

1990, chapter 8
**AN ACT TO AMEND THE EDUCATION ACT
AND THE ACT RESPECTING THE CONSEIL
SUPÉRIEUR DE L'ÉDUCATION**

Bill 9

Introduced by Mr Claude Ryan, Minister of Education

Introduced 29 November 1989

Passage in principle 6 December 1989

Passage 1 May 1990

Assented to 4 May 1990

Coming into force: 4 May 1990, except paragraph 1 of section 13, paragraph 1 of section 40 and paragraph 1 of section 43, which will come into force on 18 November 1990

Acts amended:

Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60)

Education Act (R.S.Q., chapter I-13.3)





CHAPTER 8

An Act to amend the Education Act and the Act respecting the Conseil supérieur de l'éducation

[Assented to 4 May 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-13.3,
s. 4, am.

1. Section 4 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the first paragraph by the following paragraph:

Choice of
school

“4. Every student or, if he is not of full age, his parents, shall have a right to choose, every year, among the schools of the school board to which he belongs, the school best suited to their preferences or having the educational project best suited to their personal values.”

c. I-13.3,
s. 14, am.

2. Section 14 of the said Act is amended by inserting the words “resident in Québec” after the words “Every child” in the first line.

c. I-13.3,
s. 15, am.

3. Section 15 of the said Act is amended by adding, at the end, the following paragraph:

Urgent
work

“In addition, the school board may exempt one of its students, at the request of his parents, from compulsory school attendance for one or more periods totalling not more than six weeks in any school year, to allow him to carry out urgent work.”

c. I-13.3,
s. 16,
French
text, am.

4. The French text of section 16 of the said Act is amended by replacing the word “tant” in the second line by the word “alors”.

c. I-13.3,
s. 18, am.

5. Section 18 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

Absenteeism

“Where a student is repeatedly absent without a valid excuse, the principal or the person designated by him shall intervene with the

student and his parents to come to an agreement with them and with the persons providing the school social services with respect to the most appropriate measures to remedy the situation.

Director
of youth
protection

When the intervention does not allow the situation to be remedied, the principal, after notifying the parents of the student in writing, shall report it to the director of youth protection."

c. I-13.3,
s. 42, am.

6. Section 42 of the said Act is amended by inserting the words " , subject to the regulations of the Government pursuant to section 451," after the word "may" in the first line.

c. I-13.3,
s. 55, am.

7. Section 55 of the said Act is amended by replacing paragraphs 3 and 4 by the following paragraphs:

"(3) a person, other than a teacher, who provides student services or special educational services to the students of the school, elected by his peers;

"(4) a member of the support staff assigned to the school, elected by his peers;"

c. I-13.3,
s. 60,
replaced
Non-teaching
staff's
representa-
tive

8. Section 60 of the said Act is replaced by the following sections:

"60. Before 15 October each year, the persons, other than the teachers, who provide student services or special educational services to the students of the school shall hold a meeting for the election of their representative to the orientation committee in accordance with the terms and conditions determined in the collective agreement of the non-teaching professional staff or, if not, in accordance with those determined by the principal after consulting the persons concerned.

Support
staff's
representa-
tive

"60.1 Before 15 October each year, the members of the support staff assigned to the school shall hold a meeting to elect their representative to the orientation committee in accordance with the terms and conditions determined in the collective agreement of the support staff or, if not, in accordance with those determined by the principal after consulting the persons concerned."

c. I-13.3,
s. 101, am.

9. Section 101 of the said Act is amended by inserting the words " , subject to the regulations of the Government under section 451," after the word "may" in the first line.

c. I-13.3,
s. 104, am.

10. Section 104 of the said Act is amended by replacing the first paragraph by the following paragraph:

Student
participative
body

"104. After consulting the students enrolled in the centre, the principal of the adult education centre shall, in accordance with the norms and other decisions of the school board, establish a student participative body having the following functions:

(1) to promote student participation in the activities of the centre;

(2) to encourage information, exchanges and coordination between the persons interested in the centre;

(3) to participate in the development and implementation of programs of adult educational services provided in the centre;

(4) to give its opinion to the principal of the centre on any question concerning the students."

c. I-13.3,
s. 117, am.

11. Section 117 of the said Act is amended by replacing the first paragraph by the following paragraph:

Division
of territory

"117. At the request of a school board or of a majority of the electors living in that part of its territory affected by the request, the Government may, by order, divide the territory of that school board and either establish a new territory or annex part of its territory to that of another school board of the same category whose territory is contiguous and which consents thereto."

c. I-13.3,
s. 129, am.

12. Section 129 of the said Act is amended by striking out the words "French language school board or of the English language" in the second and third lines of the second paragraph.

c. I-13.3,
s. 179, am.

13. Section 179 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Executive
committee

"179. The council of commissioners shall establish an executive committee composed of from five to seven of its members entitled to vote, including the chairman of the school board, of any commissioner representing the parents' committee and, where such is the case, of any commissioner representing the parents of the minority of students described in section 146.";

(2) by adding the following paragraphs:

Exception

"However, the council of commissioners of a dissentient school board having fewer than nine commissioners entitled to vote is not required to establish an executive committee.

Vacancy

The seat of a member of the executive committee who is entitled to vote becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections. The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term."

c. I-13.3,
s. 180, am.

14. Section 180 of the said Act is amended by adding the following paragraph at the end:

Commissioners

"Commissioners who are not members of the executive committee are entitled to attend its sittings, but are not entitled to vote or to take part in the proceedings of the committee."

c. I-13.3,
s. 183,
Fr. text,
am.

15. The French text of section 183 of the said Act is amended by inserting the words "et les directeurs de centre d'éducation des adultes" after the word "école" in the second paragraph.

c. I-13.3,
s. 185, am.

16. Section 185 of the said Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) parents of the students concerned, designated by the parents' committee;"

c. I-13.3,
s. 193, am.

17. Section 193 of the said Act is amended by replacing the word "distribution" in the first line of paragraph 2 by the word "destination".

c. I-13.3,
s. 198,
replaced

18. Section 198 of the said Act is replaced by the following section:

Appointment

"198. Every school board shall appoint a director general and an assistant director general. In the cases prescribed by regulation of the Government under section 451, the board may appoint more than one assistant director general.

Exception

However, dissentient school boards and school boards whose powers and functions relating to preschool and elementary education have all been delegated to the regional school board of which they form part are not required to make such appointments."

c. I-13.3,
s. 200, am.

19. Section 200 of the said Act, amended by section 265 of chapter 36 of the statutes of 1989, is again amended by replacing the words "a simple majority" in the final sentence by the words "the vote of the majority of such members".

c. I-13.3,
s. 203, am.

20. Section 203 of the said Act is amended

(1) by replacing the word "The" in the first line of the first paragraph by the word "An";

(2) by replacing the third paragraph by the following paragraph:

Replacement

"The assistant director general, or the particular assistant director general designated by the school board, shall exercise the duties and powers of the director general if he is unable to act. If the assistant director general is unable to act, the person designated for that purpose by the school board shall exercise the duties and powers of the director general."

c. I-13.3,
s. 209, am.

21. Section 209 of the said Act is amended by replacing the second paragraph by the following paragraph:

Persons
from other
school
boards

"In addition, a school board shall provide educational services to persons who come under the jurisdiction of another school board, to the extent indicated in a decision of the Minister pursuant to section 467 or 468."

c. I-13.3,
s. 211, am.

22. Section 211 of the said Act is amended by replacing the second paragraph by the following paragraph:

Deed of
establish-
ment

"The school board shall then draw up, in accordance with the plan, a list of its schools, and of its adult education centres, if any, and shall issue a deed of establishment to them."

c. I-13.3,
s. 213, am.

23. Section 213 of the said Act is amended by replacing the words "that provides all or part of the educational services contemplated by this Act" in the fifth and sixth lines of the first paragraph by the words "or school body in Canada which provides educational services equivalent to those contemplated by this Act".

c. I-13.3,
s. 214,
replaced

24. Section 214 of the said Act is replaced by the following section:

Agreement
with
foreign
government

"214. A school board may, according to law, enter into an agreement with a foreign government or one of its departments, an international organization, or an agency of such government or organization.

Agreement
with
department
or agency

In addition, with the authorization of the Government and subject to the conditions determined thereby, a school board may enter into an agreement with a department or agency of the Gouvernement du Québec, of the Government of Canada or of the government of any other province of Canada.

Restriction

However, it cannot enter into an agreement concerning the provision of educational services to which students who come under the jurisdiction of the school board are entitled under the basic school regulations (*régime pédagogique*) except where the Minister judges that the services offered are equivalent to those provided for by such regulations.

Persons
from other
school
boards

Under the terms of an agreement entered into pursuant to this section, a school board may provide services to persons who do not come under its jurisdiction."

c. I-13.3,
s. 218, am.

25. Section 218 of the said Act is amended by inserting the words " , unless it is a confessional or dissentient school board , " after the word "board" in the fourth line of the second paragraph.

c. I-13.3,
s. 231, am.

26. Section 231 of the said Act is amended by adding the words " ; in addition , it may impose internal examinations in the subjects it prescribes " at the end of the second paragraph.

c. I-13.3,
s. 246, am.

27. Section 246 of the said Act is amended by striking out the words "qualification or" in the fifth line of the second paragraph.

c. I-13.3,
s. 249, am.

28. Section 249 of the said Act is amended by adding the words " ; in addition , it may impose internal examinations in the subjects it determines " at the end of the second paragraph.

c. I-13.3,
s. 259, am.

29. Section 259 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "The same person may hold the positions of secretary general and assistant director general simultaneously."

c. I-13.3,
s. 266, am.

30. Section 266 of the said Act is amended by replacing the words "of an immovable" in the first line of the second paragraph by the words "or lessee of premises or immovables".

c. I-13.3,
s. 284, am.

31. Section 284 of the said Act is amended by replacing the words "At the beginning of" in the first line of the first paragraph by the word "For".

c. I-13.3,
s. 287, am.

32. Section 287 of the said Act is amended by replacing the words "the external auditor's report" in the second and third lines of the first paragraph by the words "the annual financial statement of the school board".

c. I-13.3,
s. 304, am.

33. Section 304 of the said Act is amended

(1) by replacing the words “enrolled in schools” in the first and second lines of the first paragraph by the words “admitted to the educational services”;

(2) by replacing the second paragraph by the following paragraph:

Different
school
boards

“Where the children are admitted to the educational services of different school boards having jurisdiction over the territory where the immovable is situated, the immovable is taxable exclusively by these school boards, each on a portion of the standardized assessment of the immovable corresponding to the ratio between the number of those persons admitted to the educational services of that school board and the number of those persons admitted to the educational services of all the school boards concerned. The school boards concerned may enter into an agreement in respect of the terms and conditions for collecting the tax levied by each of them.”

c. I-13.3,
s. 305, am.

34. Section 305 of the said Act is amended

(1) by adding, at the end of the second paragraph, the following sentence: “The school board in whose favour the election is made must immediately, in writing, inform the municipal body which has jurisdiction over real estate assessment.”;

(2) by replacing the third paragraph by the following paragraph:

Validity
of election

“The election remains in force until the person revokes it in the manner provided in the second paragraph or until he applies for admission of one of his children to the educational services of another school board having jurisdiction over the territory where the immovable is situated.”

c. I-13.3,
s. 307, am.

35. Section 307 of the said Act is amended

(1) by replacing the words “situated in the common territory of the school boards concerned” in the sixth and seventh lines of the first paragraph by the words “of the school boards concerned and residing in their common territory”;

(2) by adding the words “; they may enter into an agreement in respect of the terms and conditions for collecting the tax levied by each of them” at the end of the second paragraph.

c. I-13.3,
s. 314, am.

36. Section 314 of the said Act, amended by section 267 of chapter 36 of the statutes of 1989, is again amended by adding the words “or to another school board pursuant to section 304 or 307” at the end of the first paragraph.

c. I-13.3,
s. 344,
Fr. text,
am.

37. The French text of section 344 of the said Act is amended by replacing the words “selon que la commission scolaire le détermine” in the fourth line by the words “selon ce que détermine la commission scolaire”.

c. I-13.3,
s. 348, am.

38. Section 348 of the said Act is amended by replacing the words “the following two school years” wherever they appear by the words “the following three school years”.

c. I-13.3,
s. 352, am.

39. Section 352 of the said Act is amended by replacing the word “two” in the fourth line by the word “three”.

c. I-13.3,
s. 381, am.

40. Section 381 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Executive committee

“381. The council of commissioners shall establish an executive committee composed of from five to eleven of its members who are entitled to vote, including the chairman of the regional school board, and of any commissioner who represents the parents’ committee.”;

(2) by adding the following paragraphs:

Members

“However, the executive committee must include at least one commissioner from the council of commissioners of every school board which is a member of the regional school board.

Vacancy

The seat of a member of the executive committee who is entitled to vote becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections. The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term.”

c. I-13.3,
s. 382, am.

41. Section 382 of the said Act is amended by adding the following paragraph after the first paragraph:

Commissioners

“Commissioners of the regional school board who are not members of the executive committee are entitled to attend its sittings, but are not entitled to vote or to take part in the proceedings of the committee.”

c. I-13.3,
s. 405, am.

42. Section 405 of the said Act is amended by replacing the word “three” in the first line of the first paragraph by the word “four”.

c. I-13.3,
s. 416,
am.

43. Section 416 of the said Act is amended

(1) by adding the words “, including the chairman of the Council” at the end of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

Term of
office

“The term of office of a member of the executive committee expires at the same time as his term as a member of the Council.”

c. I-13.3,
s. 417, am.

44. Section 417 of the said Act is amended by adding the following paragraph after the first paragraph:

Members of
Council

“The members of the Council who are not members of the executive committee may attend its sittings, but are not entitled to vote or to take part in the proceedings of the committee.”

c. I-13.3,
s. 419, am.

45. Section 419 of the said Act is amended

(1) by replacing the word and figures “164 to 173” in the second line by the words and figures “164 to 166, 169 to 173”;

(2) by replacing the words and figures “and 411 to 414” in the third line by the words and figures “406 and 408 to 414”;

(3) by inserting the words “, except in section 406,” after the word “commissioner” in the fifth line.

c. I-13.3,
s. 423, am.

46. Section 423 of the said Act is amended by replacing the first two lines of the first paragraph by the words “Only the Council may, with the authorization of the Minister and on the conditions he determines, borrow”.

c. I-13.3,
s. 434, am.

47. Section 434 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

School
tax

“434. The Council may levy a school tax on every taxable immovable situated in the territory of the school boards on the island of Montréal for its purposes and to ensure the upgrading of instruction in underprivileged areas of those school boards.

Taxation
power

The Council shall levy a school tax on every taxable immovable situated in the territory of the school boards on the island of Montréal to meet their needs.

Taxation
power

For the purposes of this section, where part of the territory of a school board on the island of Montréal is situated outside the island of Montréal, the Council shall exercise, in that part of the territory, in accordance with sections 304 to 307, such functions and powers as

would have been exercised by the school board if section 303 were applicable to it.”

c. I-13.3,
s. 435, am.

48. Section 435 of the said Act is amended by replacing the third paragraph by the following paragraph:

Information
to municipi-
pality

“The Council shall inform the clerk of every municipality whose territory falls wholly or partly within the territory of a school board on the island of Montréal of the tax rate within ten days of its adoption.”

c. I-13.3,
s. 436, am.

49. Section 436 of the said Act is amended by replacing the first paragraph by the following paragraph:

Collection
of school
tax

“**436.** Every municipality whose territory falls wholly or partly within the territory of a school board on the island of Montréal shall collect the school tax levied by the Council.”

c. I-13.3,
s. 440, am.

50. Section 440 of the said Act is amended by replacing the word “two” in the fifth line of the third paragraph by the word “three”.

c. I-13.3,
s. 444, am.

51. Section 444 of the said Act is amended by replacing the words “situated on the island of Montréal” in the ninth line of the first paragraph by the words “by the Council”.

c. I-13.3,
s. 446,
replaced

52. Section 446 of the said Act is replaced by the following section:

Applicable
provisions

“**446.** Sections 266, 268 to 274 and 278 to 287 apply to the Council, adapted as required.”

c. I-13.3,
s. 447, am.

53. Section 447 of the said Act is amended

(1) by inserting the words “made by the parents of a student, by a student who has attained his majority or by the school board” after the word “therefor” in the second line of subparagraph 9 of the third paragraph;

(2) by inserting, after subparagraph 9 of the third paragraph, the following subparagraph:

“(9.1) allow the Minister to authorize that an exception be made to a provision of the basic school regulations (régime pédagogique) to favour, in the subjects prescribed by the regulations, the carrying out of a special school project applicable to a group of students;”.

c. I-13.3,
s. 448, am.

54. Section 448 of the said Act is amended by inserting the words “made by the parents of a student, by a student who has attained his majority or by the school board” after the word “therefor” in the second line of subparagraph 7 of the third paragraph.

c. I-13.3,
s. 466, am.

55. Section 466 of the said Act is amended by adding the following paragraph after the third paragraph:

Transfer of
subsidies

“In addition, in an agreement entered into with a school board not included on the list for the provision of educational services to adults, it may, with the authorization of the Minister and according to the conditions determined by him, send to that school board any sums received from the Minister as subsidies for the organization of those services.”

c. I-13.3,
s. 480,
Fr. text,
am.

56. The French text of section 480 of the said Act is amended by replacing the word “deniers” in the first line of the second paragraph by the words “montants d’argent”.

c. I-13.3,
s. 502, am.

57. Section 502 of the said Act is amended by inserting the words “relating to the educational services contemplated in section 1” after the words “of Chapter V” in the first line of the first paragraph.

c. I-13.3,
s. 503, am.

58. Section 503 of the said Act is amended by inserting the words “relating to the educational services contemplated in section 1” after the words “of Chapter V” in the first line of the first paragraph.

c. I-13.3,
s. 504, am.

59. Section 504 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Jurisdiction

“504. For the purposes of Division VI of Chapter V relating to the educational services contemplated in section 1, only a person who so elects shall come under the jurisdiction of a dissentient school board. Any person who is a member of the religious confession, whether Catholic or Protestant, of the dissentient school board and, unless the dissentient school board decides otherwise, any other person with the exception of a person who is a member of a religious confession, whether Catholic or Protestant, which is not that of the dissentient school board, may elect to come under the jurisdiction of the dissentient school board.”;

(2) by inserting, after the first paragraph, the following paragraph:

Election “The election to come under the jurisdiction of a dissentient school board is made by an application for admission to the educational services of that school board, and remains in force until the person makes another election.”

c. I-13.3,
s. 715, am. **60.** Section 715 of the said Act is amended by replacing the third paragraph by the following paragraph:

Catholics
and
Protestants “Catholics are deemed to have made the election contemplated in section 305 of this Act in respect of the Catholic confessional school board or the school board for Catholics; Protestants are deemed to have made such election in respect of the Protestant confessional school board or the school board for Protestants.”

c. I-13.3,
s. 718, am. **61.** Section 718 of the said Act is amended by replacing the date “1 July” in the third line of the first paragraph by the date “30 June”.

c. I-13.3,
s. 725,
replaced **62.** Section 725 of the said Act is replaced by the following section:

Minister
responsible “**725.** The Minister of Education is responsible for the administration of this Act, except section 291, the first and second paragraphs of section 292, and sections 293 to 301, 385, 453 and 454, which are under the responsibility of the Minister of Transport.”

c. I-13.3,
s. 728, am. **63.** Section 728 of the said Act is amended by replacing the second paragraph by the following paragraph:

Applicability “However, the provisions of section 5, the second paragraph of section 49, the second paragraph of section 223, sections 225 and 227, the second paragraph of section 230, paragraph 2 of section 237, section 241 and the third paragraph of section 261 will not apply to confessional or dissentient school boards until the later dates fixed by the Government.”

c. I-13.3,
s. 146,
Engl. text,
am. **64.** The English text of section 146 of the said Act, amended by the English text of section 262 of chapter 36 of the statutes of 1989, is again amended by inserting, in the first paragraph after the words “to elect”, the words “, from among their own number,”.

c. I-13.3,
s. 377,
Engl. text,
am. **65.** The English text of section 377 of the said Act is amended by replacing the word and figures “148 and 149” in the first line by the word and figures “147 and 148”.

c. I-13.3,
s. 394,
Engl. text,
am. **66.** The English text of section 394 of the said Act is amended by replacing the word “after” in the first line by the words “of the”.

c. C-60,
s. 5, am.

67. Section 5 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by inserting, after the first paragraph, the following paragraph:

Continuance
in office

"At the end of their term, members of the Council remain in office until they are reappointed or replaced."

c. C-60,
s. 18, am.

68. Section 18 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Continuance
in office

"At the end of their term, members of such committees remain in office until they are reappointed or replaced."

c. C-60,
s. 22, am.

69. Section 22 of the said Act, replaced by section 568 of chapter 84 of the statutes of 1988, is amended

(1) by replacing paragraphs *e* and *f* by the following paragraphs:

"(e) to make regulations to recognize educational institutions other than those of a confessional or dissentient school board as either Catholic or Protestant, and to ensure the confessional character of educational institutions recognized as Catholic or Protestant and of educational institutions of a Catholic or Protestant confessional or dissentient school board;

"(f) to recognize educational institutions other than those of a confessional or dissentient school board as either Catholic or Protestant, and to withdraw such recognition from institutions which no longer fulfill the necessary conditions therefor;"

(2) by adding, at the end, the following paragraph:

Date of
application

"This section will not apply to confessional or dissentient school boards until the date fixed by the Government."

Engagement
of persons
not
holding
a licence

70. A school board may, for the purposes of providing educational services to adults or teaching in a professional specialty, engage any person who does not hold a teaching licence issued by the Minister of Education but who has been employed by it to provide, by the hour, not less than eight hundred hours of educational services to adults between 1 July 1987 and 4 May 1990.

Exemption

Notwithstanding section 23 of the Education Act (R.S.Q., chapter I-13.3), any person engaged as a teacher under this section shall be exempt from the obligation to hold a teaching licence.

Effect

This section shall cease to have effect on 30 June 1993.

Effect

71. Sections 18, 20, 22, 23, 25, 26, 28 to 30, 42, 46 to 49, 51, 57 to 61, 63 to 66 and 69 have effect from 1 July 1989.

Coming
into force

72. This Act comes into force on 4 May 1990, except paragraph 1 of section 13, paragraph 1 of section 40 and paragraph 1 of section 43, which will come into force on 18 November 1990.