



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 24

An Act to amend the Education Act

Introduction



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

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EXPLANATORY NOTES

This bill prolongs the term of office of school commissioners to the third Sunday of November 1987, and provides that from that date all school commissioners will be elected at the same time for three years.

The bill removes membership in the religious affiliation of a confessional school board as a requirement for entitlement to vote at an election of school commissioners or at a referendum.

It contains provisions on the composition of the Council of Commissioners in cases where school municipalities are amalgamated, annexed or newly erected.

It authorizes school boards to spread a deficit over a period of time.

Finally, the bill authorizes the confessional school boards of the island of Montréal to delegate their borrowing powers to the Conseil scolaire de l'Île de Montréal.

Bill 24

An Act to amend the Education Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 39.1 of the Education Act (R.S.Q., chapter I-14), enacted by section 3 of chapter 8 of the statutes of 1985, is repealed.

2. Section 41 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“Notice thereof shall be published in the *Gazette officielle du Québec*. It shall take effect on the 1st of July, unless the Government has fixed another date, except for the purposes of the elections provided for in sections 47.3 and 47.4.”

3. Sections 46 and 47 of the said Act are replaced by the following sections:

“**46.** In case of total amalgamation or annexation of school municipalities, the commissioners of such school municipalities become members of the Council of Commissioners of the new school municipality. They shall remain in office until the date of the next election of commissioners.

“**47.** Where a school municipality annexes part of the territory of another school municipality which constitutes a ward, the commissioner representing the ward becomes a member of the Council of Commissioners of the annexing school municipality. He shall remain in office until the date of the next election of commissioners.

“47.1 Where a school municipality annexes part of the territory of another school municipality which does not constitute a ward, it shall integrate the territory into its wards.

“47.2 Where a whole school municipality is divided in view of the erection of new school municipalities, each of the commissioners of the divided school board becomes a member of the Council of Commissioners of the school municipality into which his ward has been integrated. He shall remain in office until the date of the next election of commissioners.

“47.3 In the cases provided for in sections 46, 47 and 47.2, the commissioners shall, within thirty days before the change takes effect, elect their chairman and vice-chairman and the members of their executive committee. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 169.

“47.4 In the case provided for in section 46, the secretaries-general of the amalgamated or annexed school municipalities shall jointly and, in the case provided for in section 47.2, the secretary-general of the divided school municipality shall, proceed, within thirty days from the date on which the change takes effect, to the election of the chairman of the parents’ committee and the representatives of the parents of the school boards, as provided in section 52.1. The persons elected shall remain in office until the date of the election of their successors.

“47.5 In the cases provided for in sections 46, 47 and 47.2, the commissioners shall, for the purposes of the next election held in accordance with section 108, divide their municipality into wards as provided in section 48.”

4. Section 48 of the said Act is amended

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

(2) by replacing the word “March” in the third line of the second paragraph by the word “August”.

5. Section 52.1 of the said Act, amended by section 4 of chapter 8 of the statutes of 1985, is again amended by replacing the second paragraph by the following paragraph:

“Before the third Sunday in November each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the corporation of trustees shall again convene the members

of the parents' committee for the election of a representative referred to in section 73 for each of the secondary and elementary levels, as the case may be. The representative is elected by a majority vote of the members present."

6. Section 52.2 of the said Act is amended by replacing the date "1 June" in the second line of the first paragraph by the words "third Sunday in November".

7. Section 57 of the said Act, replaced by section 6 of chapter 8 of the statutes of 1985, is again replaced by the following section:

"57. Except in the case provided for in section 63, the dissent shall take effect, for election purposes, thirty days before the third Sunday in November and, for all other purposes, on the next 1st of July."

8. Section 58 of the said Act, replaced by section 7 of chapter 8 of the statutes of 1985, is again amended by replacing the second paragraph by the following paragraph:

"The election of the first school trustees shall be held on the third Sunday in November. The persons elected shall remain in office until the date fixed for the election of school commissioners and trustees."

9. Section 60 of the said Act is amended

(1) by replacing the word "June" in the second line of the third paragraph by the word "November";

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

"School commissioners shall remain in office until the date fixed for the election of school commissioners and trustees."

10. Section 61 of the said Act, amended by section 8 of chapter 8 of the statutes of 1985, is again amended by replacing the third paragraph by the following paragraph:

"On the third Sunday of November following, the new dissentients shall elect their school trustees. The persons elected shall remain in office until the date fixed for the election of school commissioners and trustees."

11. Section 63 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "The elected trustees

shall remain in office until the date fixed for the election of school commissioners and trustees.”

12. Section 82 of the said Act, amended by section 9 of chapter 8 of the statutes of 1985, is again amended by striking out the third paragraph.

13. Section 86 of the said Act is replaced by the following section :

“**86.** Between the 1st of August and the 1st of September in the year in which the election of school commissioners and trustees is to be held, the secretary-treasurer shall prepare, for the municipality, a list of the persons qualified as electors.”

14. Section 88 of the said Act is amended by replacing the word “April” in the second line by the word “September”.

15. Section 89 of the said Act is amended

(1) by replacing the word “April” in the first line of the first paragraph by the word “September”;

(2) by replacing the word “April” in the first line of the second paragraph by the word “September”.

16. Section 108 of the said Act is replaced by the following section :

“**108.** The election of school commissioners and trustees shall be held on the third Sunday of November in 1987 and thereafter every three years on the third Sunday in November.”

17. Section 110 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**110.** Any person wishing to be a candidate shall, fourteen days before the day of the poll, between 10 a.m. and 5 p.m., file a nomination paper at the office of the returning-officer. Each nomination must be supported by ten electors of the ward for which the candidate is standing.”

18. Section 111 of the said Act is replaced by the following section :

“**111.** The nomination paper must indicate the surname, given name and occupation of the candidate and the name or number of the ward for which the candidate is standing.

It must be signed by the candidate and by the electors who support his candidacy.”

19. Section 144 of the said Act is amended by replacing the words “sections 146 and 164” by the words “section 164”.

20. Section 146 of the said Act is repealed.

21. Section 147 of the said Act is amended by replacing the words “to be held in the manner set forth in section 47” in the second and third lines of the second paragraph by the words “and fix the dates for nomination day and polling day”.

22. Section 169 of the said Act is replaced by the following section:

“**169.** The school commissioners and trustees shall elect their chairman each year within thirty days after the third Sunday in November.”

23. Section 339 of the said Act, amended by section 10 of chapter 8 of the statutes of 1985, is replaced by the following sections:

“**339.** Every school board shall prepare and submit to the Minister, not later than the date determined by him, its operating, investment and debt service budget for the following school year.

“**339.1** The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school board and its own revenues, on the other.

The budget shall remain without effect until approved by the Minister.

“**339.2** The budget of a confessional school board or of a corporation of trustees does not require the approval of the Minister.

“**339.3** The school board may include any surplus of the preceding school year in its budget, as revenue.

“**339.4** The school board shall include any deficit for the preceding year in its budget, as expenditure.

The Minister may, however, authorize a school board to spread its deficit over a period on the conditions and according to the modalities he determines.

“339.5 The Minister may authorize a school board to incur expenditures before its budget is approved, or expenditures not provided for in its budget.”

24. Section 427 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“The secretary-general of the school board shall, however, within thirty days before the date the order comes into effect, proceed to the election of the chairman of the parents’ committee and the representatives of the parents as provided in section 52.1. The persons elected shall remain in office until the date of the election of their successors.”

25. The said Act is amended by inserting, after section 427, the following section:

“427.1 In the case referred to in section 427, the commissioners of the regional school board who represent the school boards which remain members of the regional board shall, within thirty days before the date on which the order takes effect, elect the chairman and vice-chairman and the members of the executive committee of the regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436.”

26. Section 428 of the said Act is amended by replacing the fifth paragraph by the following paragraph:

“The division, annexation or amalgamation shall take effect on the 1st of July unless the Government has fixed another date, except for the purposes of the elections provided for in sections 428.1 and 428.2.”

27. The said Act is amended by inserting, after section 428, the following sections:

“428.1 In the cases referred to in section 428, the school board commissioners who become members of the Council of Commissioners of the new regional board shall, within thirty days before the date on which the division, annexation or amalgamation takes effect, elect the chairman and vice-chairman and the members of the executive committee of the new regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436.

428.2 Section 47.4, adapted as required, applies to the election of the chairman of the parents' committee and of the representative of the parents of the new regional board."

28. Section 436 of the said Act is amended by replacing the words "Before the 15th of July each year" in the first line by the words "Each year within thirty days following the third Sunday in November".

29. Section 439 of the said Act is replaced by the following section:

439. Sections 339, 339.1 and 339.3 to 339.5 apply to a regional board."

30. Section 506 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"The Council may make an agreement with a confessional school board whereby the confessional school board agrees to delegate its borrowing powers to the Council. The Council shall then include the sums required in respect of the confessional school board in sums borrowed by it in accordance with the first paragraph."

31. Section 507 of the said Act is amended

(1) by replacing the words "and the school boards" in the fourth line by the words ", of school boards and, where an agreement is made under section 506, those of a confessional school board";

(2) by replacing the words "and of the school boards" in the sixth and seventh lines by the words ", of the school boards and, where an agreement is made under section 506, those of a confessional school board";

(3) by replacing the words "and of the school boards" in the eighth line by the words ", of the school boards and, as the case may be, of a confessional school board".

32. Section 535 of the said Act, amended by section 17 of chapter 8 of the statutes of 1985, is again amended by replacing the words "second Monday of June or, if that day is a holiday, on the next juridical day" in the third and fourth lines of the fourth paragraph by the words "third Sunday in November".

33. Section 543 of the said Act is amended

(1) by replacing the figure “146” in the fourth line of the first paragraph by the figure “169”;

(2) by inserting, after the figure “339” in the first paragraph, the word and figure “to 339.5”;

(3) by striking out the third paragraph.

34. The said Act is amended by inserting, after section 543, the following section:

“**543.1** The commissioners shall elect their chairman and vice-chairman and the members of the executive committee within thirty days after the date of their election. Their term of office shall expire on the same date as their term as school commissioners.”

35. Section 544 of the said Act is amended by replacing the words “After the chairman is elected, the central parents’ committee shall immediately” in the third, fourth and fifth lines of the second paragraph by the words “Each year, before the third Sunday in November, the secretary-general of the school board shall again convene the members of the central parents’ committee to”.

36. Section 567.6 of the said Act, enacted by section 23 of chapter 8 of the statutes of 1985, is amended by striking out paragraph 3.

37. Section 567.8 of the said Act, enacted by section 23 of chapter 8 of the statutes of 1985, is amended

(1) by adding, after the figure “48”, the figure “82”;

(2) by replacing the figure “146” by the figure “169”.

38. Form 3 which is annexed to the said Act is amended

(1) by replacing the words “twelve to fourteen hours” in the seventh line by the words “ten a.m. to five p.m.”;

(2) by replacing the word “Monday” in the ninth line by the word “Sunday”.

39. Form 6 which is annexed to the said Act is amended by replacing the word “next” in the seventeenth line by the words “which next follows the third Sunday in November”.

40. Form 7 which is annexed to the said Act, amended by section 24 of chapter 8 of the statutes of 1985, is again amended by replacing the word "June" in the eighteenth line by the word "November".

FINAL PROVISIONS

41. The school commissioners and trustees and the members of the Conseil scolaire de l'Île de Montréal who are in office on (*insert here the date of assent to this Act*) and those appointed pursuant to section 164, 166 or 503 of the Education Act shall remain in office until the third Sunday in November 1987.

42. Subject to sections 47.3, 47.4, 427, 427.1, 428.1 and 428.2 of the Education Act, the chairmen, vice-chairmen and members of the executive committees of school boards and the representatives of parents who are in office on (*insert here the date of assent to this Act*) shall remain in office until the date of the election held in accordance with section 52.1, 169 or 544 of the Education Act.

Notwithstanding the foregoing, the chairmen, vice-chairmen and members of the executive committees of the school boards and confessional school boards of the island of Montréal and of the Conseil scolaire de l'Île de Montréal shall remain in office until they are replaced by persons elected after the third Sunday of November 1987 in accordance with section 522 or within the time prescribed in section 543.1 of the Education Act.

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