



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 139

An Act to amend the Education Act

Introduction

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

**Québec Official Publisher
1991**

EXPLANATORY NOTES

This bill amends the Education Act to empower the Government to make, of its own initiative, an order to amalgamate, annex or divide the territories of school boards, withdraw a school board from a regional school board or terminate the existence of a regional school board.

The bill provides for the creation of provisional councils for new school boards established as a result of the amalgamation of the territories of two or more school boards or of the division of the territory of one school board. The provisional council will be responsible for taking the appropriate preliminary measures to put the new school board into operation from the date of coming into force of the order establishing the new school board as well as those required for the organization of the first school year which begins on that date.

Bill 139

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting, after section 117, the following section:

“117.1 The Government may, of its own motion and, where expedient, without the consent referred to in section 117, issue an order under section 116 or 117.”

2. Section 118 of the said Act is amended by replacing the first paragraph by the following paragraph:

“118. Any order issued under section 116, 117 or 117.1 shall, where applicable, determine the name of the new school board.”

3. The said Act is amended by inserting, after section 118, the following sections:

“118.1 Where the territories of school boards are amalgamated, the commissioners of such school boards shall, from the publication of the order, establish the provisional council of the new school board resulting from the amalgamation.

“118.2 Where the territory of a school board is divided to allow for the establishment of new school boards, the provisional council of a new school board shall, from the publication of the order, consist of every commissioner whose electoral division has been totally integrated into the territory of the new school board and of every commissioner whose electoral division has been integrated in part where that part includes the place of residence of a majority of his electors.

“113.3 The provisional council shall be responsible for taking the preliminary measures necessary to put the new school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.

For such purposes, it shall exercise the functions and powers of the new school board as if it were the council of commissioners. However, the representatives of a parents' committee who are members of a provisional council are not entitled to vote at sittings of the council.”

4. Section 137 of the said Act is amended by inserting the words “and, where expedient, without the consent referred to in section 136” after the word “motion” in the first line.

5. Section 138 of the said Act is amended by replacing the first paragraph by the following paragraph:

“138. Any order issued under section 135, 136 or 137 shall, where applicable, determine the name of the new dissentient school board.”

6. The said Act is amended by inserting, after section 138, the following sections:

“138.1 Where the territories of dissentient school boards are amalgamated, the commissioners of such school boards shall, from the publication of the order, establish the provisional council of the new dissentient school board resulting from the amalgamation.

“138.2 Where the territory of a dissentient school board is divided to allow for the establishment of new dissentient school boards, the provisional council of a new dissentient school board shall, from the publication of the order, consist of every commissioner whose electoral division has been totally integrated into the territory of a new dissentient school board and of every commissioner whose electoral division has been integrated in part where that part includes the place of residence of a majority of his electors.

“138.3 The provisional council shall be responsible for taking the preliminary measures necessary to put the new dissentient school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.

For such purposes, it shall exercise the functions and powers of the new dissentient school board as if it were the council of commissioners. However, the representatives of a parents' committee and, where applicable, the parents of the minority of students contemplated in section 146 are not entitled to vote at sittings of the council."

7. Section 366 of the said Act is amended

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

"366. On application therefor by the school boards which are members of a regional school board, the Government may, by order, discontinue the regional school board.";

(2) by replacing the third paragraph by the following paragraph:

"Section 120 applies to the apportionment of the rights and obligations of the regional school board among the school boards which are members thereof on the date of the order."

8. The said Act is amended by inserting, after section 366, the following section:

"366.1 The Government may, of its own motion, issue an order under section 362 or 366."

9. Section 367 of the said Act is amended by replacing the words "the sole school board" in the first line by the words "any school board which is a member of a regional school board on the date of the order referred to in section 366".

10. Section 496 of the said Act is amended

(1) by replacing the words "in force on 1 July 1989" in the second line of the first paragraph by the words "which are in force";

(2) by replacing the word and figure "and 117" in the third line of the second paragraph by the figures and word ", 117 and 117.1".

11. Section 498 of the said Act is amended by adding, after the second paragraph, the following paragraph:

"The representatives of the parents of the minority of students contemplated in section 146 who are members of a provisional council referred to in section 118.3 shall not be entitled to vote at sittings of the council."

12. This Act comes into force on (*insert here the date of assent to this Act*), except sections 1 and 8 and paragraph 2 of section 10 which will come into force on 31 December 1991, and section 4, which will come into force on the date of the coming into force of section 137 of the Education Act.