



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 17

An Act to amend the Education Act

Introduction

**Introduced by
Mr Michel Pagé
Minister of Education**

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EXPLANATORY NOTES

This bill amends the Education Act in order, mainly, to reduce ministerial control procedures in respect of certain functions and powers of the school boards and the Conseil scolaire de l'île de Montréal.

The bill repeals the legislative provisions which require the school boards and the Conseil to obtain the Minister's authorization for the acquisition of property or the carrying out of work on an immovable property. Furthermore, the obligation to obtain the Minister's approval for plans and specifications concerning work carried out on an immovable property belonging to the school boards or the Conseil is replaced by the obligation to obtain the Minister's advice. Finally, the provisions requiring that the operating budget, the capital budget and the debt service budget of each school board and of the Conseil be approved or that the adoption of an unbalanced budget be authorized are abolished.

In addition, the bill authorizes school boards to grant, in cases determined by regulation of the Minister, an exemption concerning the minimum age of admission to preschool education or elementary school education following a request by the child's parents setting out their reasons.

The bill also enables the Government to adopt regulations to determine rules governing increases in the base amount for computing the maximum school tax revenue in the case of amalgamation or total annexation of school board territories or of termination of a regional school board.

Finally, the bill clarifies certain provisions relating to the Minister's power to establish annual budgetary rules.

Bill 17

An Act to amend the Education Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting, after section 241, the following section:

“241.1 For humanitarian reasons or to avoid a serious prejudice to a child who has not attained the age of admission, the school board may, following a request giving reasons therefor made by the parents, in cases determined by regulation of the Minister,

(1) admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age;

(2) admit, from 1 January, to elementary school education, the child admitted to preschool education who has attained 5 years of age.

In the event of refusal by the school board, the Minister may, at the request of the parents and if he considers it expedient on the grounds mentioned in the first paragraph, order the school board to admit the child, in the cases and subject to the conditions prescribed in the first paragraph.”

2. Sections 268 and 269 of the said Act are repealed.

3. Section 271 of the said Act is amended by replacing the first paragraph by the following paragraph:

“271. No school board may perform or cause to be performed on an immovable any work requiring the preparation of plans and specifications before having obtained the Minister’s advice on the project.”

4. Section 277 of the said Act is amended

(1) by replacing the words “prepare its operating, investment and debt service budget for the following school year and submit it to the Minister for approval” in the first, second and third lines of the first paragraph by the words “adopt its operating, investment and debt service budget for the following school year and transmit it to the Minister”;

(2) by striking out the third paragraph.

5. Section 279 of the said Act is replaced by the following section:

“279. Except with the authorization of the Minister and subject to the terms and conditions he determines, the budget may not provide for expenditures that exceed the revenues of the school board.”

6. Section 280 of the said Act is amended

(1) by replacing the word “may” in the first line of the first paragraph by the word “shall”;

(2) by replacing the words “Every school board shall” in the first line of the second paragraph by the words “In addition, the school board shall”.

7. Section 281 of the said Act is replaced by the following section:

“281. If, on 1 July, a school board has not adopted its budget, it is authorized to incur expenses for that month for an amount equal to one-twelfth of the amount of expenses of the preceding school year.

The same applies for each month of the school year if, on the first day of the month, the budget has not been adopted.”

8. Section 308 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “In cases of amalgamation or total annexation of school board territories or of termination of a regional school board having occurred after 30 June 1989, the base amount of the amalgamated or annexing school board or of a school board that is a member of the regional school board shall, from the school year in which the change takes effect but only for the period determined by regulation, where that is the case, be increased according to the rules prescribed therein.”

9. Section 312 of the said Act is amended

(1) by replacing the words “after the approval” in the second line of the first paragraph by the words “at the time of the adoption”;

(2) by striking out the second paragraph.

10. Section 435 of the said Act is replaced by the following section:

“435. The Council shall fix the rate of the school tax after the school boards on the island of Montréal have adopted their budget.”

11. Section 445 of the said Act is amended by replacing the words “prepare its operating, capital and debt service budget for the next ensuing school year and submit it to the Minister for approval” in the first, second and third lines by the words “adopt its operating, capital and debt service budget for the following school year and transmit it to the Minister”.

12. Section 447 of the said Act, amended by section 46 of chapter 78 of the statutes of 1990, is again amended by inserting the words “other than the provision relating to the date for determining the age of admission to educational services,” after the word “regulations,” in the fourth line of subparagraph 9 of the third paragraph.

13. Section 455.1 of the said Act is amended

(1) by adding, after paragraph 3, the following paragraph:

“(4) determine rules governing increases in the base amount in cases of amalgamation or total annexation of school board territories or of termination of a regional school board having occurred after 30 June 1989, which may vary according to the provisions of the regulation.”;

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

“The regulation may, for each case it may determine, fix a period in which an increase in the base amount according to the rules prescribed pursuant to subparagraph 4 of the first paragraph is necessary.”

14. The said Act is amended by inserting, after section 457, the following section:

“457.1 The Minister shall, by regulation, determine the cases in which a school board may exercise the powers provided for in

section 241.1 in respect of the admission of a child who has not attained the age of admission, including any information and expertise which must be sent with the request, where that is the case.”

15. The said Act is amended by inserting, after section 473, the following section:

“473.1 The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school boards or to the Conseil scolaire de l’île de Montréal, in order to take into account special situations or to carry out certain projects or activities.

Such subsidies may

- (1) be granted on the basis of general or special standards;
- (2) be subject to general conditions applicable to every school board, or to special conditions applicable to one or some of them;
- (3) be granted only to one or some of the school boards or to the Conseil scolaire de l’île de Montréal.

For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l’Éducation to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15) does not apply to such an authorization.”

16. Section 475 of the said Act is amended

- (1) by replacing the words “establishing that its” in the third line of the first paragraph by the word “whose”;
- (2) by replacing the words “equal to the amount of the insufficiency, computed at the time of the adoption of the school board’s budget” in the fourth, fifth and sixth lines of the first paragraph by the words “fixed by the Minister after receipt of the school board’s budget”.

17. Any first regulation made for the purposes of subparagraph 4 of the first paragraph or of the second paragraph of section 455.1 of the Education Act may provide that it shall have effect from the school year 1992-93.

18. Sections 1 and 12 are applicable to the school year 1993-94 and to subsequent school years.

Sections 4 to 11, 15 and 16 are applicable to the school year 1992-93 and to subsequent school years.

19. This Act comes into force on (*insert here the date of assent to this Act*).
