil more than 24 kilometres from the French-language instructional unit,

(a) an allowance payable monthly in an amount set by the school authority for meals and lodging for each day of attendance as certified by the principal for the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or

(b) daily transportation in a manner determined by the school authority from the pupil's residence to the French-language instructional unit and return, where the parent or other person who has lawful custody of the pupil elects to have daily transportation. 1997, c. 31, s. 128.

English-language classes where French-language school or classes established

(4) Where a school authority established under section 67 operates or provides one or more secondary French-language instructional units, a resident pupil of the school authority has the right to receive secondary school instruction in the English language and subsections (1) to (3) apply with necessary modifications in respect of the resident pupil and the school authority. 1997, c. 31, s. 128.

PROVISIONS RELATING TO DISTRICT SCHOOL BOARDS AND SCHOOL AUTHORITIES

English as a subject of instruction

292. (1) English may be a subject of instruction in any grade in a French-language instructional unit. 1997, c. 31, s. 128.

Same, grades 5, 6, 7 and 8

(2) English shall be a subject of instruction in grades 5, 6, 7 and 8 in every French-language instructional unit. 1997, c. 31, s. 128.

Admission of pupils other than French-speaking persons where French is language of instruction

293. (1) A French-language district school board, on the request of the parent of a pupil who is not a French-speaking person, or of a person who has lawful custody of a pupil who is not a French-speaking person, or of a pupil who is an adult and is not a French-

speaking person, may admit the pupil to a school of the board if the admission is approved by majority vote of an admissions committee appointed by the board and composed of,

(a) the principal of the school to which admission is requested;

(b) a teacher of the board; and

(c) a supervisory officer employed by the board. 1997, c. 31, s. 128.

Same

(2) A school authority that operates a French-language instructional unit, on the request of the parent of a pupil who is not a French-speaking person, or of a person who has lawful custody of a pupil who is not a French-speaking person, or of a pupil who is an adult and is not a French-speaking person, may admit the pupil to the French-language instructional unit if the admission is approved by majority vote of an admissions committee appointed by the school authority and composed of,

(a) the principal of the school to which admission is requested;

(b) a teacher who uses the French language in instruction in the school; and

(c) a French-speaking supervisory officer employed by the school authority or arranged for in accordance with subsection (3). 1997, c. 31, s. 128.

Where school authority has no French-speaking supervisory officer

(3) Where a school authority does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee. 1997, c. 31, s. 128.

FRENCH-LANGUAGE RIGHTS HOLDER GROUPS

French-language rights holders groups

294. (1) In this section and in sections 295 to 299,

"Commission" means the Languages of Instruction Commission of Ontario continued under section 295; ("Commission")

"French-language rights holder", in relation to a school authority, means a person who is entitled to vote at an election of members of the school authority and who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario. ("titulaire des droits liés au français") 1997, c. 31, s. 128.

Proposals of French-language rights holders groups

(2) A group of 10 French-language rights holders of a school authority may develop a proposal designed to meet the educational and cultural needs of the French-speaking persons who are resident pupils of the school authority and of the French-speaking community served by the school authority. 1997, c. 31, s. 128.

Same

(3) A proposal under this section may relate to,

(a) the provision of suitable sites, accommodation and equipment;

(b) the establishment, operation and management of French-language instructional units;

(c) the establishment of or alteration of the area of jurisdiction of a French-language district school board;

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

(e) the use of Quebec Sign Language as a language of instruction;

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

(g) the establishment of the course of study and the use of textbooks;

(h) the development and establishment of special education programs;

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

(j) the provision of transportation for pupils;

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

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

(m) the development and establishment of adult education programs;

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

(o) the provision of summer school programs; and

(p) any other matter pertaining to French-language education for French-speaking persons. 1997, c. 31, s. 128.

Consideration of proposals by school authority

(4) The school authority shall consider any proposal that is developed by a French-language rights holder group under this section and submitted to the school authority in writing. 1997, c. 31, s. 128.

Same

(5) The school authority shall not refuse to approve the proposal without having given the French-language rights holder group an opportunity to be heard by the school authority. 1997, c. 31, s. 128.

Same

(6) For the purposes of subsection (5), a group shall name one of its members to speak for the group. 1997, c. 31, s. 128.

Approval of proposal under clause (3) (c)

(7) Where a school authority approves a proposal made under clause (3) (c), it shall give notice of the approval to the Minister, together with a recommendation that a regulation be made under subsection 58.1 (2) implementing the proposal. 1997, c. 31, s. 128.

Notice of refusal

(8) A school authority that refuses to approve a proposal shall, within 30 days after receiving the proposal of the French-language rights holder group, forward to the group written reasons for the refusal. 1997, c. 31, s. 128.

Referral by group to Languages of Instruction Commission

(9) On receipt of a refusal and the reasons for it under subsection (8), the French-

language rights holder group may refer the matter to the Commission by sending to the Commission,

(a) a written request for consideration of the matter;

(b) the written proposal of the group; and

(c) the written reasons of the school authority for its refusal. 1997, c. 31, s. 128.

Same

(10) A French-language rights holder group that refers a matter to the Commission shall send to the school authority a copy of the written request for consideration referred to in clause (9) (a). 1997, c. 31, s. 128.

LANGUAGES OF INSTRUCTION COMMISSION OF ONTARIO

Commission continued

295. (1) The Languages of Instruction Commission of Ontario is continued under the name Languages of Instruction Commission of Ontario in English and Commission des langues d'enseignement de l'Ontario in French and shall be composed of five members appointed by the Lieutenant Governor in Council, at least two of whom shall be French-speaking and at least two of whom shall be English-speaking, and one of the members shall be appointed as chair. 1997, c. 31, s. 128.

Term, reappointment and remuneration

(2) Members of the Commission shall hold office for a term of one, two or three years as may be determined from time to time by the Lieutenant Governor in Council, may be reappointed and shall be paid such remuneration as is determined by the Lieutenant Governor in Council. 1997, c. 31, s. 128.

Vacancies

(3) Where a vacancy occurs in the membership of the Commission, the vacancy may be filled for the unexpired portion of the term of the person whose office has become vacant. 1997, c. 31, s. 128.

Commission is responsible to the Minister

(4) The Commission is responsible to the Minister for its operation and shall be assisted by such public servants employed under Part III of the *Public Service of Ontario Act, 2006* as the Minister may assign for the purpose and may, as required from time to time, obtain the services of a lawyer. 1997, c. 31, s. 128; 2006, c. 35, Sched. C, s. 28 (2).

Quorum

(5) A quorum consists of three members of whom at least one shall be French-speaking and one English-speaking. 1997, c. 31, s. 128.

Recommendation

(6) A recommendation of the Commission under section 297 or 298 requires the approval of at least a majority of the members of the Commission. 1997, c. 31, s. 128.

Duties of Commission

(7) The Commission shall consider matters referred to it by a French-language rights holders group under section 294 or by the Minister under subsection (9). 1997, c. 31, s. 128.

Person to speak for group

(8) The group shall name one of its members to speak for it. 1997, c. 31, s. 128.

Referral to Commission by Minister

(9) The Minister may refer to the Commission any matter relating to instruction in the French language or, where the pupils of a school authority who receive instruction in the English language are a minority of the pupils of the school authority, any matter relating to instruction in the English language. 1997, c. 31, s. 128.

Commission response to referral under s. 294

(10) When a matter is referred to the Commission by a French-language rights holders group, the Commission shall,

(a) promptly appoint one or more mediators where it considers that the furtherance of the matter may be conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community; or

(b) take no further action where it considers that the furtherance of the matter is not conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community. 1997, c. 31, s. 128.

Commission response to referral under subs. (9)

(11) When a matter is referred to the Commission by the Minister, the Commission shall promptly appoint one or more mediators. 1997, c. 31, s. 128.

Notice where no further action by Commission

(12) Where the Commission takes no further action on a referral from a French-language rights holder group, it shall promptly send notice in writing of its decision, with written reasons, to the school authority, the Minister and the person named under subsection (8). 1997, c. 31, s. 128.

Notice where mediator appointed

(13) Where the Commission makes an appointment under subsection (10) or (11), it shall give to each party the name and address of each mediator and of each party. 1997, c. 31, s. 128.

Parties

(14) The following are the parties to the mediation:

1. The Minister.
2. The school authority.
3. Where the referral was from a French-language rights holder group, the person named under subsection (8).
4. Any other person specified by the Commission. 1997, c. 31, s. 128.

Mediators

296. (1) Mediators shall be paid such remuneration as the Lieutenant Governor in Council may determine. 1997, c. 31, s. 128.

Who not eligible as mediator

(2) A mediator shall not be a member of the Commission. 1997, c. 31, s. 128.

Duties of mediator

(3) The mediator or mediators shall, after inquiring into the matter referred for mediation and conferring with the parties, endeavour to bring about an agreement and shall, within 21 days of being appointed, report to the Commission the agreement that has been reached, or the failure to bring about an agreement. 1997, c. 31, s. 128.

Extension of period of mediation

(4) The period referred to in subsection (3) may be extended by the Commission or by agreement of the parties to the mediation. 1997, c. 31, s. 128.

Duties of Commission and of school authority

297. (1) Where the report of the mediator or mediators to the Commission indicates failure to bring about an agreement, the Commission shall consider and inquire into all pertinent aspects of the matter referred to mediation and shall, within 21 days of its receipt of the report, recommend in writing a course of action that it considers appropriate to settle the matter and send copies of its recommendation to each party to the mediation. 1997, c. 31, s. 128.

Resolution by school authority

(2) Except where implementation of the recommendation would require a regulation under subsection 58.1 (2), within 30 days of the receipt by the school authority of the recommendation of the Commission, the school authority shall resolve either to implement the recommendation or not to implement the recommendation. 1997, c. 31, s. 128.

Notice of resolution

(3) The school authority shall give written notice of the resolution to each party. 1997, c. 31, s. 128.

Where school authority resolves not to implement recommendation

(4) A school authority that resolves not to implement the recommendation shall also give written reasons for the resolution to each party. 1997, c. 31, s. 128.

Time for notices and reasons

(5) The school authority shall give the notices and reasons within the 30-day period mentioned in subsection (2). 1997, c. 31, s. 128.

Second resolution by school authority

298. (1) A school authority that resolves not to implement the recommendation of the Commission may rescind the resolution and resolve to implement the recommendation. 1997, c. 31, s. 128.

Conflict with by-law

(2) In the event of a conflict between subsection (1) and a by-law of the school authority, subsection (1) prevails. 1997, c. 31, s. 128.

Time for second resolution

(3) A school authority must act under subsection (1) within 60 days after receiving the recommendation of the Commission. 1997, c. 31, s. 128.

Notice

(4) A school authority that acts under subsection (1) shall give written notice of its action to each party. 1997, c. 31, s. 128.

Reconsideration by Commission

299. (1) Where a school authority does not resolve to implement the recommendation of the Commission within the period of time mentioned in section 297 or 298, as the case requires, the Commission shall reconsider the matter and shall make a written report and recommendation to the Minister in respect of the matter. 1997, c. 31, s. 128.

Order by Minister

(2) The Minister shall consider the report and recommendation of the Commission under subsection (1) and shall make such order to the school authority or the Commission,

or both, or take such other action, to deal with the matter as the Minister considers appropriate in the circumstances. 1997, c. 31, s. 128.

Report and recommendation not binding on Minister

(3) The report and recommendation of the Commission are not binding on the Minister, and the Minister is not required to give to any person an opportunity to make submissions or to be heard before making an order under subsection (2). 1997, c. 31, s. 128.

Enforcement of order

(4) An order by the Minister under subsection (2), exclusive of the reasons, if any, therefor may be filed in the Superior Court of Justice. 1997, c. 31, s. 128; 2000, c. 11, s. 21.

Same

(5) An order filed under subsection (4) shall be entered in the same way as a judgment or order of the Superior Court of Justice and is enforceable as an order of that court. 1997, c. 31, s. 128; 2000, c. 11, s. 21.

Service of order

(6) An order by the Minister under subsection (2),

(a) to a school authority is effective according to its terms when a copy is served on the secretary of the school authority; and

(b) to the Commission is effective according to its terms when a copy is served on the chair of the Commission. 1997, c. 31, s. 128.

PART XIII
BEHAVIOUR, DISCIPLINE AND SAFETY

Interpretation

300. (1) In this Part,

"school premises" means, with respect to a school, the school buildings and premises. 2000, c. 12, s. 3.

Same

(2) In this Part, where reference is made to a regulation or to a matter prescribed by regulation, it means a regulation to be made by the Minister under this Part. 2000, c. 12, s. 3.

Receipt of notice

(3) Where notice is given to a person under this Part, it shall be considered to have been received by the person in accordance with the following rules:

1. If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.

2. If the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent. 2007, c. 14, s. 1.

Purpose

300.0.1 The purposes of this Part include the following:

1. To create schools in Ontario that are safe, inclusive and accepting of all pupils.

2. To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on

homophobia, transphobia or biphobia.

3. To address inappropriate pupil behaviour and promote early intervention.

4. To provide support to pupils who are impacted by inappropriate behaviour of other pupils.

5. To establish disciplinary approaches that promote positive behaviour and use measures that include appropriate consequences and supports for pupils to address inappropriate behaviour.

6. To provide pupils with a safe learning environment. 2012, c. 5, s. 6.

Bullying Awareness and Prevention Week

300.0.2 (1) The week beginning on the third Sunday in November in each year is proclaimed as Bullying Awareness and Prevention Week. 2012, c. 5, s. 7.

Same, purpose

(2) The purpose of subsection (1) is to promote awareness and understanding of bullying and its consequences in the school community. 2012, c. 5, s. 7.

Delegation by principals

300.1 (1) A principal of a school may delegate in writing any of his or her powers, duties or functions under this Part to,

(a) a vice-principal of the school;

(b) a teacher employed in the school;

(c) a person appointed by a board under paragraph 5.1 of subsection 171 (1) to supervise persons in positions designated by the board as requiring an early childhood educator; and

(d) a person appointed by a board under subsection 260 (2) to a position in an extended day program designated by the board as requiring an early childhood educator. 2009, c. 17, s. 1; 2011, c. 9, Sched. 10, s. 12 (1).

Same

(2) A teacher who is not a vice-principal may only act under a delegation under this section if the principal and vice-principal of the school are absent from the school. 2009, c. 17, s. 1.

Same

(2.1) A person described in clause (1) (c) or (d) may only act under a delegation under this section if,

(a) the principal and vice-principal of the school are absent from the school;

(b) the delegated power, duty or function is exercised in respect of a pupil enrolled in an extended day program in the school; and

(c) the delegated power, duty or function is exercised during the time that the extended day program is operated in the school. 2011, c. 9, Sched. 10, s. 12 (2).

Same

(3) A delegation under this section is subject to any restrictions, limitations and conditions set out in the delegation. 2009, c. 17, s. 1.

Same

(4) A delegation under this section shall be in accordance with any policies and guidelines established by the Minister under subsection 301 (5.1) or by the board under subsection 302 (0.1). 2009, c. 17, s. 1.

Reporting to the principal

300.2 (1) An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) shall report to the principal of the school about the matter. 2009, c. 17, s. 1; 2012, c. 5, s. 8 (1).

Same

(2) An employee shall report to the principal as soon as reasonably possible or, if a different time period is specified by the policies or guidelines, within that time period. 2012, c. 5, s. 8 (2).

Principal's duty to investigate

(3) A principal shall investigate any matter reported under subsection (1). 2012, c. 5, s. 8 (2).

Informing reporter

(4) After investigating a matter reported under subsection (1), the principal shall communicate the results of the investigation to,

(a) if the matter was reported by a teacher, that teacher; or

(b) if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so. 2012, c. 5, s. 8 (2).

Same

(5) The principal shall not disclose more personal information under subsection (4) than is reasonably necessary for the purpose of communicating the results of the investigation. 2012, c. 5, s. 8 (2).

Notice to parent or guardian

300.3 (1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1), the principal shall, as soon as reasonably possible, notify,

(a) the parent or guardian of the pupil who the principal believes has been harmed; and

(b) the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm. 2012, c. 5, s. 9 (1).

Same

(2) A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is,

(a) 18 years or older; or

(b) 16 or 17 years old and has withdrawn from parental control. 2009, c. 17, s. 1.

Same

(3) A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interests. 2009, c. 17, s. 1.

Same

(4) When notifying a parent or guardian of a pupil under clause (1) (a), the principal shall disclose,

(a) the nature of the activity that resulted in harm to the pupil;

(b) the nature of the harm to the pupil;

(c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity; and

(d) the supports that will be provided for the pupil in response to the harm that resulted from the activity. 2012, c. 5, s. 9 (2).

Same

(5) When notifying a parent or guardian of a pupil under clause (1) (a), the principal shall not disclose the name of or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with subsection (4). 2009, c. 17, s. 1; 2012, c. 5, s. 9 (3).

Same

(6) When notifying a parent or guardian of a pupil under clause (1) (b), the principal shall disclose,

(a) the nature of the activity that resulted in harm to the other pupil;

(b) the nature of the harm to the other pupil;

(c) the nature of any disciplinary measures taken in response to the activity; and

(d) the supports that will be provided for the pupil in response to his or her engagement in the activity. 2012, c. 5, s. 9 (4).

Same

(7) When notifying a parent or guardian of a pupil under clause (1) (b), the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity, except in so far as is necessary to comply with subsection (6). 2012, c. 5, s. 9 (4).

Parent's right to provide comments

(8) When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child. 2012, c. 5, s. 9 (4).

Response by board employees

300.4 (1) If the Minister has established policies or guidelines under subsection 301 (5.6), an employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate shall respond in accordance with those policies and guidelines and in accordance with any policies and guidelines established by the board under subsection 302 (3.3). 2009, c. 17, s. 1.

Exception

(2) Subsection (1) does not apply in circumstances set out in a regulation made under clause 316 (1) (d). 2009, c. 17, s. 1.

Provincial code of conduct

301. (1) The Minister may establish a code of conduct governing the behaviour of all persons in schools. 2000, c. 12, s. 3.

Purposes

(2) The following are the purposes of the code of conduct:

1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.
2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
4. To encourage the use of non-violent means to resolve conflict.
5. To promote the safety of people in the schools.
6. To discourage the use of alcohol and illegal drugs.
7. To prevent bullying in schools. 2000, c. 12, s. 3; 2012, c. 5, s. 10 (1).

Notice

(3) Every board shall take such steps as the Minister directs to bring the code of conduct to the attention of pupils, parents and guardians of pupils and others who may be present in schools under the jurisdiction of the board. 2000, c. 12, s. 3.

Agreements with third parties re use of schools

(3.1) If a board enters into an agreement with another person or entity, other than a board, respecting the use of a school operated by the board, the board shall include in the agreement a requirement that the person or entity follow standards that are consistent with the code of conduct. 2012, c. 5, s. 10 (2).

Code is policy

(4) The code of conduct is a policy of the Minister. 2000, c. 12, s. 3.

Policies and guidelines governing conduct

(5) The Minister may establish additional policies and guidelines with respect to the conduct of persons in schools. 2000, c. 12, s. 3.

Same, governing delegation by principals

(5.1) The Minister may establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part. 2009, c. 17, s. 2.

Same, reporting to principals

(5.2) The Minister may establish policies and guidelines requiring individuals described in subsection (5.3) who become aware that a pupil of a school of a board may have engaged in an activity described in subsection 306 (1) or 310 (1) to report to the principal of the school about the matter, as soon as reasonably possible. 2009, c. 17, s. 2.

Same

(5.3) The individuals referred to in subsection (5.2) are individuals who are not board employees who come into direct contact with pupils of a board on a regular basis in the normal course of,

(a) providing goods or services to the board;

(b) carrying out their employment functions as an employee of a person who provides goods or services to the board; or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is amended by striking out "or" at the end. See: 2011, c. 9, Sched. 10, ss. 13, 14 (2).

(c) providing services to a person who provides goods or services to the board. 2009, c. 17, s. 2.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (5.3) is amended by adding "or" at the end of clause (c) and by adding the following clause:

(d) providing programs or services to pupils in a school of the board.

See: 2011, c. 9, Sched. 10, ss. 13, 14 (2).

Same

(5.4) The Minister may establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection (5.2). 2009, c. 17, s. 2.

Same, support to certain pupils

(5.5) The Minister may establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3). 2009, c. 17, s. 2.

Same, governing responses by board employees

(5.6) The Minister may establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate. 2009, c. 17, s. 2.

Same, governing discipline

(6) The Minister shall establish policies and guidelines with respect to disciplining pupils, which must include policies and guidelines respecting,

(a) the use of disciplinary measures within a framework that,

(i) identifies pupil behaviours that are inappropriate and that, without excluding less serious behaviour, include bullying, sexual assault, gender-based violence and incidents based on homophobia, transphobia or biphobia,

(ii) provides for appropriate consequences for pupils who engage in inappropriate behaviour,

(iii) provides for progressively more serious consequences for repeated or more serious inappropriate behaviour,

(iv) provides support for pupils who are impacted by inappropriate behaviour, and for pupils who engage in inappropriate behaviour, to assist them in developing healthy relationships, making good choices, continuing their learning and achieving success,

(v) provides for prevention strategies, and

(vi) provides for early and ongoing intervention strategies;

(b) opportunities for all pupils, their parents and guardians, and all teachers and other staff members in a school to increase their understanding and awareness of inappropriate pupil behaviour;

(c) opportunities for all teachers and other staff members in a school to increase their ability to respond to inappropriate pupil behaviour;

(d) training for all teachers and other staff;

(e) procedures for responding appropriately and in a timely manner to inappropriate behaviour;

(f) resources to support pupils who are impacted by inappropriate behaviour;

(g) resources to support pupils who have engaged in inappropriate behaviour;

(h) a process that parents or guardians of pupils described in clause (f) or (g) can follow if they have concerns about the support provided to their child. 2012, c. 5, s. 10 (3).

Same, procedural matters

(6.1) The Minister may establish policies and guidelines with respect to,

(a) appeals of a decision to suspend a pupil;

(b) principals' investigations to determine whether to recommend that a pupil be expelled; and

(c) expulsion hearings. 2007, c. 14, s. 2.

Same, promoting safety

(7) The Minister may establish policies and guidelines to promote the safety of pupils. 2000, c. 12, s. 3.

Same, bullying

(7.1) The Minister shall establish policies and guidelines with respect to bullying prevention and intervention in schools, which must include policies and guidelines respecting,

(a) training for all teachers and other staff;

(b) resources to support pupils who have been bullied;

(c) strategies to support pupils who witness incidents of bullying;

(d) resources to support pupils who have engaged in bullying;

(e) procedures that allow pupils to report incidents of bullying safely and in a way that minimizes the possibility of reprisal;

(f) procedures that allow parents and guardians and other persons to report incidents of bullying;

(g) the use of disciplinary measures within the framework described in clause (6) (a) in response to bullying;

(h) procedures for responding appropriately and in a timely manner to bullying;

(i) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3. 2012, c. 5, s. 10 (4).

Same, collection of information

(7.2) The Minister may establish policies and guidelines requiring boards to collect specified information relating to behaviour, discipline and safety in schools. 2012, c. 5, s. 10 (4).

Same, s. 314.5 reports

(7.3) The Minister may establish policies and guidelines with respect to the reports required under subsection 314.5 (1), including policies and guidelines respecting the form and content of the reports and the times at which they must be submitted. 2012, c. 5, s. 10 (4).

Different policies, etc.

(8) The Minister may establish different policies and guidelines under this section for different circumstances, for different locations and for different classes of persons. 2000, c. 12, s. 3.

Duty of boards

(9) The Minister may require boards to comply with policies and guidelines established under this section. 2000, c. 12, s. 3.

Not regulations

(10) Policies and guidelines established under this section are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2000, c. 12, s. 3; 2006, c. 21, Sched. F, s. 136 (1).

Approval and changes, board policies and guidelines

(11) The Minister may require boards to submit any policy or guideline established under section 302 to the Minister and to implement changes to the policy or guideline as directed by the Minister. 2012, c. 5, s. 10 (4).

Board policies and guidelines

Delegation by principals

302. (0.1) Every board shall establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part and the policies and guidelines must be consistent with the policies and guidelines established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify. 2009, c. 17, s. 3 (1).

Board's policies and guidelines governing conduct

(1) Every board shall establish policies and guidelines with respect to the conduct of persons in schools within the board's jurisdiction and the policies and guidelines must address such matters and include such requirements as the Minister may specify. 2000, c. 12, s. 3.

Same, governing discipline

(2) Every board shall establish policies and guidelines with respect to disciplining pupils, and the policies and guidelines must,

(a) be consistent with this Part and with those established by the Minister under section 301;

(b) address every matter described in clauses 301 (6) (a) to (h); and

(c) address any other matter and include any other requirement that the Minister may specify. 2012, c. 5, s. 11 (1).

Same, promoting safety

(3) If required to do so by the Minister, a board shall establish policies and guidelines to promote the safety of pupils, and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include

such requirements as the Minister may specify. 2000, c. 12, s. 3.

Same, reporting to principals

(3.1) If required to do so by the Minister, a board shall establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection 301 (5.2), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify. 2009, c. 17, s. 3 (2).

Same, support to certain pupils

(3.2) If required to do so by the Minister, a board shall establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify. 2009, c. 17, s. 3 (2).

Same, governing responses by board employees

(3.3) If required to do so by the Minister, a board shall establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate, and the policies and guidelines must be consistent with those established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify. 2009, c. 17, s. 3 (2).

Same, governing bullying

(3.4) Every board shall establish policies and guidelines with respect to bullying prevention and intervention in schools, and the policies and guidelines must,

(a) be consistent with those established by the Minister under section 301;

(b) address every matter described in clauses 301 (7.1) (a) to (h); and

(c) address any other matter and include any other requirement that the Minister may specify. 2012, c. 5, s. 11 (2).

Same, governing access to school premises

(4) A board may establish policies and guidelines governing access to school premises, and the policies and guidelines must be consistent with the regulations made under section 305 and must address such matters and include such requirements as the Minister may specify. 2000, c. 12, s. 3.

Same, governing appropriate dress

(5) If required to do so by the Minister, a board shall establish policies and guidelines respecting appropriate dress for pupils in schools within the board's jurisdiction, and the policies and guidelines must address such matters and include such requirements as the Minister may specify. 2000, c. 12, s. 3.

Same, procedural matters

(6) A board shall establish policies and guidelines governing,

(a) appeals of a decision to suspend a pupil;

(b) principals' investigations to determine whether to recommend that a pupil be expelled; and

(c) expulsion hearings. 2007, c. 14, s. 3 (1).

Same

(6.1) If the Minister has established policies and guidelines under subsection 301 (6.1), a board's policies and guidelines under subsection (6) must address such matters and include such requirements as specified by the Minister. 2007, c. 14, s. 3 (1).

Different policies, etc.

(7) A board may establish different policies and guidelines under this section for different circumstances, for different locations and for different classes of persons. 2000, c. 12, s. 3.

Role of school councils

(8) When establishing policies and guidelines under this section, a board shall consider the views of school councils with respect to the contents of the policies and guidelines. 2000, c. 12, s. 3.

Periodic review

(9) The board shall periodically review its policies and guidelines established under this section and shall solicit the views of pupils, teachers, staff, volunteers working in the schools, parents and guardians, school councils and the public. 2000, c. 12, s. 3.

Communication of policies

(9.1) A board shall ensure that a copy of the policies and guidelines it establishes under subsections (1) and (2) are available to the public. 2007, c. 14, s. 3 (2).

Not regulations

(10) Policies and guidelines established under this section are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2000, c. 12, s. 3; 2006, c. 21, Sched. F, s. 136 (1).

Local codes of conduct

303. (1) A board may direct the principal of a school to establish a local code of conduct governing the behaviour of all persons in the school, and the local code must be consistent with the provincial code established under subsection 301 (1) and must address such matters and include such requirements as the board may specify. 2000, c. 12, s. 3.

Same, mandatory

(2) A board shall direct a principal to establish a local code of conduct if the board is required to do so by the Minister, and the local code must address such matters and include such requirements as the Minister may specify. 2000, c. 12, s. 3.

Role of school council

(3) When establishing or reviewing a local code of conduct, the principal shall consider the views of the school council with respect to its contents. 2000, c. 12, s. 3.

Not regulation

(4) A local code of conduct is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2000, c. 12, s. 3; 2006, c. 21, Sched. F, s. 136 (1).

Board support for certain pupil activities and organizations

303.1 (1) Every board shall support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including,

(a) activities or organizations that promote gender equity;

(b) activities or organizations that promote anti-racism;

(c) activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or

(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name. 2012, c. 5, s. 12.

Same, gay-straight alliance

(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use the name gay-straight alliance or a similar name for an organization described in clause (1) (d). 2012, c. 5, s. 12.

Same, interpretation

(3) Nothing in this section shall be interpreted to require a board to support the establishment of an activity or organization in a school unless there is at least one pupil who wants to establish and lead it. 2012, c. 5, s. 12.

Inclusive and accepting name

(4) The name of an activity or organization described in subsection (1) must be consistent with the promotion of a positive school climate that is inclusive and accepting of all pupils. 2012, c. 5, s. 12.

Same

(5) A board shall comply with this section in a way that does not adversely affect any right of a pupil guaranteed by the *Canadian Charter of Rights and Freedoms*. 2012, c. 5, s. 12.

Model provincial bullying prevention and intervention plan

303.2 (1) The Minister shall develop a model bullying prevention and intervention plan to assist boards in establishing bullying prevention and intervention plans under section 303.3. 2012, c. 5, s. 13.

Communication to boards

(2) The Minister shall make the model bullying prevention and intervention plan available to every board. 2012, c. 5, s. 13.

Board's bullying prevention and intervention plan

303.3 (1) Every board shall establish a bullying prevention and intervention plan for the schools of the board and require its schools to implement the plan. 2012, c. 5, s. 13.

Contents of plan

(2) The bullying prevention and intervention plan shall address any matter specified in the policies or guidelines made under clause 301 (7.1) (i). 2012, c. 5, s. 13.

Consultation

(3) When establishing the bullying prevention and intervention plan, a board shall solicit the views of the pupils, teachers and staff of the board, the volunteers working in the schools, the parents and guardians of the pupils, school councils and the public. 2012, c. 5, s. 13.

Communication of plans, board

(4) A board shall make its bullying prevention and intervention plan available to the public by posting it on the board's website or, if the board does not have a website, in

another manner that the board considers appropriate. 2012, c. 5, s. 13.

Same, principal

(5) A principal of a school shall make the board's bullying prevention and intervention plan available to the public by posting it on the school's website or, if the school does not have a website, in another manner that the principal considers appropriate. 2012, c. 5, s. 13.

Review of plan

(6) A board shall periodically review its bullying prevention and intervention plan and shall solicit the views of those listed in subsection (3). 2012, c. 5, s. 13.

Opening and closing exercises at schools

304. (1) Every board shall ensure that opening or closing exercises are held in each school under the board's jurisdiction, in accordance with the requirements set out in the regulations. 2000, c. 12, s. 3.

Same

(2) The opening or closing exercises must include the singing of *O Canada* and may include the recitation of a pledge of citizenship in the form set out in the regulations. 2000, c. 12, s. 3.

Exceptions

(3) A pupil is not required to participate in the opening or closing exercises in such circumstances as are prescribed by regulation. 2000, c. 12, s. 3.

Access to school premises

305. (1) The Minister may make regulations governing access to school premises, specifying classes of persons who are permitted to be on school premises and specifying the days and times at which different classes of persons are prohibited from being on school premises. 2000, c. 12, s. 3.

Prohibition

(2) No person shall enter or remain on school premises unless he or she is authorized by regulation to be there on that day or at that time. 2000, c. 12, s. 3.

Same, board policy

(3) A person shall not enter or remain on school premises if he or she is prohibited under a board policy from being there on that day or at that time. 2000, c. 12, s. 3.

Direction to leave

(4) The principal of a school may direct a person to leave the school premises if the principal believes that the person is prohibited by regulation or under a board policy from being there. 2000, c. 12, s. 3.

Offence

(5) Every person who contravenes subsection (2) is guilty of an offence. 2000, c. 12, s. 3.

SUSPENSION

Activities leading to possible suspension

306. (1) A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact

on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in a position of authority.
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.
6. Bullying.
7. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board. 2007, c. 14, s. 4.

Factors principal must consider

(2) In considering whether to suspend a pupil for engaging in an activity described in subsection (1), a principal shall take into account any mitigating or other factors prescribed by the regulations. 2007, c. 14, s. 4.

Suspension

(3) If a principal decides to suspend a pupil for engaging in an activity described in subsection (1), the principal shall suspend the pupil from his or her school and from engaging in all school-related activities. 2007, c. 14, s. 4.

Duration of suspension

(4) A suspension under this section shall be for no less than one school day and no more than 20 school days and, in considering how long the suspension should be, a principal shall take into account any mitigating or other factors prescribed by the regulations. 2007, c. 14, s. 4.

Assignment to program, etc.

(5) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister. 2007, c. 14, s. 4.

Policies and guidelines

(6) The Minister may issue policies and guidelines to boards to assist principals in interpreting and administering this section. 2007, c. 14, s. 4.

School-related activities

(7) A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended pupils. 2007, c. 14, s. 4.

Only one suspension per occurrence

307. A principal may not suspend a pupil under section 306 more than once for the same occurrence. 2007, c. 14, s. 4.

Notice of suspension

308. (1) A principal who suspends a pupil under section 306 shall,

(a) inform the pupil's teacher of the suspension; and

(b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,

(i) the pupil is at least 18 years old, or

(ii) the pupil is 16 or 17 years old and has withdrawn from parental control. 2007, c. 14, s. 4.

Same

(2) A principal who suspends a pupil under section 306 shall ensure that written notice of the suspension is given promptly to the following persons:

1. The pupil.
2. The pupil's parent or guardian, unless,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Such other persons as may be specified by board policy. 2007, c. 14, s. 4.

Contents of notice

(3) The notice under subsection (2) must include the following:

1. The reason for the suspension.
2. The duration of the suspension.
3. Information about any program for suspended pupils to which the pupil is assigned.
4. Information about the right to appeal the suspension under section 309, including,
   i. a copy of the board policies and guidelines governing the appeal established by the board under subsection 302 (6), and
   ii. the name and contact information of the supervisory officer to whom notice of the appeal must be given under subsection 309 (2). 2007, c. 14, s. 4.

Appeal of suspension

309. (1) The following persons may appeal, to the board, a principal's decision to suspend a pupil under section 306:

1. The pupil's parent or guardian, unless,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
2. The pupil, if,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Such other persons as may be specified by board policy. 2007, c. 14, s. 4.

Board designate

(2) Every board shall designate a supervisory officer for the purposes of receiving notices of intention to appeal a suspension. 2007, c. 14, s. 4.

Notice of appeal

(3) A person who is entitled to appeal a suspension under subsection (1) must give written notice of his or her intention to appeal to the supervisory officer designated by the board within 10 school days of the commencement of the suspension. 2007, c. 14, s. 4.

Board to inform all parties

(4) After receiving a notice of intention to appeal under subsection (3), the board shall promptly contact every person entitled to appeal the suspension under subsection (1) and inform him or her that it has received the notice of intention to appeal. 2007, c. 14, s. 4.

Party may contact supervisory officer

(5) A person who has given notice of intention to appeal under subsection (3) may contact the supervisory officer designated under subsection (2) to discuss any matter respecting the appeal of the suspension and, for the purposes of this section, the supervisory officer has the powers and duties set out in board policy. 2007, c. 14, s. 4.

Hearing of appeal

(6) The board shall hear and determine the appeal within 15 school days of receiving notice under subsection (3), unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal. 2007, c. 14, s. 4.

Appeal process

(7) Subject to this section, an appeal shall be conducted in accordance with the requirements established by board policy. 2007, c. 14, s. 4.

Parties to appeal

(8) The parties to the appeal are:

1. The principal who suspended the pupil.
2. The pupil, if,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. The pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil.
4. The person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian.
5. Such other persons as may be specified by board policy. 2007, c. 14, s. 4.

Pupil may attend

(9) A pupil who is not a party to the appeal under subsection (8) has the right to be present at the appeal and to make a statement on his or her own behalf. 2007, c. 14, s. 4.

Powers on appeal

(10) The board shall,

(a) confirm the suspension and the duration of the suspension;

(b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or

(c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served. 2007, c. 14, s. 4.

Decision final

(11) The decision of the board on an appeal under this section is final. 2007, c. 14,

s. 4.

Committee

(12) The board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee. 2007, c. 14, s. 4.

SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION

Activities leading to suspension

310. (1) A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Possessing a weapon, including possessing a firearm.
2. Using a weapon to cause or to threaten bodily harm to another person.
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
4. Committing sexual assault.
5. Trafficking in weapons or in illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.

7.1 Bullying, if,

i. the pupil has previously been suspended for engaging in bullying, and

ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.

7.2 Any activity listed in subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.

8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled. 2007, c. 14, s. 4; 2012, c. 5, s. 14.

Same

(2) A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities. 2007, c. 14, s. 4.

Duration of suspension

(3) A principal may suspend a pupil under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations. 2007, c. 14, s. 4.

Assignment to program, etc.

(4) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued

by the Minister. 2007, c. 14, s. 4.

Notice of suspension

311. (1) A principal who suspends a pupil under section 310 shall,

(a) inform the pupil's teacher of the suspension; and

(b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,

(i) the pupil is at least 18 years old, or

(ii) the pupil is 16 or 17 years old and has withdrawn from parental control. 2007, c. 14, s. 4.

Same

(2) A principal who suspends a pupil under section 310 shall ensure that written notice of the suspension is given promptly to the following persons:

1. The pupil.

2. The pupil's parent or guardian, unless,

i. the pupil is at least 18 years old, or

ii. the pupil is 16 or 17 years old and has withdrawn from parental control.

3. Such other persons as may be specified by board policy. 2007, c. 14, s. 4.

Contents of notice

(3) The notice under subsection (2) must include the following:

1. The reason for the suspension.

2. The duration of the suspension.

3. Information about any program for suspended pupils to which the pupil is assigned.

4. Information about the investigation the principal will conduct under section 311.1 to determine whether to recommend that the pupil be expelled.

5. A statement indicating that,

i. there is no immediate right to appeal the suspension,

ii. if the principal does not recommend to the board that the pupil be expelled following the investigation under section 311.1, the suspension will become subject to appeal under section 311.2, and

iii. if there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing. 2007, c. 14, s. 4.

Investigation following suspension

311.1 (1) When a pupil is suspended under section 310, the principal shall conduct an investigation to determine whether to recommend to the board that the pupil be expelled. 2007, c. 14, s. 4.

Conduct of investigation

(2) The principal's investigation shall begin promptly following the suspension and shall be conducted in accordance with the requirements established by board policy and, for

the purpose of the investigation, the principal has the powers and duties set out in the policy. 2007, c. 14, s. 4.

Same

(3) As part of the investigation, the principal shall make all reasonable efforts to speak with the following persons:

1. The pupil.
2. The pupil's parent or guardian, unless,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Any other person whom the principal has reason to believe may have relevant information. 2007, c. 14, s. 4.

Factors principal must consider

(4) In considering whether to recommend to the board that the pupil be expelled, a principal shall take into account any mitigating or other factors prescribed by the regulations. 2007, c. 14, s. 4.

If expulsion not recommended

(5) If, on concluding the investigation, the principal decides not to recommend to the board that the pupil be expelled, the principal shall,

(a) confirm the suspension and the duration of the suspension;

(b) confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or

(c) withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served. 2007, c. 14, s. 4.

Same: notice

(6) If the principal does not recommend to the board that the pupil be expelled, the principal shall ensure that written notice containing the following information is given promptly to every person to whom he or she was required to give notice of the suspension under section 311:

1. A statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
2. A statement indicating whether the principal has, under subsection (5), confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
3. Unless the suspension was withdrawn, information about the right to appeal the suspension under section 311.2, including,
   i. a copy of the board policies and guidelines governing the appeal established by the board under subsection 302 (6), and
   ii. the name and contact information of the supervisory officer to whom notice of the appeal must be given under section 311.2. 2007, c. 14, s. 4.

If expulsion recommended: report

(7) If, on concluding the investigation, the principal decides to recommend to the

board that the pupil be expelled, he or she shall prepare a report that contains the following:

1. A summary of the principal's findings.
2. The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the board.
3. The principal's recommendation as to,
   i. the type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or
   ii. the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the board. 2007, c. 14, s. 4.

Same

(8) The principal shall promptly provide a copy of the report to the board and to every person whom the principal was required to give notice of the suspension under section 311. 2007, c. 14, s. 4.

Written notice

(9) The principal shall ensure that written notice containing the following is given to every person to whom the principal was required to give notice of the suspension under section 311 at the same time as the principal's report is provided to that person:

1. A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
2. A copy of the board policies and guidelines governing the expulsion hearing established by the board under subsection 302 (6).
3. A statement that the person has the right to respond, in writing, to the principal's report provided under this section.
4. Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,
   i. if the board does not expel the pupil, it will, with respect to the suspension imposed under section 310, confirm the suspension, shorten its duration or withdraw it,
   ii. the parties will have the right to make submissions during the expulsion hearing as to whether, if the pupil is not expelled, the suspension imposed under section 310 should be confirmed, reduced or withdrawn,
   iii. any decision of the board with respect to the suspension imposed under section 310 made at the expulsion hearing is final and not subject to appeal,
   iv. if the board expels the pupil from his or her school only, the board will assign the pupil to another school, and
   v. if the board expels the pupil from all schools of the board, the board will assign the pupil to a program for expelled pupils.
5. The name and contact information of a supervisory officer whom the person may contact to discuss any matter respecting the expulsion hearing. 2007, c. 14, s. 4.

Party may respond

(10) A person who is entitled to receive the principal's report under subsection (8)

and written notice under subsection (9) may respond, in writing, to the principal and the board. 2007, c. 14, s. 4.

Appeal of suspension

311.2 If the principal does not recommend to the board that the pupil be expelled and does not withdraw the suspension, the suspension may be appealed and section 309 applies for that purpose, with necessary modifications, subject to the following:

1. A person who is entitled to appeal must give written notice of his or her intention to appeal within five school days of the date on which he or she is considered, in accordance with the rules set out in subsection 300 (3), to have received the notice given under subsection 311.1 (9).
2. If the principal confirmed the suspension but reduced its duration under subsection 311.1 (8), the appeal is from the reduced suspension and not the original suspension. 2007, c. 14, s. 4.

Expulsion hearing by board

311.3 (1) If a principal recommends to the board that a pupil be expelled, the board shall hold an expulsion hearing and, for that purpose, the board has the powers and duties specified by board policy. 2007, c. 14, s. 4.

Conduct of hearing

(2) Subject to the requirements set out in this section, the expulsion hearing shall be conducted in accordance with the requirements established by board policy. 2007, c. 14, s. 4.

Parties

(3) The parties to the expulsion hearing are:

1. The principal.
2. The pupil, if,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. The pupil's parent or guardian, unless,
   i. the pupil is at least 18 years old, or
   ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
4. Such other persons as may be specified by board policy. 2007, c. 14, s. 4.

Pupil may attend

(4) A pupil who is not a party to the expulsion hearing under subsection (3) has the right to be present at the hearing and to make a statement on his or her own behalf. 2007, c. 14, s. 4.

Submissions and views of parties

(5) At the hearing, the board shall,

(a) consider the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;

(b) solicit the views of all the parties as to whether the pupil, if he or she is expelled, should be expelled from his or her school only or from all schools of the board; and

(c) solicit the views of all the parties as to whether, if the pupil is not expelled, the board should confirm the suspension originally imposed under section 310, confirm the suspension but reduce its duration or withdraw the suspension. 2007, c. 14, s. 4.

Decision

(6) After completing the hearing, the board shall decide,

(a) whether to expel the pupil; and

(b) if the pupil is to be expelled, whether the pupil is expelled from his or her school only or from all schools of the board. 2007, c. 14, s. 4.

Factors board must consider

(7) In making the decisions required under subsection (6), the board shall take into account,

(a) all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from his or her school only or from all schools of the board;

(b) any mitigating or other factors prescribed by the regulations; and

(c) any written response to the principal's report recommending expulsion that a person gave to the board under subsection 311.1 (7) before the completion of the hearing. 2007, c. 14, s. 4.

Restriction on expulsion

(8) The board shall not expel a pupil if more than 20 school days have expired since the pupil was suspended under section 310, unless the parties to the expulsion hearing agree on a later deadline. 2007, c. 14, s. 4.

Committee

(9) The board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee. 2007, c. 14, s. 4.

If pupil not expelled

311.4 (1) If a board does not expel a pupil, the board shall, with respect to the suspension originally imposed under section 310,

(a) confirm the suspension and the duration of the suspension;

(b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or

(c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served. 2007, c. 14, s. 4.

Factors board must consider

(2) In determining which action to take under subsection (1), the board shall take into account,

(a) any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced or the suspension should be withdrawn;

(b) any mitigating or other factors prescribed by the regulations. 2007, c. 14, s. 4.

Notice that pupil not expelled

(3) After determining which action to take under subsection (1), the board shall give written notice containing the following to every person who was entitled to be a party to the expulsion hearing under subsection 311.3 (3):

1. A statement indicating that the pupil is not expelled.
2. A statement indicating whether the board has, under subsection (1), confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension. 2007, c. 14, s. 4.

Decision final

(4) The decision of the board under subsection (1) is final. 2007, c. 14, s. 4.

If pupil expelled

311.5 If a board expels a pupil, the board shall assign the pupil to,

(a) in the case of a pupil expelled from his or her school only, another school of the board; and

(b) in the case of a pupil expelled from all schools of the board, a program for expelled pupils. 2007, c. 14, s. 4.

Notice of expulsion

311.6 (1) A board that expels a pupil shall ensure that written notice of the expulsion is given promptly to,

(a) all the parties to the expulsion hearing; and

(b) the pupil, if the pupil was not a party to the expulsion hearing. 2007, c. 14, s. 4.

Contents of notice

(2) The notice under subsection (1) must include the following:

1. The reason for the expulsion.
2. A statement indicating whether the pupil is expelled from his or her school only or from all schools of the board.
3. Information about the school or program for expelled pupils to which the pupil is assigned.
4. Information about the right to appeal under section 311.7, including the steps that must be taken to appeal. 2007, c. 14, s. 4.

Appeal of expulsion

311.7 (1) In this section,

"designated tribunal" means a tribunal designated under the regulations to hear appeals of board decisions to expel pupils. 2007, c. 14, s. 4.

Certain persons may appeal

(2) The following persons may appeal a board's decision to expel a pupil, whether the pupil is expelled from his or her school only or from all schools of the board, to the designated tribunal:

1. The pupil's parent or guardian, unless,

i. the pupil is at least 18 years old, or

ii. the pupil is 16 or 17 years old and has withdrawn from parental control.

2. The pupil, if,

i. the pupil is at least 18 years old, or

ii. the pupil is 16 or 17 years old and has withdrawn from parental control.

3. Such other persons as may be specified by the designated tribunal. 2007, c. 14, s. 4.

Hearing

(3) The designated tribunal shall hear and determine an appeal under this section, and, for that purpose, it has the powers and duties set out in the regulations. 2007, c. 14, s. 4.

Parties to appeal

(4) The parties to the appeal are:

1. The board.

2. The pupil, if,

i. the pupil is at least 18 years old, or

ii. the pupil is 16 or 17 years old and has withdrawn from parental control.

3. The pupil's parent or guardian, if the parent or guardian appealed the decision.

4. The person who appealed the decision to expel the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian. 2007, c. 14, s. 4.

Decision final

(5) The decision of the designated tribunal on an appeal under this section is final. 2007, c. 14, s. 4.

Regulations

(6) The Minister may make regulations,

(a) designating a tribunal to hear appeals of board decisions to expel pupils;

(b) prescribing the procedures to be followed on an appeal under this section;

(c) prescribing the powers and duties of a designated tribunal under this section. 2007, c. 14, s. 4.

Programs for suspended, expelled pupils

312. (1) Every board shall provide, in accordance with policies and guidelines issued by the Minister, if any,

(a) at least one program for suspended pupils; and

(b) at least one program for expelled pupils. 2007, c. 14, s. 5 (1).

Policies and guidelines

(2) The Minister may establish policies and guidelines with respect to programs for suspended and expelled pupils and may,

(a) impose different requirements on the provision of the programs for different circumstances, different locations or different classes of pupils;

(b) set criteria respecting pupils' eligibility to participate in the programs and

respecting the criteria to be met for successful completion of the programs;

(c) require boards to offer plans to assist pupils who have successfully completed a program for expelled pupils with their transition back to school and to set criteria respecting those plans; and

(d) authorize boards, subject to such conditions and restrictions as the Minister imposes, to enter into agreements with other boards for the provision of the programs. 2007, c. 14, s. 5 (1).

(3) Repealed: 2007, c. 14, s. 5 (1).

Programs for expelled pupils

(4) The Minister may establish one or more programs for expelled pupils to prepare the pupils to return to school and may require boards to give specified information about the programs to expelled pupils. 2000, c. 12, s. 3.

Same

(5) The Minister may establish policies and guidelines respecting pupils' eligibility to participate in a program established by the Minister under subsection (4) and respecting the criteria to be met for successful completion of the program. 2000, c. 12, s. 3; 2007, c. 14, s. 5 (2).

Status of expelled pupil

313. (1) An expelled pupil continues to be a pupil of the board that expelled him or her if the pupil attends a program for expelled pupils,

(a) offered by that board; or

(b) offered by another board under an agreement between that board and the board that expelled the pupil. 2007, c. 14, s. 6.

Same

(2) An expelled pupil ceases to be a pupil of the board that expelled him or her if,

(a) the pupil is assigned by that board to a program for expelled pupils and does not attend the program; or

(b) the pupil registers as a pupil of another board. 2007, c. 14, s. 6.

Powers of other board

314. (1) If a pupil who has been expelled from one board registers as a pupil of another board, the other board may,

(a) assign the pupil to a school of that board; or

(b) assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils. 2007, c. 14, s. 6.

Clarification

(2) If the other board assigns the expelled pupil to a school without knowing that he or she has been expelled by another board, the board may subsequently remove the pupil from the school and assign him or her to a program for expelled pupils, subject to the following conditions:

1. The board must assign the pupil to a program for expelled pupils promptly on learning that he or she has been expelled from another board.

2. The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils. 2007, c. 14, s. 6.

Return to school after expulsion

314.1 (1) A pupil who has been expelled from all schools of a board is entitled to be readmitted to a school of the board if the pupil has, since being expelled,

(a) successfully completed a program for expelled pupils; or

(b) satisfied the objectives required for the successful completion of a program for expelled pupils. 2007, c. 14, s. 6.

Determination

(2) The determination of whether an expelled pupil satisfies the requirements of clause (1) (a) or (b) is to be made by a person who provides a program for expelled pupils. 2007, c. 14, s. 6.

Board must readmit pupil

(3) An expelled pupil may apply in writing to a person designated by the board that expelled him or her to be readmitted to a school of that board and, if the pupil satisfies the requirements of clause (1) (a) or (b) as determined by a person who provides a program for expelled pupils, the board shall,

(a) readmit the expelled pupil to a school of the board; and

(b) promptly inform the pupil in writing of his or her readmittance. 2007, c. 14, s. 6.

Clarification: successful completion of program

314.2 A pupil who has successfully completed a program for expelled pupils provided by any board or person under this Part has satisfied the requirements of clause 314.1 (1) (a), and no board shall,

(a) require the pupil to attend a program for expelled pupils provided by that board before being admitted to a school of the board; or

(b) refuse to admit the pupil on the basis that the pupil completed a program for expelled pupils provided by another board or person. 2007, c. 14, s. 6.

Return to original school after expulsion

314.3 A pupil who has been expelled from one school of a board but not from all schools of the board may apply in writing to a person designated by the board to be re-assigned to the school from which he or she was expelled. 2007, c. 14, s. 6.

Clarification: resident pupils

314.4 For greater certainty, nothing in this Part requires a board to admit or readmit a pupil who is not otherwise qualified to be a resident pupil of the board. 2007, c. 14, s. 6.

Reporting re suspensions and expulsions

Board's duty to report

314.5 (1) Every board shall submit annual reports to the Minister, in accordance with the policies or guidelines under subsection 301 (7.3), respecting suspensions and expulsions. 2012, c. 5, s. 15.

Minister's duty to post information

(2) After receiving the reports required by subsection (1), the Minister shall post on the ministry's website information about the number of reported suspensions and

expulsions. 2012, c. 5, s. 15.

314.6-314.10 Repealed: 2009, c. 25, s. 48.

Personal information

315. (1) The Minister may collect and may by regulation require boards to collect such personal information as is specified by regulation from, or about, the classes of persons specified by regulation for the following purposes, and the Minister may specify or restrict the manner in which the information is to be collected:

1. To ensure the safety of pupils.
2. To administer programs, courses and services to pupils who are suspended or expelled and to determine whether an expelled pupil has successfully completed a program, course or service and as a result is eligible to return to school. 2000, c. 12, s. 3.

Same

(2) A board or other person is authorized to disclose the personal information collected under subsection (1) to the Minister for the purposes described in that subsection, and the Minister may disclose it to such persons or entities as may be prescribed by regulation for those purposes. 2000, c. 12, s. 3.

Definition

(3) In this section,

"personal information" has the same meaning as in section 38 of the *Freedom of Information and Protection of Privacy Act* and section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*. 2000, c. 12, s. 3.

Regulations

316. (1) The Minister may make regulations,

(a) prescribing such matters as are required, or permitted, under this Part to be prescribed or to be done by regulation;

(b) specifying when, during a school day, a suspension of a pupil is permitted to begin and to end;

(c) governing actions to be taken by a principal who does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3);

(d) setting out circumstances in which employees are not required to respond under section 300.4. 2000, c. 12, s. 3; 2009, c. 17, s. 4.

Classes

(2) A regulation under subsection (1) may impose different requirements on different classes of person, place or thing or in different circumstances. 2000, c. 12, s. 3.

Exceptions

(3) A regulation under subsection (1) may provide that one or more provisions of this Part or of the regulation does not apply to specified persons or in specified circumstances. 2000, c. 12, s. 3.

PART XIII.1
NUTRITIONAL STANDARDS

Interpretation

317. In this Part,

"trans fat" has the same meaning as in the Food and Drug Regulations made under the *Food and Drugs Act* (Canada). 2008, c. 2, s. 2.

Trans fat prohibition

318. (1) A board shall ensure that a food or beverage offered for sale in a cafeteria of a school of the board does not contain more than the prescribed amount or percentage of trans fat. 2008, c. 2, s. 2.

Ingredients

(2) A board shall ensure that an ingredient used in the preparation, in a cafeteria of a school of the board, of a food or beverage offered for sale in the cafeteria does not contain more than the prescribed amount or percentage of trans fat. 2008, c. 2, s. 2.

Exemptions

(3) Subsections (1) and (2) do not apply to the board,

(a) in respect of a food or beverage or an ingredient used in the preparation of a food or beverage specified in the regulations;

(b) on a special event day; or

(c) in the circumstances specified in the regulations. 2008, c. 2, s. 2.

Special event day

(4) For the purposes of clause (3) (b), a special event day is a day that meets the criteria set out in the regulations. 2008, c. 2, s. 2.

Vending machines

319. (1) A board shall ensure that a food or beverage offered for sale in a vending machine on school premises meets any nutritional standards set out in the regulations. 2008, c. 2, s. 3.

Exemption

(2) Subsection (1) does not apply to the board in the circumstances specified in the regulations. 2008, c. 2, s. 3.

Regulations

320. The Minister may make regulations,

(a) defining "dairy product" and "ruminant meat" for the purposes of this Part and the regulations;

(b) prescribing amounts and percentages for the purposes of subsections 318 (1) and (2), including prescribing different amounts and percentages for different classes of food, beverages, ingredients and types and sources of trans fat;

(c) specifying a food, beverage or ingredient for the purposes of clause 318 (3) (a), including a food, beverage or ingredient in which the trans fat originates exclusively from ruminant meat or dairy products;

(d) specifying circumstances for the purposes of clause 318 (3) (c) or subsection 319 (2);

(e) setting out criteria for the purposes of subsection 318 (4);

(f) governing nutritional standards for food and beverages and for any ingredient

contained in food and beverages provided on school premises or in connection with a school-related activity;

(g) requiring a board to ensure that the standards referred to in clause (f) are met, and prescribing rules for when the requirement first applies to the board;

(h) prescribing rules for when a requirement set out in subsection 318 (1), (2) or 319 (1) first applies to a board. 2008, c. 2, s. 4.

321-326. Repealed: 1997, c. 31, s. 129.

PART XIV
MATTERS RELATED TO 1997-1998 SCHOOL SYSTEM REFORMS

327.-333. Repealed: 1997, c. 31, s. 131.

Education Improvement Commission

334., 335. Repealed: 2009, c. 25, s. 49.

336.-343. Repealed: 1997, c. 31, s. 135.

344. Repealed: 2009, c. 25, s. 49.

Order, directive may be filed in court

345. (1) An order or directive made by the Education Improvement Commission under section 58.2 of this Act, as it read immediately before it was repealed by section 9 of the *Student Achievement and School Board Governance Act, 2009*, or under a predecessor of that section, may be filed in the Superior Court of Justice. 2009, c. 25, s. 50.

Same

(2) An order or directive that is filed under subsection (1) shall be enforceable as if it were an order of the Superior Court of Justice. 2009, c. 25, s. 50.

Protection from liability

346. (1) No proceeding for damages shall be brought against,

(a) the Education Improvement Commission or a member or delegate of it;

(b) a member of a committee established by the Education Improvement Commission under this Act;

(c) a person retained by or acting under the direction of the Education Improvement Commission or a committee referred to in clause (b),

for an act done in good faith in the execution or intended execution of any duty or authority related, directly or indirectly, to the carrying out of the mandate of the Education Improvement Commission under this Act or for any alleged neglect or default in the execution in good faith of such duty or authority. 1997, c. 31, s. 138 (1).

Same

(2) Subsection (1) also applies in respect of an employee or agent of an old board or a district school board acting under the direction of,

(a) a member of the Education Improvement Commission or of a committee referred to in clause (1) (b); or

(b) the old board or district school board. 1997, c. 31, s. 138 (1).

Vicarious liability

(3) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsections (1) and (2) do not relieve any person, other than one mentioned in those subsections, of any liability to which the person would otherwise be subject. 1997, c. 3, s. 8.

Protection from liability: duty, authority relating to elections

(4) No proceeding for damages shall be brought against any person or against the Education Improvement Commission for an act done in good faith in the execution or intended execution of any duty or authority under the *Municipal Elections Act, 1996*, the *Assessment Act* or this Part relating to elections to a district school board, to an old board or to a school authority, or for any alleged neglect or default in the execution in good faith of such duty or authority. 1997, c. 3, s. 8; 1997, c. 31, s. 138 (2).

Vicarious liability

(5) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (4) does not relieve the Crown of any liability to which it would otherwise be subject. 1997, c. 3, s. 8.

(6) Repealed: 1997, c. 31, s. 138 (3).

Same

(7) A proceeding for damages against any person for an act or alleged neglect or default to which subsection (1) or (4) applies that is brought before the *Fewer School Boards Act, 1997* receives Royal Assent shall be deemed to have been dismissed without costs on the day that Act receives Royal Assent. 1997, c. 3, s. 8.

Same

(8) A decision in a proceeding described in subsection (7) is unenforceable. 1997, c. 3, s. 8.

Personal information

347. (1) A person who obtains under sections 335 to 343 of this Act, as those sections read immediately before the *Education Quality Improvement Act, 1997* received Royal Assent, information that is personal information as defined in the *Freedom of Information and Protection of Privacy Act* shall use and disclose it only for the purposes of Part II.2 or this Part. 1997, c. 3, s. 8; 1997, c. 31, s. 139 (1).

Example

(2) Without limiting the generality of subsection (1), the information that may be used or disclosed under that subsection includes information relating to,

(a) a financial transaction or proposed financial transaction of an old board or a district school board;

(b) anything done or proposed to be done in connection with the finances of an old board or a district school board by a member, employee or agent of the old board or district school board. 1997, c. 3, s. 8; 1997, c. 31, s. 139 (2, 3).

Conflict with *FIPPA*, *MFIPPA*

(3) Section 335, as it read immediately before it was repealed by section 49 of the *Student Achievement and School Board Governance Act, 2009* applies despite anything in the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 1997, c. 3, s. 9; 1997, c. 31, s. 139 (4); 2009, c. 25, s. 51.

Offence

(4) A person who wilfully uses or discloses, except for the purposes of Part II.2 or this Part, information that the person obtained under sections 335 to 343 of this Act, as those sections read immediately before the *Education Quality Improvement Act, 1997* received Royal Assent, and that is personal information as defined in the *Freedom of Information and Protection of Privacy Act* is guilty of an offence and on conviction is liable to a fine of not more than $2,000. 1997, c. 3, s. 9; 1997, c. 31, s. 139 (5).

348. Repealed: 1997, c. 31, s. 140.

349. Repealed: 1997, c. 31, s. 140.

350., 351. Repealed: 2009, c. 25, s. 52.

351.1 Repealed: 2002, c. 17, Sched. F, Table.

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