

1986, chapter 10
AN ACT TO AMEND THE EDUCATION ACT

Bill 24

Introduced by Mr Claude Ryan, Minister of Education

Introduced 18 March 1986

Passage in principle 25 March 1986

Passage 29 May 1986

Assented to 29 May 1986

Coming into force: 29 May 1986

Acts amended:

Education Act (R.S.Q., chapter I-14)

Act respecting public elementary and secondary education (1984, chapter 39)

Act to amend the Education Act and various legislation (1985, chapter 8)





CHAPTER 10

An Act to amend the Education Act

[Assented to 29 May 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-14, s.
39.1,
repealed

1. Section 39.1 of the Education Act (R.S.Q., chapter I-14), enacted by section 3 of chapter 8 of the statutes of 1985, is repealed.

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

2. Section 41 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

Notice

“Notice thereof shall be published in the *Gazette officielle du Québec*. It shall take effect on the 1st of July, unless the Government has fixed another date, except for the purposes of the elections provided for in sections 47.3 and 47.4.”

c. I-14, ss.
46, 47,
replaced

3. Sections 46 and 47 of the said Act are replaced by the following sections:

Commis-
sioners

“46. In case of total amalgamation or annexation of school municipalities, the commissioners of such school municipalities become members of the Council of Commissioners of the new school municipality. They shall remain in office until the date of the next election of commissioners.

Commis-
sioners

“47. Where a school municipality annexes part of the territory of another school municipality which constitutes a ward, the commissioner representing the ward becomes a member of the Council of Commissioners of the annexing school municipality. He shall remain in office until the date of the next election of commissioners.

Integration
of territory

“47.1 Where a school municipality annexes part of the territory of another school municipality which does not constitute a ward, it shall integrate the territory into its wards.

Commis-
sioners

Notwithstanding the first paragraph, where the commissioner of a ward is domiciled in the part of the territory that is annexed to another school municipality, he shall be a member of the Council of Commissioners of the school municipality in which the greater number of electors of the divided ward are domiciled. He shall remain in office until the date of the next election of commissioners.

Commis-
sioners

“47.2 Where a whole school municipality is divided in view of the erection of new school municipalities, each of the commissioners of the divided school board becomes a member of the Council of Commissioners of the school municipality into which his ward has been integrated. He shall remain in office until the date of the next election of commissioners.

Election

“47.3 In the cases provided for in sections 46, 47 and 47.2, the commissioners shall, within thirty days before the change takes effect, elect their chairman and vice-chairman and the members of their executive committee. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 169.

Executive
committee

In the case provided for in section 46, the executive committee, until its members are replaced within the time prescribed in section 169, shall be formed in the manner provided in the first and second paragraphs of section 430.

Election

“47.4 In the case provided for in section 46, the secretaries-general of the amalgamated or annexed school municipalities shall jointly and, in the case provided for in section 47.2, the secretary-general of the divided school municipality shall proceed, within thirty days from the date on which the change takes effect, to the election of the chairman and the representative of the parents' committee of the school board. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1.

Wards

“47.5 In the cases provided for in sections 46, 47 and 47.2, the commissioners shall, for the purposes of the next election held in accordance with section 108, divide their municipality into wards as provided in section 48.”

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

4. Section 48 of the said Act is amended

(1) by replacing the words “every three years, by a resolution passed before the 1st of March” in the first and second lines of the first paragraph by the words “by a resolution passed before 1 August in the year in which the election of school commissioners and trustees is held”;

(2) by replacing the word “March” in the third line of the second paragraph by the word “August”.

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

5. Section 52.1 of the said Act, amended by section 4 of chapter 8 of the statutes of 1985, is again amended by replacing the second paragraph by the following paragraph:

Election

“Before the third Sunday in November each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the corporation of trustees shall again convene the members of the parents’ committee for the election of a representative referred to in section 73 for each of the secondary and elementary levels, as the case may be. The representative is elected by a majority vote of the members present.”

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

6. Section 52.2 of the said Act is amended by replacing the date “1 June” in the second line of the first paragraph by the words “third Sunday in November”.

c. I-14, s.
57, replaced

7. Section 57 of the said Act, replaced by section 6 of chapter 8 of the statutes of 1985, is again replaced by the following section:

Effect

“**57.** Except in the case provided for in section 63, the dissent shall take effect, for election purposes, thirty days before the third Sunday in November and, for all other purposes, on the next 1st of July.”

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

8. Section 58 of the said Act, replaced by section 7 of chapter 8 of the statutes of 1985, is again amended by replacing the second paragraph by the following paragraph:

Date of
election

“The election of the first school trustees shall be held on the third Sunday in November. The persons elected shall remain in office until the date fixed for the election of school commissioners and trustees.”

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

9. Section 60 of the said Act is amended

(1) by replacing the word “June” in the second line of the third paragraph by the word “November”;

(2) by adding, after the third paragraph, the following paragraph:

Terms of office “School commissioners shall remain in office until the date fixed for the election of school commissioners and trustees.”

c. I-14, s. 61, am. **10.** Section 61 of the said Act, amended by section 8 of chapter 8 of the statutes of 1985, is again amended by replacing the third paragraph by the following paragraph:

Election “On the third Sunday of November following, the new dissentients shall elect their school trustees. The persons elected shall remain in office until the date fixed for the election of school commissioners and trustees.”

c. I-14, s. 63, am. **11.** Section 63 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “The elected trustees shall remain in office until the date fixed for the election of school commissioners and trustees.”

c. I-14, s. 82, am. **12.** Section 82 of the said Act, amended by section 9 of chapter 8 of the statutes of 1985, is again amended by striking out the third paragraph.

c. I-14, s. 86, replaced **13.** Section 86 of the said Act is replaced by the following section:

Electoral list “**86.** Between 15 August and 15 September in the year in which the election of school commissioners and trustees is to be held, the secretary-treasurer shall prepare, for the municipality, a list of the persons qualified as electors.”

c. I-14, s. 88, replaced **14.** Section 88 of the said Act is replaced by the following section:

Electoral list “**88.** The secretary-treasurer shall deposit the electoral list at his office not later than 15 September, upon which he shall give public notice of the deposit.”

c. I-14, s. 89, replaced **15.** Section 89 of the said Act is replaced by the following section:

Special secretary “**89.** If on 1 October, the electoral list has not been prepared or deposited or if the notice required by section 88 has not been given, the Minister may appoint a special secretary to carry out the formalities that have not been complied with.”

c. I-14, s. 95, am. **16.** Section 95 of the said Act is amended

(1) by replacing the word “fifteen” in the first line of the first paragraph by the word “seven”;

(2) by replacing the word “fifteen” in the first line of the second paragraph by the word “seven”.

c. I-14, s.
108,
replaced
Date of
election

17. Section 108 of the said Act is replaced by the following section:

“108. The election of school commissioners and trustees shall be held on the third Sunday of November in 1987 and thereafter every three years on the third Sunday in November.”

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

18. Section 110 of the said Act is amended by replacing the first paragraph by the following paragraph:

Nomination
paper

“110. Any person wishing to be a candidate shall, fourteen days before the day of the poll, between 10 a.m. and 5 p.m., file a nomination paper at the office of the returning-officer. Each nomination must be supported by ten electors of the ward for which the candidate is standing.”

c. I-14, s.
111,
replaced
Nomination
paper

19. Section 111 of the said Act is replaced by the following section:

“111. The nomination paper must indicate the surname, given name and occupation of the candidate and the name or number of the ward for which the candidate is standing.

Signatures

It must be signed by the candidate and by the electors who support his candidacy.”

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

20. Section 144 of the said Act is amended by replacing the words “sections 146 and 164” by the words “section 164”.

c. I-14, s.
146,
repealed

21. Section 146 of the said Act is repealed.

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

22. Section 147 of the said Act is amended by replacing the words “to be held in the manner set forth in section 47” in the second and third lines of the second paragraph by the words “and fix the dates for nomination day and polling day”.

c. I-14, s.
169,
replaced
Election

23. Section 169 of the said Act is replaced by the following section:

“169. The school commissioners shall each year proceed to the election of the chairman, the vice-chairman and the members of the executive committee of the school board within thirty days after the third Sunday in November. The persons elected shall remain in office until the election or appointment of their successors.

Election	The school trustees shall elect their chairman within the same time. The chairman shall remain in office until the election or appointment of his successor."
c. I-14, s. 171, replaced Appointment by Minister	24. Section 171 of the said Act is replaced by the following section: "171. Where the election of the chairman, the vice-chairman or a member of the executive committee is not held in the time prescribed in section 169 or 172.1, the Minister may appoint him."
c. I-14, s. 172, am.	25. Section 172 of the said Act is amended by striking out the first sentence of the first paragraph.
c. I-14, s. 172.1, added	26. The said Act is amended by inserting, after section 172, the following section:
Resignation	"172.1 If the chairman, the vice-chairman or a member of the executive committee resigns, he shall be replaced within thirty days after his resignation.
Vacancy	Where an office contemplated in the first paragraph becomes vacant for one of the reasons mentioned in section 164, the vacancy shall be filled within thirty days after the appointment or election of the person's successor."
c. I-14, s. 206, replaced Diplomas	27. Section 206 of the said Act is replaced by the following section: "206. Except in the cases specified in the regulations, school commissioners or trustees shall employ as teachers only those persons who are provided with diplomas awarded or recognized by the Minister."
c. I-14, s. 339, replaced	28. Section 339 of the said Act, amended by section 10 of chapter 8 of the statutes of 1985, is replaced by the following sections:
Budget	"339. Every school board shall prepare and submit to the Minister, not later than the date determined by him, its operating, investment and debt service budget for the following school year.
Budget	"339.1 The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school board and its own revenues, on the other.
Effect	The budget shall remain without effect until approved by the Minister.
Approval	"339.2 The budget of a confessional school board or of a corporation of trustees does not require the approval of the Minister.

Surplus **"339.3** The school board may include any surplus of the preceding school year in its budget, as revenue.

Deficit **"339.4** The school board shall include any deficit for the preceding year in its budget, as expenditure.

Deficit The Minister may, however, authorize a school board to spread its deficit over a period on the conditions and according to the modalities he determines.

Expendi- **"339.5** The Minister may authorize a school board to incur
tures expenditures before its budget is approved, or expenditures not provided for in its budget."

c. I-14, s. **29.** Section 427 of the said Act is amended by adding, after the
427, am. second paragraph, the following paragraph:

Election "The secretary-general of the school board shall, however, within fifteen days before the date the order comes into effect, convene the delegates of all the school committees in the territory of the school board to proceed to the election of the chairman and the representatives of the parents' committee of the school board. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1."

c. I-14, s. **30.** The said Act is amended by inserting, after section 427, the
427.1, following section:
added

Election **"427.1** In the case referred to in section 427, the commissioners of the regional school board who represent the school boards which remain members of the regional board shall, within fifteen days before the date on which the order takes effect, elect the chairman and vice-chairman and the members of the executive committee of the regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436."

c. I-14, s. **31.** The said Act is amended by inserting, after section 427.1,
427.2, the following section:
added

Election **"427.2** In the case provided for in section 427, the secretary-general of the regional board shall, within fifteen days preceding the date on which the order takes effect, convene the members of the parents' committee who are delegates of the school committees that remain under the jurisdiction of the regional board to proceed to the election of the chairman and the representative of the parents' committee

of the regional board. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1."

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

32. Section 428 of the said Act is amended by replacing the fifth paragraph by the following paragraph:

Effect

"The division, annexation or amalgamation shall take effect on the 1st of July unless the Government has fixed another date, except for the purposes of the elections provided for in sections 428.1 and 428.2."

c. I-14, ss.
428.1, 428.2,
added

33. The said Act is amended by inserting, after section 428, the following sections:

Election

"428.1 In the cases referred to in section 428, the school board commissioners who become members of the Council of Commissioners of the new regional board shall, within thirty days before the date on which the division, annexation or amalgamation takes effect, elect the chairman and vice-chairman and the members of the executive committee of the new regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436.

Election

"428.2 Section 47.4, adapted as required, applies to the election of the chairman and of the representative of the parents' committee of the new regional board."

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

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

Election

"436. Each year, within thirty days after the third Sunday in November, the commissioners shall proceed to the election of the chairman and vice-chairman and the members of the executive committee of the regional board. The persons elected shall remain in office until the election or appointment of their successors."

c. I-14, s.
439,
replaced
Applicable
provisions

35. Section 439 of the said Act is replaced by the following section:

"439. Sections 339, 339.1 and 339.3 to 339.5 apply to a regional board."

c. I-14, s.
504.2,
replaced

36. Section 504.2 of the said Act, enacted by section 16 of chapter 8 of the statutes of 1985, is replaced by the following section:

Powers

"504.2 The Council, after agreement with a confessional school board, shall also have jurisdiction to exercise any right, power or obligation delegated to it by the school board."

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

37. Section 507 of the said Act is amended

(1) by replacing the words “and the school boards” in the fourth line by the words “, of school boards and, where an agreement is made under section 504.2, those of a confessional school board”;

(2) by replacing the words “and of the school boards” in the sixth and seventh lines by the words “, of the school boards and, where an agreement is made under section 504.2, those of a confessional school board”;

(3) by replacing the words “and of the school boards” in the eighth line by the words “, of the school boards and, as the case may be, of a confessional school board”.

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

38. Section 519 of the said Act is amended

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

Budgetary
estimates

“The budget of the Council must include the budgetary estimates of the school boards. The Council shall send copy of it to the school boards.”;

(2) by striking out the sixth, seventh and eighth paragraphs.

c. I-14, s.
519.1,
added

39. The said Act is amended by adding, after section 519, the following section:

Applicable
provisions

“**519.1** Sections 339, 339.1 and 339.3 to 339.5 apply, *mutatis mutandis*, to the Council.”

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

40. Section 535 of the said Act, amended by section 17 of chapter 8 of the statutes of 1985, is again amended by replacing the words “second Monday of June or, if that day is a holiday, on the next juridical day” in the third and fourth lines of the fourth paragraph by the words “third Sunday in November”.

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

41. Section 536 of the said Act is amended

(1) by replacing the word “March” in the second line of the second paragraph by the word “July”;

(2) by replacing the word “March” in the fifth line of the fourth paragraph by the word “July”.

c. I-14, s.
539,
replaced

42. Section 539 of the said Act is replaced by the following section:

Nomination
paper

"539. The nomination paper of a candidate for the position of commissioner may, in addition to the time prescribed in section 110, be filed with the returning-officer at his office at any time between the date of publication of the notice contemplated in the second paragraph of the said section and nomination day. It has the same effect as if it had been filed at the time and place fixed for nomination."

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

43. Section 543 of the said Act is amended

(1) by striking out the figure "111" in the fourth line of the first paragraph;

(2) by replacing the figure "146" in the fourth line of the first paragraph by the figure "169";

(3) by inserting the word and figure "to 339.5" after the figure "339" in the sixth line of the first paragraph;

(4) by striking out the third paragraph.

c. I-14, s.
543.1,
added

44. The said Act is amended by inserting, after section 543, the following section:

Election

"543.1 The commissioners shall proceed to the election of the chairman and vice-chairman and the members of the executive committee of the school board within thirty days after the date of the general election. The persons elected shall remain in office until the election or appointment of their successors."

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

45. Section 544 of the said Act is amended by replacing the words "After the chairman is elected, the central parents' committee shall immediately" in the third, fourth and fifth lines of the second paragraph by the words "Each year, before the third Sunday in November, the secretary-general of the school board shall again convene the members of the central parents' committee to".

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

46. Section 567.6 of the said Act, enacted by section 23 of chapter 8 of the statutes of 1985, is amended by striking out paragraph 3.

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

47. Section 567.8 of the said Act, enacted by section 23 of chapter 8 of the statutes of 1985, is amended

(1) by adding, after the figure "48", the figure "82";

(2) by replacing the figure "111" by the figure "117";

(3) by replacing the figure "146" by the figure "169".

c. I-14,
Form 3, am.

48. Form 3 which is annexed to the said Act is amended

(1) by replacing the words "twelve to fourteen hours" in the seventh line by the words "ten a.m. to five p.m.";

(2) by replacing the word "Monday" in the ninth line by the word "Sunday".

c. I-14,
Form 6, am.

49. Form 6 which is annexed to the said Act is amended by replacing the word "next" in the seventeenth line by the words "which next follows the third Sunday in November".

c. I-14,
Form 7, am.

50. Form 7 which is annexed to the said Act, amended by section 24 of chapter 8 of the statutes of 1985, is again amended by replacing the word "June" in the eighteenth line by the word "November".

FINAL PROVISIONS

Terms of
office

51. The school commissioners and trustees in office on 29 May 1986 and the persons elected or appointed pursuant to section 164 or 166 of the Education Act shall remain in office until the third Sunday in November 1987.

Terms of
office

The members of the Conseil scolaire de l'Île de Montréal in office on 29 May 1986 and the persons appointed pursuant to section 503 shall remain in office until they are replaced by persons appointed after the third Sunday in November 1987.

Terms of
office

52. Subject to sections 47.3, 427.1 and 428.1 of the Education Act, the chairman, vice-chairman and members of the executive committee of a school board in office on 29 May 1986 and the persons elected or appointed pursuant to sections 171 and 172.1 shall remain in office until they are replaced by persons elected after the third Sunday in November 1986.

Terms of
office

Notwithstanding the foregoing, the chairmen, vice-chairmen and members of the executive committees of the school boards and confessional school boards of the island of Montréal and of the Conseil scolaire de l'Île de Montréal in office on 29 May 1986 and the persons elected or appointed pursuant to sections 171 and 172.1 and to the fifth paragraph of section 522 shall remain in office until they are replaced by persons elected after the third Sunday in November 1987.

Terms of
office

53. Subject to sections 47.4, 427, 427.2 and 428.2 of the Education Act, the representatives of the parents' committees in office on

29 May 1986 and those who are elected pursuant to section 52.2 or 544 shall remain in office until the third Sunday in November 1986.

Delegate of
school com-
mittee

For the purposes of this section, the fact of not having been designated as a delegate of a school committee does not constitute a loss of qualification for the position of representative of the parents' committee.

Agreement

54. Every agreement entered into pursuant to section 504.2 of the Education Act between the Conseil scolaire de l'Île de Montréal and a confessional school board between 4 June 1985 and 29 May 1986 is deemed to have been entered into pursuant to section 504.2 of the said Act as amended by section 36 of this Act, and anything done pursuant to such an agreement is deemed to have been done pursuant to an agreement entered into pursuant to the said section as amended.

1984, c. 39,
s. 655,
replaced

55. Section 655 of the Act respecting public elementary and secondary education (1984, chapter 39), amended by section 48 of chapter 8 of the statutes of 1985, is replaced by the following section:

Coming into
force

“655. This Act will come into force on the date fixed by order of the Government, except the provisions excluded by that order, which will come into force on a later date fixed by order of the Government.”

Retroactive
effect

56. Section 55 has effect from 21 December 1984.

1985, c. 8,
s. 54,
replaced

57. Section 54 of the Act to amend the Education Act and various legislation (1985, chapter 8) is replaced by the following section:

Coming into
force

“54. This Act will come into force on 4 June 1985, except sections 28 to 48, which will come into force on the dates fixed by order of the Government.”

Retroactive
effect

58. Sections 4, 13, 14, 15 and 41 have effect from 1 March 1986.

Retroactive
effect

59. Sections 36, 37 and 57 have effect from 4 June 1985.

Coming into
force

60. This Act comes into force on 29 May 1986.