

1986, chapter 101

**AN ACT TO AGAIN AMEND THE EDUCATION ACT AND THE
ACT RESPECTING THE CONSEIL SUPÉRIEUR DE
L'ÉDUCATION AND TO AMEND THE ACT RESPECTING
THE MINISTÈRE DE L'ÉDUCATION**

Bill 131

Introduced by Mr Claude Ryan, Minister of Education

Introduced 13 November 1986

Passage in principle 11 December 1986

Passage 19 December 1986

Assented to 19 December 1986

Coming into force: 19 December 1986

Acts amended:

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

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

Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15)



CHAPTER 101

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

[Assented to 19 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

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

1. Section 16 of the Education Act (R.S.Q., chapter I-14) is amended by inserting, after the first paragraph, the following paragraph:

Regulation

“The regulation respecting the basis of school organization may

(1) determine the nature, objectives and organizational framework of education services and the rules governing the evaluation of learning achievement and the certification of studies;

(2) prescribe a date, between the beginning of the school year and 1 January, for the determination of the age of admissibility to education services;

(3) allow the Minister to authorize, upon a substantiated request, that an exception be made to a prescription of the regulations where its application is likely to cause prejudice to a pupil;

(4) allow the Minister to establish the manner in which the rules of certification of studies are applied and to exempt a category of pupils determined by him from the application of those rules;

(5) allow the Minister to effect the gradual implementation of the prescriptions of the regulation concerning the ratio of required subjects to elective subjects and concerning the rules of certification of studies;

(6) allow a school board, on conditions prescribed therein, to exempt a pupil from a subject other than Catholic or Protestant moral and religious values instruction or moral values instruction."

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

2. Section 33 of the said Act is amended by replacing the words "from the beginning of the school year following the day on which he attains the age of five years" in the fourth, fifth and sixth lines by the words "from the beginning of the school year during which he attains the age of five years on or before the date prescribed by regulation under subparagraph 7 of the first paragraph of section 16".

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

3. Section 50 of the said Act is amended

(1) by replacing the words "attend such school and are registered for the following school year" in the fourth, fifth and sixth lines of the first paragraph by the words "are registered at such school for the following year";

(2) by replacing the words "ceases to attend that school" in the third line of the fifth paragraph by the words "does not attend school during the school year for which he was registered at that school".

c. I-14, ss.
181.1,
181.2,
added

4. The said Act is amended by inserting, after section 181, the following sections:

Participation
by
telephone

"181.1 Where the majority of commissioners actually attending a meeting of a school board consent to it, a commissioner may take part in the meeting, participate in the deliberations and vote by telephone or any other means of communication.

Consent

Such consent may be given only where

(1) the commissioners actually attending the meeting, including the chairman, form a quorum;

(2) the means of communication to be used will allow all participants in the meeting to hear one another.

Minutes

The minutes of the meeting shall mention

(1) the fact that the meeting was held with the aid of such means of communication;

(2) the names of all the commissioners actually attending the meeting, with an indication of those who consented to proceed in such manner;

(3) the name of the commissioner having taken part in the meeting by such means of communication.

Presumption The commissioner who takes part in a meeting by such means of communication, participates in the deliberations and votes is deemed to have actually attended the meeting.

Application of s. 181.1 “**181.2** Section 181.1, adapted as required, applies to meetings of the executive committee.”

c. I-14, s. 339.4, am. **5.** Section 339.4 of the said Act, enacted by section 28 of chapter 10 of the statutes of 1986, is amended by striking out the second paragraph.

c. I-14, s. 339.6, added **6.** The said Act is amended by inserting, after section 339.5, the following section:

Budget “**339.6** The Minister may, on the conditions and according to the procedure he determines, authorize a school board to adopt a budget that does not maintain the balance provided for in section 339.1.”

c. I-14, s. 439, am. **7.** Section 439 of the said Act, replaced by section 35 of chapter 10 of the statutes of 1986, is amended by replacing the figure “339.5” by the figure “339.6”.

c. I-14, s. 519.1, am. **8.** Section 519.1 of the said Act, enacted by section 39 of chapter 10 of the statutes of 1986, is amended by replacing the figure “339.5” by the figure “339.6”.

c. I-14, s. 543, am. **9.** Section 543 of the said Act, amended by section 43 of chapter 10 of the statutes of 1986, is again amended by replacing the figure “339.5” in the first paragraph by the figure “339.6”.

PROVISIONS RELATING TO THE CHARTER OF HUMAN RIGHTS
AND FREEDOMS AND TO SECTION 33 OF THE
CONSTITUTION ACT, 1982

c. C-60, s. 31, replaced **10.** Section 31 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is replaced by the following sections:

Freedom of conscience or religion “**31.** Notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12), this Act does not encroach upon freedom of conscience or freedom of religion or upon the right

to full and equal recognition and exercise of freedom of conscience and freedom of religion for the sole reason that it grants rights and privileges to a religious confession.

Exception **“32.** This Act, so far as it grants rights and privileges to a religious confession, shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

c. I-14, s.
720,
replaced **11.** Section 720 of the Education Act (R.S.Q., chapter I-14) is replaced by the following sections:

Freedom of
conscience
or religion **“720.** Notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12), this Act does not encroach upon freedom of conscience or freedom of religion or upon the right to full and equal recognition and exercise of freedom of conscience and freedom of religion for the sole reason that it grants rights and privileges to a religious confession.

Exception **“721.** This Act, so far as it grants rights and privileges to a religious confession, shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

c. M-15, s.
17, replaced **12.** Section 17 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following sections:

Freedom of
conscience
or religion **“17.** Notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12), this Act does not encroach upon freedom of conscience or freedom of religion or upon the right to full and equal recognition and exercise of freedom of conscience and freedom of religion for the sole reason that it grants rights and privileges to a religious confession.

Exception **“18.** This Act, so far as it grants rights and privileges to a religious confession, shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

TRANSITIONAL AND FINAL PROVISIONS

Presumption **13.** Orders in Council 551-81 and 552-81 of 25 February 1981 establishing the basis of elementary school and preschool organization

and the basis of secondary school organization, published in the *Gazette officielle du Québec* of 15 April 1981, and any orders in council amending those bases of school organization shall be deemed to have been made under section 16 of the Education Act as amended by this Act.

Effet This section has effect from the date of each order in council referred to in the first paragraph.

Coming into
force **14.** This Act comes into force on 19 December 1986.