



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 102

An Act to amend the Education Act and the Act respecting private education

Introduction

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

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EXPLANATORY NOTES

This bill amends the Education Act to allow the right to confessional dissent to be exercised concurrently with the implementation of language-based school boards and the reduction of the territory of a confessional school board.

The bill introduces a provision requiring the Government to grant confessional or dissentient school boards on the island of Montréal subsidies equal to the amount they would be required to pay for the purposes of the other school boards on the island of Montréal or of the Conseil scolaire de l'île de Montréal if the latter fails to repay the loans it has contracted.

The bill amends section 439 of the Education Act to require the Conseil scolaire de l'île de Montréal to apportion, in a fair and equitable manner, the proceeds of the school tax levied by the Conseil scolaire for the upgrading of education in economically disadvantaged areas under the jurisdiction of member school boards.

The bill amends the Education Act and the Act respecting private education to define the powers of the Minister of Education and the Minister of Transport with respect to the information they may require from school bodies in the performance of their duties and powers under the said Acts.

The bill amends section 292 of the Education Act to specify that noontime supervision of students will be provided on such financial conditions as may be determined by the school board.

The bill empowers the Minister of Education to issue yearly directives in respect of adult education services for the school years 1991-92 to 1993-94.

Finally, the bill amends the English text of certain sections of the Education Act to ensure greater consistency with the French text.

Bill 102

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 111 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the fourth paragraph by the following paragraph:

“The order shall be published in the *Gazette officielle du Québec* between 1 January and 1 March and comes into force on the date of its publication.”

2. Section 123 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The order shall be published in the *Gazette officielle du Québec* between 1 January and 30 June and comes into force on 1 July of the year following the year of publication.”

3. The said Act is amended by inserting, after section 123, the following section:

“123.1 Where an order reduces the boundaries of the territory of a confessional school board, every French-language school board or English-language school board whose territory wholly or partly coincides with the removed portion shall, before 30 September of the year of publication of the order, draw up a list of the persons entered on its latest list of electors and of the persons entered on the latest list of electors of the confessional school board who are domiciled in the removed portion and who, if the order were effective, would be qualified electors of the school board.

The list drawn up shall be substituted for the latest list of electors referred to in sections 126 and 127 as regards the exercise of the right to dissent in the territory of the school board before 31 December of the same year."

4. Section 129 of the said Act, amended by section 12 of chapter 8 of the statutes of 1990, is again amended by replacing the date "1 March" in the first line of the first paragraph by the date "31 December".

5. Section 132 of the said Act is replaced by the following section:

"132. The provisional council shall be responsible for taking such preliminary measures as are required for the operation of the dissentient school board in its territory from 1 July of the year following the year of service of the notice of dissent as well as such measures as are required for the organization of the first school year beginning on the same date.

For that purpose, the provisional council shall exercise the functions and powers of the dissentient school board as if it were the council of commissioners."

6. Section 133 of the said Act is replaced by the following section:

"133. The provisional council of the dissentient school board, the school board on which the notice of dissent has been served and, where applicable, the regional school board of which the latter school board is a member shall apportion the rights and powers of the school board on which the notice of dissent has been served and, where applicable, of the regional school board among the dissentient school board, the school board on which the notice of dissent has been served and, where applicable, the regional school board.

Where the right to dissent is exercised in the year of publication of an order reducing the boundaries of the territory of a confessional school board, the latter shall be a party to the apportionment provided for in the first paragraph. In the case provided for in section 131, each school board on which the notice of dissent has been served shall be a party to the apportionment.

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are members of a certified association within the meaning of the Labour Code or employees who are entitled to a special

recourse pursuant to a regulation of the Government made under section 451. The Minister shall ensure that his decision does not deprive the dissentient school board or, as the case may be, the confessional school board of any property necessary for its operation.

Section 121 applies to the transfer of ownership of immovables.”

7. Section 134 of the said Act is replaced by the following section:

“134. The Act respecting school elections applies to the election of the first commissioners of the dissentient school board.

Between 1 January and 1 March of the year following the year of service of the notice of dissent, the provisional council shall divide the territory of the dissentient school board into electoral divisions in accordance with the rules provided in the Act respecting school elections. The date of the poll shall be the second Sunday of the following month of June.

The first commissioners shall take office on the following 1 July and shall exercise alone the functions and powers of the council of commissioners until representatives of the parents’ committee and, where applicable, of the parents of the minority of students referred to in section 146 are elected. The first commissioners shall remain in office until the date fixed for the next general election.”

8. Section 219 of the said Act, replaced by section 1 of chapter 28 of the statutes of 1990, is amended by adding, after the first paragraph, the following paragraphs:

“The release of nominative information by the school board to the Minister for the purpose of budgetary rules and program assessment and the collection of such information by the Minister are deemed necessary for the purposes of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister shall determine alone the rules and conditions applicable to personal information files containing the information referred to in the second paragraph.”

9. Section 292 of the said Act is amended by inserting the words “, on such financial conditions as it may determine,” after the word “ensure” in the second line of the third paragraph.

10. Section 300 of the said Act is amended by adding, after the fifth paragraph, the following paragraphs:

“The release of nominative information by the school board to the Minister of Transport for the purposes of this section and the collection of such information by the Minister are deemed necessary for the purposes of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister of Transport shall determine alone the rules and conditions applicable to personal information files containing the information referred to in the sixth paragraph.”

11. The said Act is amended by inserting, after section 425, the following section:

“**425.1** The Government shall grant to a confessional or dissentient school board a subsidy equal to any amount it may be required to pay as a result of the application of section 424 or 425 for the purposes of the other school boards on the island of Montréal or of the Council.”

12. Section 439 of the said Act, replaced by section 14 of chapter 28 of the statutes of 1990, is amended by adding, after the second paragraph, the following paragraph:

“The remainder referred to in subparagraph 2 of the first paragraph must be apportioned in a fair and equitable manner.”

13. Section 509 of the said Act is amended by adding, at the end of paragraph 2, the words “as well as any dissentient school board established under Division II.1 of this chapter”.

14. The heading of Division II of Chapter X of the said Act is replaced by the following:

“DIVISION II

“PROVISIONAL COUNCIL OF FRENCH-LANGUAGE SCHOOL BOARDS AND ENGLISH-LANGUAGE SCHOOL BOARDS”.

15. The heading of subdivision 1 of Division II of Chapter X of the said Act is struck out.

16. Section 510 of the said Act is amended by inserting the words “or dissentient” after the word “regional” in the fifth line of the first paragraph.

17. The said Act is amended by inserting, after section 515, the following division:

“DIVISION II.1

“EXERCISE OF THE RIGHT TO DISSENT

“515.1 Between 1 June and 30 October of the year of publication of the order respecting territorial division referred to in section 111, the provisional council of a French-language school board or of an English-language school board shall, for the purpose of the exercise of the right to dissent referred to in section 515.2, draw up the list of electors of the new school board in accordance with the rules provided in the Act respecting school elections as if an election were to be held on 31 December of the same year.

In drawing up the list of electors, the provisional council shall verify whether the persons are Catholic or Protestant or of another religious affiliation. Every person who refuses to respond or who cannot be contacted is deemed to be neither Catholic nor Protestant.

The director general shall deposit the list of electors at the head office of the existing school boards and shall give public notice thereof. The provisions of the Act respecting school elections concerning the revision of the list of electors apply; for that purpose, the director general shall exercise the functions and powers of the returning officer.

“515.2 Any number of natural persons of full age who are entered on the list of electors of the French-language school board or of the English-language school board drawn up under section 515.1 and who are of a religious denomination, Catholic or Protestant, different from that of the majority of the persons entered on the list may serve a written notice of dissent on the provisional council of the school board.

The notice of dissent must be served before 31 December of the year of publication of the order respecting territorial division referred to in section 111.

The dissentient school board is established on the date of service of the notice in the territory, or part thereof, of the French-language school board or of the English-language school board as described in the notice of dissent.

“515.3 The notice of dissent must be made in conformity with section 130.

“515.4 Section 515 applies to the provisional council of a dissentient school board.”

18. The heading of subdivision 2 of Division II of Chapter X of the said Act is replaced by the following:

“DIVISION II.2

“FUNCTIONS AND POWERS OF PROVISIONAL COUNCILS”.

19. Section 525 of the said Act, amended by section 273 of chapter 36 of the statutes of 1989, is again amended

(1) by replacing the words “who has no child enrolled in” in the third line of the first paragraph by the words “has no child receiving educational services from”;

(2) by inserting the words “or has not signed a notice of dissent,” after the word “situated,” in the fourth line of the first paragraph.

20. Section 529 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The list of electors may be drawn up from the list of electors referred to in section 515.1.”

21. Section 530 of the said Act is amended by inserting the words “and, where applicable, of the parents of the minority of students described in section 146” after the word “committee” in the fifth line of the first paragraph.

22. Section 533 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Where the dispute is between the provisional council of a French-language school board or of an English-language school board and a confessional school board or the provisional council of a dissentient school board, the Minister shall ensure that his decision does not deprive the confessional school board or the dissentient school board of any property necessary for its operation.”

23. Section 719 of the said Act is amended

(1) by replacing the word and figures “and 1990-91” in the first line of the first paragraph by the word and figures “to 1993-94”;

(2) by replacing the word and figures “and 1990-91” in the second line of the third paragraph by the word and figures “to 1993-94”.

24. The English text of section 1 of the said Act is amended

(1) by replacing the words “preschool developmental and cognitive learning services and to the elementary and secondary” in the first and second lines of the first paragraph by the words “educational services of preschool developmental and cognitive learning services and elementary and secondary school”;

(2) by replacing the words “the student services” in the first line of the second paragraph by the words “other educational services, student services”;

(3) by replacing the words “primary instruction” in the third line of the third paragraph by the words “elementary school education”.

25. The English text of section 2 of the said Act is amended by replacing the words “regulations (régime pédagogique) applicable to adult educational services” in the third and fourth lines by the words “regulation for adult education”.

26. The English text of section 3 of the said Act is amended

(1) by replacing the word “training” in the first line of the second paragraph by the word “learning”;

(2) by replacing the words “regulations (régime pédagogique) applicable to adult educational services” in the second and third lines of the second paragraph by the words “regulation for adult education”.

27. The English text of section 15 of the said Act, amended by section 3 of chapter 8 of the statutes of 1990, is again amended by replacing the words “is provided, at home, instruction and a learning” in the first line of subparagraph 4 of the first paragraph by the words “receives home schooling and benefits from an educational”.

28. The English text of section 20 of the said Act is amended by replacing the words “instruction in religious and moral values” in the first and second lines of the first paragraph by the words “moral and religious instruction”.

29. The English text of section 21 of the said Act is amended by replacing the words “instruction in religious and moral values” in the first line of the second paragraph by the words “moral and religious instruction”.

30. The English text of section 22 of the said Act is amended by replacing the words “training and to the full development of the personality” in the first and second lines of paragraph 1 by the words “and overall personal development”.

31. The English text of section 47 of the said Act is amended

(1) by replacing the words “a special education program” in the fifth line of the first paragraph by the words “an individualized education plan”;

(2) by replacing the word “program” in the sixth line of the first paragraph by the word “plan”;

(3) by replacing the word “program” in the second line of the second paragraph by the word “plan”.

32. The English text of section 53 of the said Act is amended by replacing the word “programs” in the second line by the words “the program”.

33. The English text of section 78 of the said Act is amended by replacing the words “choice of educational activities proposed by the principal,” in the second line of subparagraph 3 of the first paragraph by the words “program proposed by the principal for educational activities”.

34. The English text of section 80 of the said Act is amended by replacing the words “educational programs” in the second line of paragraph 5 by the words “programs of studies”.

35. The English text of section 89 of the said Act is amended by replacing the words “programs of educational activities proposed by the principal” in the first and second lines of paragraph 5 by the words “program proposed by the principal for educational activities”.

36. The English text of section 104 of the said Act, amended by section 10 of chapter 8 of the statutes of 1990, is again amended by replacing the words “programs of adult educational services provided in” in the second line of subparagraph 3 of the first paragraph by the words “the program of adult education services offered at”.

37. The English text of section 187 of the said Act is amended by replacing the words “application of the special education program to” in the second line of the second paragraph by the words “implementation of an individualized education plan for”.

38. The English text of section 209 of the said Act, amended by section 21 of chapter 8 of the statutes of 1990, is again amended

(1) by replacing the word “training” in the first line of subparagraph 3 of the first paragraph by the word “education”;

(2) by replacing the word “educational” in the second line of subparagraph 3 of the first paragraph by the word “education”.

39. The English text of section 216 of the said Act is amended by replacing the words “registered for adult educational” in the third line of the second paragraph by the words “enrolled in adult education for”.

40. The English text of section 235 of the said Act is amended by replacing the words “programs of intervention” in the first and second lines of subparagraph 4 of the second paragraph by the words “individualized education plans”.

41. The English text of section 247 of the said Act is amended by replacing the words “auxiliary educational” in the second line of the first paragraph by the word “student”.

42. The English text of section 250 of the said Act is amended

(1) by replacing the word “reference” in the second line of the first paragraph by the word “referral”;

(2) by replacing the words “para-scholastic attainment” in the second and third lines of the second paragraph by the words “experiential learning”;

(3) by replacing the words “registered for” in the third line of the second paragraph by the words “enrolled in”.

43. The English text of section 259 of the said Act, amended by section 29 of chapter 8 of the statutes of 1990, is again amended by replacing the words “service and special service” in the third and fourth lines of the first paragraph by the words “services and special educational services”.

44. The English text of section 264 of the said Act is replaced by the following:

“264. Every school board which provides adult education services shall appoint a person responsible for adult education services.”

45. The English text of section 293 of the said Act is amended by replacing the words “registered for adult educational services” in the first and second paragraphs by the words “enrolled in adult education”.

46. The English text of section 447 of the said Act, amended by section 53 of chapter 8 of the statutes of 1990, is again amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) the nature and objectives of educational services, including developmental and cognitive learning services, instructional services, student services and special educational services as well as the general organizational framework thereof;”.

47. The English text of section 448 of the said Act, amended by section 54 of chapter 8 of the statutes of 1990, is again amended

(1) by replacing the words “basic school regulations (régime pédagogique) applicable to educational services to adults” in the second and third lines of the first paragraph by the words “a basic school regulation for adult education”;

(2) by replacing the words “to adults, literacy, training” in the second and third lines of the second paragraph by the words “for adults, including literacy services, learning services”;

(3) by replacing the word “regulations” in the first line of the third paragraph by the word “regulation”;

(4) by replacing the words “studies or training” in the second line of subparagraph 4 of the third paragraph by the words “prior learning”;

(5) by replacing the words “educational services to adults” in the third line of subparagraph 6 of the third paragraph by the words “adult education services”.

48. The English text of section 460 of the said Act is amended by replacing the word “training” in the third line by the words “of prior learning”.

49. The English text of section 461 of the said Act is amended

(1) by replacing the word “training” in the sixth line of the first paragraph by the word “education”;

(2) by replacing the words “training programs for educational services to adults” in the second line of the third paragraph by the words “education programs to be offered as part of the adult education services”.

50. The English text of section 465 of the said Act is amended by replacing the word “training” in the third line by the words “education programs”.

51. The English text of section 468 of the said Act is amended by replacing the word “programs” in the third line of the second paragraph by the word “level”.

52. The English text of section 469 of the said Act is amended by replacing the words “para-scholastic attainments” in the second and third lines of the second paragraph by the words “experiential learning”.

53. The English text of section 719 of the said Act is amended

(1) by replacing the word “instructions” wherever it appears by the word “directives”;

(2) by replacing the word “educational” in the third line of the first paragraph by the word “education”;

(3) by replacing the words “regulations (régime pédagogique) applicable to adult educational services” in the third and fourth paragraphs by the words “regulation for adult education”.

54. The English text of the said Act is amended

(1) by replacing the words “for adult educational services” wherever they appear in sections 5, 6 and 7 by the words “in adult education”;

(2) by replacing the words “educational services” wherever they appear in sections 36, 97, the second paragraph of section 204, section 250 and paragraph 2 of section 473 by the word “education”;

(3) by replacing the word “educational” wherever it appears in sections 221 and 245, the second paragraph of section 472 and paragraph 3 of section 473 by the word “education”;

(4) by replacing the words “educational services to adults” wherever they appear in sections 432, 462 and 469 by the words “adult education” and in the second paragraph of section 213 and sections 384, 466 and 467 by the words “adult education services”;

(5) by replacing the words “teaching materials” and “teaching material” wherever they appear by the words “instructional material” and by making any necessary grammatical change;

(6) by replacing the word “denomination” wherever it appears in sections 5, 20, 21, the first and third paragraphs of section 127, sections 228, 726 and 727 by the word “affiliation”;

(7) by replacing the word “confession” wherever it appears in sections 502, 503 and 504 by the word “denomination”;

(8) by replacing the word “duties” wherever it appears, except in sections 23, 49, 106, 155, the second paragraph of section 201 and section 421, by the word “functions”;

(9) by replacing the word “training” wherever it appears in the expression “vocational training” by the word “education”;

(10) by replacing the words “upgrading of instruction in underprivileged areas” wherever they appear in sections 430, 434, 439 and 444 by the words “upgrading of education in economically disadvantaged areas”;

(11) by replacing the word “regulations” wherever it appears except in sections 23, 449, 459, 465 and 471 by the word “regulation”;

(12) by striking out the words “(régime pédagogique)” wherever they appear.

55. Section 56 of the Act respecting private education (R.S.Q., chapter E-9) is amended by adding, after the first paragraph, the following paragraphs:

“The release of nominative information by the institution to the Minister of Education for the granting of subsidies or for program assessment and the collection of such information by the Minister of Education are deemed necessary for the purposes of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister of Education shall determine alone the rules and conditions applicable to personal information files containing information referred to in the second paragraph.”

56. Section 59.3 of the said Act, replaced by section 609 of chapter 84 of the statutes of 1988, is amended by adding, after the fifth paragraph, the following paragraphs:

“The release of nominative information by the institution to the Minister of Transport for the purposes of this section and the collection of such information by the Minister of Transport are deemed necessary for the purposes of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister of Transport shall determine alone the rules and conditions applicable to personal information files containing information referred to in the sixth paragraph.”

57. This Act comes into force on (*insert here the date of assent to this Act*), except sections 3 and 13 to 22, which will come into force on a later date to be fixed by the Government.