

**ACTS RELATING TO THE
EDUCATION DEPARTMENT,
PUBLIC AND HIGH
SCHOOLS AND TRUANCY**

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Acts Relating to the Education Department, Public and High Schools and Truancy by Ontario
Dept. of Education

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ONTARIO DEPT. OF EDUCATION

**ACTS RELATING TO THE
EDUCATION DEPARTMENT,
PUBLIC AND HIGH
SCHOOLS AND TRUANCY**

Ontario (Province of) - Laws and Statutes.

ACTS

RELATING TO THE

EDUCATION DEPARTMENT

**PUBLIC AND HIGH SCHOOLS
AND TRUANCY.**

ONTARIO, 1891.

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CHAPTER 54.

An Act Consolidating and Revising the Laws respecting the Education Department.

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

1. This Act may be cited as *The Education Department Act, 1891.* Short title.

2. There shall continue to be a Department of Education, which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." R. S. O. c. 224, s. 1. Department established.

3. There may be established, subject to the provisions of any statute in that behalf and to the regulations of the Education Department, the following classes of schools, viz.:— Schools to be established under regulations of Department.

(1) Kindergarten Schools for pupils between four and seven years of age in which instruction shall be given according to Kindergarten methods; Kindergarten schools.

(2) Public Schools for pupils between five and twenty-one years of age in which instruction shall be given in the elements of an English and commercial education; Public schools.

(3) Night Schools for pupils over 14 years of age who are unable to attend school during the usual school hours; Night schools.

(4) High Schools and Collegiate Institutes for such pupils as pass the prescribed entrance examination, in which instruction shall be given in the higher branches of a practical English and commercial education, the natural sciences, mathematics and the Greek, Latin, French and German languages; High schools and Collegiate institutes.

(5) Art Schools for instruction in mechanical, industrial and constructive drawing, and other branches of a technical education; Art schools.

(6) County Model Schools for the training of candidates for teachers' third-class certificates; Model schools.

(7) Normal Schools for the training of candidates for teachers' second-class certificates; Normal schools.

(8) Schools of Pedagogy for the training of candidates for teachers' first-class certificates, and for the training of teachers of high schools and collegiate institutes; Schools for training teachers.

Teachers' Institutes.

(9) Teachers' Institutes for the reading of papers and the general discussion of educational topics ;

Mechanics' Institutes.

(10) Mechanics' Institutes for the establishment of libraries, reading rooms and evening classes for mechanics and artisans ;

Industrial schools.

(11) Industrial Schools for the instruction in industrial pursuits with a special view to their moral reformation, of children whose habits render removal from their homes necessary.

Powers of department to make regulations as to certain matters.

4. The Education Department shall have power, subject to the provisions of any statute in that behalf, to make regulations :—

(1) For the classification, organization, government and examination of all schools and institutes in the preceding section mentioned, and for the equipment of school houses and the arrangement of school premises ;

(2) For the authorization of text-books for the use of pupils attending such schools or institutes, and for the selection of books of reference for the use of teachers and pupils, and school libraries ;

(3) For determining the qualifications and duties of inspectors, examiners and teachers of such schools and institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose ;

(4) For the payment of the pensions of superannuated inspectors and teachers, and the proper distribution of all moneys set apart by the Legislative Assembly for school purposes ; (R. S. O. c. 224, s. 4.)

(5) For extending on the petition of a board of school trustees, and on such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act* ;

(6) For the study of agriculture and for scientific instruction as to the nature of alcoholic stimulants and narcotics with special reference to their effect upon the human system.

Rev. Stat. c. 225.

Powers of department.

5. The Education Department shall have power :—

(1) To appoint inspectors of high schools, separate schools and county model schools, masters of normal and model schools, and directors of teachers' institutes ;

(2) To affiliate with the schools of pedagogy such high schools or collegiate institutes as may be necessary for practical instruction in the art of teaching ;

(3) To determine the fees to be paid by candidates at departmental examinations ;

(4) To accept in such subjects as may be deemed expedient, the examination of any university in the British Dominions in lieu of the departmental examinations;

(5) To prescribe such forms for school registers and departmental reports as may be deemed expedient;

(6) To accept, on passing the annual departmental examination, the professional or training certificate of any normal school or other training institution, in the British Dominions;

(7) To set apart a separate school in any county as a model school for the training of teachers for separate schools, and in such case, or where from the special circumstances of the separate schools in any county it may be deemed expedient, to appoint one competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board. (R. S. O. c. 224, s. 4.)

Rev. Stat.
c. 225.

6. The Minister of Education shall report annually to the Lieutenant-Governor upon all the schools and institutes herein mentioned, with such statements and suggestions for promoting education generally as he may deem useful and expedient. (R. S. O. c. 224, s. 5.)

Annual report
to be made by
Minister of
Education.

7. The Minister of Education shall have power to submit a case on any question arising under *The Public Schools Act*, or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision. (R. S. O. c. 225, s. 237.)

Minister may
submit ques-
tions arising
upon school
law to High
Court.

8. The Minister of Education shall have power to decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer. (R. S. O. c. 224, s. 6.)

Power to
settle disputes
and com-
plaints.

9.—(1) Every regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made;

Regulations
and Orders in
Council to be
laid before the
Legislative
Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by

resolution of such regulation or Order in Council either wholly or of any part thereof, the regulation or Order in Council, so far disapproved of, shall have no effect from the time of such resolution being passed. (R. S. O. c. 224, s. 7.)

Rev. Stat., c. 224, repealed. **10.** Chapter 224 of the Revised Statutes of Ontario, 1887 is repealed, and this Act shall be deemed to be substituted therefor.

Powers of minister as to separate schools not affected.

11. Except as provided in sections 5 and 7 of this Act nothing in this Act contained shall be deemed, taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either of Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools.

CHAPTER 55.

An Act Consolidating and Revising the Public Schools Acts.

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

Short title.

1. This Act may be cited as "*The Public Schools Act, 1891.*"

Interpretation.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.

"Teacher."

1. "Teacher" shall mean any person holding a legal certificate of qualification;

"County."

2. "County" shall include a union of counties;

"Township."

3. "Township" shall include unions of townships made for municipal purposes;

"School site."

4. "School site" shall mean such area of land as may be necessary for the school building, teacher's residence, caretaker's residence, offices and play-grounds connected therewith;

"School section."

5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation;

6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided; "Owner."

7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; (R. S. O. c. 225, s. 2.) "Ratepayer."

8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees. "Board of trustees."

3. All regulations made under the *Act respecting the Education Department* shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. Application of regulations under Rev. Stat. c. 224.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. No rate on supporters of Roman Catholic separate schools.
R.S.O. c. 225, s. 3.

5. All unions of public and high school trustees, all boards of education, and all public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. Existing school arrangements continued.
R. S. O. c. 225, s. 4.

6. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. Trustees, term of office of.
R.S.O. c. 225, s. 5.

7. The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section _____ of the Township of _____ in the County of _____." Trustees to be a corporation.
R. S. O. c. 225, s. 33.

BOARDS OF EDUCATION.

8—(1) The union of the trustees of any public and high school for the joint management of the public and high schools of any municipality shall form one corporation, under the name "The Board of Education for the city, town incorporated village or township of" (as the case may be.) Unions of public and high school boards. Boards of education shall have the power of both public and high school trustees. A majority of the members shall form a quorum. R. S. O. c. 225, ss. 219, 220.

Dissolution of boards of education. (2) If at any meeting of a board of education called for that purpose, a majority of all the members thereof vote in favor of the dissolution of any board of education, such board shall be dissolved on and after the close of the current calendar year;

Trustees representing public school to continue in office. (3) In case any board of education is dissolved, all members of such board of education who were elected on behalf of the public school shall be the board of trustees for such public school to hold office for the full term of their election, or until their term expires, according to the provisions of this Act;

Disposition of property on dissolution. (4) In the case of such dissolution as aforesaid all school property held by the joint corporation for public school purposes shall be vested in the public school board of trustees, subject to any trust for high school purposes attached thereto, and any other property held or possessed jointly by the corporation before dissolution, shall be divided as may be agreed upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months after this Act takes effect, then the division shall be made forthwith by the council of the municipality within which the public school is situated. R.S.O. c. 225, ss. 222, 223.

Union boards illegal hereafter. (5) It shall not be lawful for the trustees of any public school to unite hereafter with the trustees of any high school to form a board of education. R.S.O. c. 225, s. 225.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free. **School age.** 9—(1) All public schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age. R.S.O. c. 225, s. 6.

Attendance of children of non-residents. (2) In any school section where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of such section on the same terms and conditions as the children of residents.

RELIGIOUS INSTRUCTION.

Pupils not to be required to join in religious exercises objected to by their parents. 10. No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians. R.S.O. c. 225, s. 7.

To receive religious instruction as their parents desire. 11. Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. R.S.O. c. 225, s. 8.