

NATIONAL ASSEMBLY

FIRST SESSION

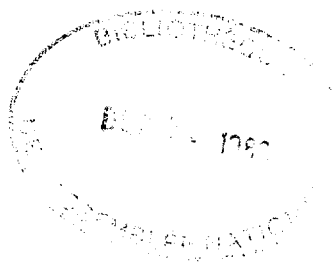
THIRTY-FOURTH LEGISLATURE

Bill 9

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

Introduction

**Introduced by
Mr Claude Ryan
Minister of Education**



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EXPLANATORY NOTES

This bill amends the Education Act and the Act respecting the Conseil supérieur de l'éducation in order to specify the powers of the Catholic committee and the Protestant committee of the Conseil supérieur de l'éducation with regard to educational institutions governed by confessional and dissentient school boards. It also proposes other amendments to these two Acts.

As far as the Education Act is concerned, the bill grants certain powers to school boards, or specifies how these powers are to be exercised, in particular with regard to temporarily exempting a student from compulsory school attendance, appointing assistant directors general and entering into international agreements. In addition, it specifies certain rules to be applied during the interim administration regarding those persons over whom the school board has jurisdiction.

The bill also limits the number of members of the executive committee of a school board to 7, and the number of members of the executive committee of a regional school board to 9. At the same time, it ensures that the chairman of the school board is a member of the executive committee, and that commissioners who are not members may take part in its sittings without being entitled to vote.

*The bill also allows a majority of the electors domiciled in a part of the territory of a school board to request that this part be made into a new territory, or be annexed to another contiguous school board of the same category which consents to the change. Furthermore, the bill makes explicit the Minister's power to authorize the setting aside of a provision of the basic school regulations (*régime pédagogique*) relating to preschool, primary and secondary education to favour the carrying out of a special school project applicable to a group of students.*

The bill also corrects certain inaccuracies or technical errors in the Education Act.

Finally, it amends the Act respecting the Conseil supérieur de l'éducation by providing for members of the Council and its confessional committees to remain in office at the end of their term until they are reappointed or replaced.

Bill 9

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 15 of the Education Act (1988, chapter 84) is amended by adding, at the end, the following paragraph:

“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.”

2. 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”.

3. 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.

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

“(3) a member of the non-teaching professional staff assigned to the school, elected by his peers;

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

5. 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.

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

“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.”

7. 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.

8. Section 179 of the said Act is amended

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

“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:

“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.

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.”

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

“Commissioners who are not members of the executive committee may take part in its sittings, but are not entitled to vote.”

10. 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.

11. Section 193 of the said Act is amended by replacing the word “distribution” in the first line of paragraph 2 by the word “destination”.

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

“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.

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.”

13. 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”.

14. 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:

“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.”

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

“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.”

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

“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.”

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

“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.

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.

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.

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.”

18. 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.

19. 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.

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

21. 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.”

22. 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”.

23. Section 287 of the said Act is amended by adding the words “and of the annual financial statement” at the end of the first paragraph.

24. 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 word “first” in the second line of the third paragraph by the word “second”.

25. Section 307 of the said Act is amended by adding the words “or, if there is no school situated in the common territory, the number of students residing in such territory” at the end of the first paragraph.

26. 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”.

27. Section 381 of the said Act is amended

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

“381. The council of commissioners shall establish an executive committee composed of from seven to nine 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:

“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.

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.”

28. 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”.

29. Section 416 of the said Act is amended by replacing the second paragraph by the following paragraph:

“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.”

30. Section 419 of the said Act is amended

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

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

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

“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.”

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

“**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.”

33. 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”.

34. Section 446 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Sections 278 to 287 apply to the Council, adapted as required.”

35. Section 447 of the said Act is amended 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;”.

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

37. 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.

38. 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.

39. Section 504 of the said Act is amended

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

“**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:

“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.”

40. Section 715 of the said Act is amended by replacing the third paragraph by the following paragraph:

“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.”

41. 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”.

42. Section 725 of the said Act is replaced by the following section:

“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.”

43. Section 728 of the said Act is amended by replacing the second paragraph by the following paragraph:

“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.”

44. 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,”.

45. 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”.

46. 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”.

47. 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:

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

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

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

49. 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:

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

50. Sections 3, 5, 7, paragraph 2 of section 8, sections 12, 14, 16 to 19, 21, 22, 24, paragraph 2 of section 27, and sections 28 to 35, 37 to 41, 43 to 46 and 49 have effect from 1 July 1989.

51. This Act comes into force on (*insert here the date of assent to this Act*) except paragraph 1 of section 8, and paragraph 1 of section 27, which will come into force on 1 July 1990.