

NATIONAL ASSEMBLY

FIRST SESSION

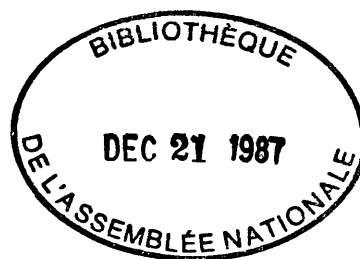
THIRTY-THIRD LEGISLATURE

Bill 107

Education Act

Introduction

Introduced by
Mr Claude Ryan
Minister of Education



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EXPLANATORY NOTES

The object of this bill is to replace the present Education Act with a new, up-to-date Act organized in accordance with more coherent principles and providing more rational structures.

The bill is designed to make the school legally more independent of the school board, while preserving its organizational links with the board and the other schools connected with the board. It gives both the school and persons acting for the school a larger say in the decisions of the school board.

First, the bill sets forth the rights of pupils and adults to the educational services defined in the basic school regulations of the Government, and requires all children six years of age on the date fixed in the basic school regulations to attend school until the end of the school year in which they turn sixteen.

Next, it sets forth the rights and obligations of teachers, and provides for the issuance of teaching certificates and teaching permits, as well as for their revocation or suspension.

The bill determines the form and composition of the school, placing it under the instructional and administrative direction of the school principal. It prescribes the procedure of appointment of the principal and defines his duties. It requires the school board to set up an orientation committee in each school, providing for its establishment, composition, operating rules and functions. The main role of the orientation committee will be to determine the specific objectives of the school within the framework of the basic school regulations, the programs of study established by the Minister and the decisions and by-laws of the school board. The committee will be composed of teachers, a representative of the non-teaching staff, pupils in the second cycle of secondary school, and at least as many parents as there are other voting members who are not parents. The bill makes the setting up of a school committee optional.

The bill provides for the division of the territory of Québec into French language school board territories and English language school board territories. The school boards will have jurisdiction over preschool, elementary and secondary education. The bill continues the existence of the confessional and dissentient school boards in their own territories and under their own names, and preserves the right of dissent of the Catholic or Protestant minorities in the territory of any non-confessional school board. It determines the composition and operating rules of the council of commissioners. It establishes committees of the school board, including the parents' committee and the advisory committee on services for handicapped pupils, and pupils with social maladjustments or learning disabilities. It defines the functions of the school board and contains special provisions regarding regional school boards and the Conseil scolaire de l'île de Montréal, changing their composition and functions.

The bill then defines the regulation-making powers of the Government, the powers and duties of the Minister of Education, and the terms and conditions of trusteeship.

The French school boards and English school boards will be created on the date fixed by order in council.

The bill continues the Protestant and Catholic school boards and regional school boards in the same territories and under the same names until the date fixed by the order in council dividing the territory into French school board and English school board territories.

Under the bill, it will become possible for linguistic minorities to be represented on the council of commissioners of Catholic or Protestant school boards and regional school boards, by way of an additional representative of the parents.

The bill grants voting rights to the parents' representative on the board of commissioners, and requires the school board to make certain decisions by way of a by-law that will be subject to prescribed prepublication and publication procedures.

It sets out the legal terms and conditions of adult education and the education of handicapped pupils and pupils with social maladjustments or learning disabilities.

Apart from a few special provisions, the bill does not apply to the Cree School Board, the Kativik School Board or the Naskapi Education Committee. They will remain subject to the existing Education Act, which becomes the Education Act for Cree, Inuit and Naskapi Native Persons. The Government will, however, be empowered to make any particular provision of the Act or of the regulations applicable to them, at their request, by way of a regulation.

Lastly, the bill provides for the organization of the French language and English language school boards and contains concordance, transitional and final provisions.

ACTS AMENDED BY THIS BILL:

- (1) The Charter of the French language (R.S.Q., chapter C-11);
- (2) The General and Vocational Colleges Act (R.S.Q., chapter C-29);
- (3) The Act respecting public inquiry commissions (R.S.Q., chapter C-37);
- (4) The Chartered Accountants Act (R.S.Q., chapter C-48);
- (5) The Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- (6) The Act respecting municipal and school debts and loans (R.S.Q., chapter D-7);
- (7) The Act respecting school elections (1988, chapter *insert here the chapter number of the said Act*);
- (8) The Act respecting private education (R.S.Q., chapter E-9);
- (9) The Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (10) The Education Act (R.S.Q., chapter I-14);
- (11) The Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- (12) The Act respecting child day care (R.S.Q., chapter S-4.1).

ACTS REPEALED BY THIS BILL:

- (1) The Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1);
- (2) The Act respecting grants to school boards (R.S.Q., chapter S-36).

Bill 107

Education Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PUPILS

DIVISION I

PUPILS' RIGHTS

1. Every person five years of age or over is entitled to developmental and cognitive learning services in preschool and to the instructional services provided for in this Act and in the basic school regulations established by the Government, from the first day of the school calendar in the school year in which he becomes entitled thereto to the end of secondary school.

The person is also entitled to the other auxiliary and special educational services provided for by this Act and the basic school regulations, within the scope of the programs offered by the school board.

2. Every person who has ceased attending school for six months or more after the end of the school year in which he attained 16 years of age or 22 years of age, in the case of a handicapped person, is entitled, within the scope of programs offered by the school board to such a class of persons, to the educational services provided for by this Act and the basic school regulations applicable to adults.

3. The age at which a person is entitled to educational services is determined on the date fixed by the basic school regulations.

4. Every person resident in Québec has a right of free access to the educational services offered pursuant to this Act.

Any person referred to in section 2 has a right of free access to those services to the extent permitted by the resources of the school board in which he is enrolled.

5. The parents of a pupil or any pupil of full age shall have a right to choose the school best suited to their preferences or having the educational plan best suited to their personal values.

The exercise of the right is subject to the criteria for the enrollment of pupils in the schools established by by-law of the school board.

The exercise of the right does not entail the right to require free transportation of the child if its cost exceeds the norms on pupil transportation prescribed by by-law of the school board.

6. Every pupil has a right to choose, every year, between Catholic moral and religious values instruction, Protestant moral and religious values instruction and moral values instruction.

He also has a right to choose, every year, moral and religious values instruction of a religious denomination other than Catholic or Protestant where such instruction is given at the school.

In elementary school and in the first two years of secondary school, the parents shall exercise the right of choice on behalf of their child.

7. Pupils enrolled as Catholics are entitled to auxiliary services of pastoral care and guidance.

Pupils enrolled as Protestants are entitled to auxiliary services of religious care and guidance.

8. Pupils have a right to the free use of textbooks and other teaching material used in classrooms or workshops and required for the teaching of programs of studies.

The right of free use does not extend to documents in which pupils write, draw or cut out.

Teaching materials do not include pencils, paper and other objects of a like nature.

9. Every pupil shall take good care of the property placed at his disposal and return it at the end of the school activities.

If a pupil fails to comply with the first paragraph, the school board may claim the value of the property from the parents of the pupil if a minor or from the pupil himself if of full age.

10. In this Act,

(1) the word “**adult**” means a person referred to in section 2;

(2) the words “**school year**” mean the period commencing on 1 July in a year and ending on 30 June in the year following;

(3) the word “**parent**” means the person having parental authority or, unless that person objects, the person having custody *de facto* of the pupil.

DIVISION II

COMPULSORY SCHOOL ATTENDANCE

11. Every person who attains six years of age on the date fixed by the basic school regulations shall attend school from the first day of the school calendar in the school year in which he attains six years of age, to the last day of the school calendar in the school year in which he attains 16 years of age.

12. The following pupils are excused from compulsory attendance at public school:

(1) a pupil attending a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9) or any other school established under an Act of Québec, providing educational services referred to in this Act;

(2) a pupil excused from compulsory attendance by the school board by reason of illness or for the purpose of receiving the medical treatment or care required by his health condition;

(3) a pupil receiving at home instruction which the school board, pursuant to its own evaluation or one made at its request, considers to be equivalent to the instruction provided at school, and the other educational services determined by the school board.

13. No person may employ a pupil during school hours before the last day of the school calendar of the school year in which he attains 16 years of age.

14. Parents have an obligation to take the necessary measures to ensure that their child attends school regularly.

15. The principal shall ascertain that the pupils attend school regularly in accordance with the conditions established by by-law of the school board.

Where a pupil is repeatedly absent, the principal shall notify the parents that they are to take the necessary measures to cause their child to attend school regularly.

If, notwithstanding the notice provided for in the second paragraph, the pupil does not attend school regularly, the principal shall report it to the director of youth protection.

CHAPTER II

TEACHERS

DIVISION I

TEACHERS' RIGHTS

16. In accordance with the educational plan of the school and subject to the provisions of this Act, a teacher is entitled to see to the orderly conduct of each group of students entrusted to his care.

A teacher shall be entitled, in particular,

(1) to select methods of instruction corresponding to the requirements and objectives fixed for each group and for each pupil entrusted to his care;

(2) to select the means of evaluating the progress of the pupils entrusted to his care in order to examine and assess continually and periodically the requirements and objectives to be met as regards each student entrusted to his care, based on the progress made.

17. Every teacher has a right to refuse to give instruction in religious and moral values of a religious denomination on the grounds of freedom of conscience.

No teacher may be dismissed, suspended or disciplined in any other way for exercising his right under this section.

18. A teacher wishing to exercise the right described in section 17 shall so inform the principal, in writing, before 1 April for the next school year.

Any refusal to give instruction in religious and moral values of a religious denomination stands until the principal receives notice in writing to the contrary.

DIVISION II

TEACHERS' OBLIGATIONS

19. A teacher shall

(1) contribute to the intellectual training and to the full development of the personality of each pupil entrusted to his care;

(2) instill into each pupil entrusted to his care a desire to learn;

(3) take the appropriate means to bring his pupils to have respect for human rights;

(4) act in a just and impartial manner in his dealings with each pupil;

(5) take the necessary measures to ensure quality in the use of written and spoken language;

(6) take the appropriate measures to attain and maintain at all times the highest level of professionalism;

(7) implement decisions, regulations and by-laws made or passed by the Government and the Minister and by the school board, the orientation committee and the principal.

DIVISION III

TEACHING PERMIT

20. Every teacher shall hold a teaching certificate or a teaching permit. A teacher giving instruction on a one-lesson basis, a casual supply teacher or a person who provides instruction that does not lead to obtaining a diploma, a certificate or any official attestation granted by the Minister and any person appointed by a school board to provide instruction pursuant to section 22, shall be exempt from that obligation.

§ 1.—*Issue of teaching permit*

21. The Minister of Education shall issue a teaching certificate or a teaching permit to every person who satisfies the requirements fixed by regulation of the Government.

22. The Minister may, on the conditions and for the period he determines, authorize a school board to appoint persons who do not hold any teaching certificate or teaching permit to provide instruction.

§ 2.—*Revocation or suspension of teaching permit*

23. On the recommendation of an investigating committee, the Minister may suspend, revoke or maintain, subject to conditions, a person's teaching certificate or teaching permit for exceptional cause such as misconduct or immorality or for any serious offence in the performance of his duties.

The Minister may also suspend, revoke or maintain, subject to conditions, the authorization granted to any school board which does not fulfil the conditions prescribed or, on the recommendation of an investigating committee, refuse to grant such an authorization to a teacher for any of the reasons mentioned in the first paragraph.

The Minister shall forward his decision, with reasons, to the teacher and to the school board.

24. Any interested person may file a complaint with the Minister against a teacher for any of the reasons mentioned in the first paragraph of section 23.

25. The complaint must be in writing, include reasons and be made under oath.

The Minister shall send a copy of the complaint to the teacher and the school board.

26. The Minister may, if he considers it necessary, require the school board to relieve the teacher of his duties for the duration of the investigation.

27. The Minister shall refer the complaint to an investigating committee composed of three members appointed by him.

The Minister shall fix their salaries and the rules governing the reimbursement of expenses incurred in the performance of their duties.

28. The Minister may refuse to file a complaint with an investigating committee where he is of the opinion that the request for an investigation is frivolous, vexatious or made in bad faith.

29. Whenever the Minister refuses to file a complaint with an investigating committee, he shall notify the complainant, the teacher and the school board of his refusal and give them the reasons for it.

30. The committee has the immunity and powers of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

31. In no case may the committee sit if one of its members is absent.

32. The committee may establish its rules of evidence and procedure; if rules are established, it shall send a copy of them to the teacher.

33. The committee shall give the teacher an opportunity to be heard.

34. The committee shall examine the merits of the complaint and make a recommendation to the Minister.

The committee may recommend to the Minister that he impose conditions for the maintenance of the teaching certificate or teaching permit.

CHAPTER III

SCHOOLS

DIVISION I

ESTABLISHMENT

35. The object of the school is to provide education to the pupils, other than adults, while respecting their individual values and within the scope of the basic school regulations, the programs of studies, the decisions and by-laws of the school board and any other provisions governing the school.

A further object of the school is to contribute to the social and cultural development of the community.

36. The school shall carry out its mission according to an educational plan which it shall periodically define, implement and evaluate in cooperation with the pupils, the parents, the school staff and the staff of the school board.

The educational plan of a school shall include the specific aims and objectives of the school as determined by the orientation committee, and the measures adopted by the principal to ensure the implementation and evaluation thereof.

The aims and objectives and the measures so determined shall ensure the carrying out, enrichment and adaptation of the provisions governing the school according to its requirements and priorities.

37. The school is established, under the authority of a principal, by the school board, which shall determine the name and address of the school, the immovable property placed at its disposal and the programs of instruction offered by that school; the deed of establishment shall, in addition, indicate the number of seats assigned to the parents and teachers on the orientation committee in accordance with Division III of this chapter.

38. The school board may amend or revoke the deed of establishment of a school in accordance with its three-year plan of allocation and destination of immovable property.

Every orientation committee may, at any time, request the school board to amend or revoke its deed of establishment.

39. Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board may, after consulting the principal, appoint a person responsible for each immovable and determine his duties.

The person appointed shall perform his duties under the authority of the principal.

DIVISION II

SCHOOL PRINCIPAL

§ 1.—*Appointment*

40. The principal of a school is appointed by the school board in accordance with the selection criteria it establishes after consultation with the orientation committee of the school.

41. The school board may appoint one or more assistants to the principal in accordance with the selection criteria it establishes after consultation with the orientation committee.

42. An assistant principal shall assist the principal in the performance of his duties and shall perform the duties delegated to him in writing by the principal.

The assistant principal or the assistant designated by the principal shall perform the duties of the principal where the principal is unable to act.

§ 2.—*Duties*

43. The principal, under the authority of the director general of the school board, shall see to the quality of the educational services provided in the school.

The principal shall be in charge of the educational methods and of the administration of the school, and ensure the implementation of the provisions governing the school.

44. The principal shall assist the orientation committee in the performance of its functions and, for that purpose, he shall

- (1) preside over the elaboration of the educational plan of the school;
- (2) promote the participation and collaboration of the parents, pupils and staff in the life of the school.

45. After consulting the orientation committee, the principal shall adopt measures to ensure the implementation and evaluation of the aims and objectives determined for the school.

46. The principal shall establish a special education program adapted to each handicapped pupil or each pupil with social maladjustments or learning disabilities, after consultation with the pupil, his parents and the staff providing services to the pupil, and in accordance with the norms established by by-law of the school board.

47. After consulting the teachers, the principal shall choose the textbooks and teaching material required for the teaching of the programs of studies in accordance with the criteria established by by-law of the school board.

48. The principal is responsible for the management of the school staff and he shall determine the duties and responsibilities of each member of the staff in accordance with the provisions of the collective agreements or, as the case may be, the applicable regulations of the Government.

The principal shall also satisfy himself that every teacher he assigns to Catholic or Protestant moral and religious values instruction has the qualifications required by the Catholic or the Protestant committee established by the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60).

49. The principal is responsible for the management of the material and financial resources of the school and must give an account thereof to the school board.

50. The principal shall determine the use of the school premises, subject to

(1) the norms governing the use of the premises that the school board may establish;

(2) the agreements that may be entered into by the school board for that purpose;

(3) the obligations imposed by law for the use of the school premises for electoral purposes.

51. After consulting the orientation committee, the principal shall prepare the annual budget of the school, submit it to the school board for approval, administer it and give an account thereof to the school board.

The budget shall provide for the amounts to be allocated to the school committee, as the case may be.

52. The principal shall participate in defining the policies of the school board and in devising programs and preparing regulations for the implementation of such policies in the schools.

53. The principal shall also perform the duties delegated to him in writing by the school board.

The principal may also, at the request of the school board, perform duties other than those of a principal.

DIVISION III
ORIENTATION COMMITTEE

§ 1.—*Composition*

54. The council of commissioners shall establish, in each school, an orientation committee composed of the following persons:

- (1) parents of pupils attending the school, who are not members of the school staff, elected by their peers;
- (2) two or more of the teachers at the school elected by their peers;
- (3) one person representing the professionals and the members of the support staff assigned to the school, elected by them;
- (4) two pupils in the second cycle of secondary level elected by the pupils of the secondary school.

The assembly of parents may designate a representative of the community to sit as a parent on the orientation committee.

55. The principal takes part in meetings of the orientation committee but is not entitled to vote.

56. The commissioner representing the electoral division where the school is situated may take part in the meetings of the orientation committee but is not entitled to vote.

57. The council of commissioners shall determine, after consulting the groups concerned, the number of representatives of parents and teachers on the orientation committee.

The number of representatives of parents, including, as the case may be, the representative of the community, shall be at least equal to the total number of representatives of the other groups entitled to vote.

§ 2.—*Establishment*

58. Before 15 October each year, the principal shall convene in writing the parents of the pupils who attend the school to a meeting for the election of their representatives to the orientation committee.

The elected parents take office on the day they are elected.

59. Before 15 October each year, the teachers of the school shall hold a meeting for the election of their representatives to the orientation committee in accordance with the terms and conditions provided in a collective agreement or, failing such terms and conditions, in accordance with those determined by the principal after consulting the persons concerned.

The elected teachers take office on the day they are elected.

60. Before 15 October each year, the professionals and the members of the support staff assigned to the school shall hold a meeting for the election of their representative to the orientation committee in accordance with the terms and conditions determined by the principal after consulting the persons concerned.

The elected representative takes office on the day he is elected.

61. Before 15 October each year, the principal shall preside over the election of the representatives of the pupils to the orientation committee in accordance with the rules he establishes after consulting the pupils of the secondary school.

The elected pupils take office on the day they are elected.

62. Failure by the teachers, the professionals, the members of the support staff or the pupils to elect their representatives does not prevent the formation of an orientation committee.

63. The term of office of each member of an orientation committee is one year.

Notwithstanding the foregoing, the school board may fix a two-year term for those members and, where a group elects more than one representative to the orientation committee, the board may determine that the term of office of not more than one-half of the first representatives designated by the group is one year.

64. The members of the orientation committee remain in office until they are reelected or replaced.

65. A vacancy which arises pursuant to the departure or disqualification of a member of the orientation committee is filled according to the prescribed mode of appointment of the member to be replaced, but only for the unexpired portion of his term.

§ 3.—*Operation*

66. The orientation committee shall choose its chairman from among the representatives of parents who are not employees of the school board.

67. The principal shall chair the orientation committee until the chairman is elected.

68. The term of office of the chairman is one year, and is renewable.

69. The chairman of the orientation committee shall preside the meetings of the committee and perform the other duties assigned to him by the committee.

70. The orientation committee shall appoint one of its members to replace the chairman where he is unable to act.

71. A majority of the members of the committee who are in office is a quorum of the orientation committee. A quorum is never less than three persons.

72. Where the orientation committee is unable to form a quorum for eight consecutive weeks, the school board may order that the functions of the orientation committee be suspended for the period it determines and that they be exercised by the principal.

73. The decisions of the orientation committee are taken by a majority of the votes cast by the members present.

If votes are equally divided, the chairman has a casting vote.

74. The orientation committee is entitled to meet on the school premises.

It is also entitled to use the school's administrative services and facilities in accordance with the terms and conditions established by the principal.

75. The orientation committee shall establish its rules of internal procedure.

76. No member of an orientation committee may be prosecuted for an act performed in good faith in the discharge of his duties.

77. The orientation committee may institute legal proceedings or intervene therein for the purposes of this division.

§ 4.—*Functions*

78. The orientation committee shall determine the aims and objectives included in the educational plan which specifically concern the school.

The orientation committee shall give its opinion to the principal as regards the measures likely to ensure the implementation and evaluation of the aims and objectives.

79. The orientation committee also has the following functions:

(1) to promote communication and coordination between the persons having an interest in the school;

(2) to adopt, after consulting the school committee, rules of conduct for the pupils and other users of the school;

(3) to approve, after consulting the school committee, the choice of educational activities which are not included in the programs of studies which entail changes in the pupils' regular schedule, or which cause them to travel to places outside the school.

The rules of conduct referred to in subparagraph 2 of the first paragraph are subject to the approval of the council of commissioners.

80. The orientation committee shall advise the school board

(1) on the application for recognition of the confessional status of the school or for the withdrawal of such recognition;

(2) on any matter likely to facilitate the operation of the school and the implementation of its educational plan;

(3) on any matter that may ensure a better organization of the services provided by the school board.

81. The orientation committee shall make recommendations to the school board

(1) on the amendment or revocation of the deed of establishment of the school;

(2) on the modes of implementation of the basic school regulations in the school;

(3) on the enrichment and adaptation of the official programs of studies and on the elaboration, for the school, of local educational programs and auxiliary services;

(4) on criteria determined for the selection of the textbooks and teaching material required for the teaching of the programs of studies;

(5) on the organization, on school premises, of educational services other than those provided for in the basic school regulations, of sociocultural or sports services and of day care for preschool pupils and pupils in elementary school.

82. The orientation committee shall prepare its annual operating budget, submit it to the school board for approval, see to its administration and give an account thereof to the school board.

The orientation committee shall provide the principal with its opinion on the school's annual budget.

83. The orientation committee also carries out any function that may be delegated to it by by-law of the school board with the consent of the orientation committee.

The delegation is valid for one year and may be extended from year to year unless otherwise decided in accordance with the first paragraph.

DIVISION IV

SCHOOL COMMITTEES

84. At the meeting of parents convened pursuant to section 58, the parents shall decide whether to establish a school committee.

Where, at a meeting of parents, it is decided that a school committee will be established, those parents shall determine the composition of the committee and elect its members. In no case may a committee have more than 15 members.

Where, at a meeting of parents, it is decided not to proceed to the establishment of a school committee, the parents shall choose, from among their number elected to the orientation committee, a representative to the parents' committee provided for in section 171.

85. Not later than the meeting of parents called pursuant to section 58, the members of the school committee shall hold their first meeting and choose from among themselves a chairman and a representative to the parents' committee provided for in section 171.

86. The principal and a representative elected for that purpose by the teachers of the school shall take part in meetings of the school committee, but they are not entitled to vote or to be appointed chairman of the school committee or representative of the parents' committee of the school board.

In no case may a commissioner, other than a commissioner referred to in subparagraph 2 of section 125, be a member of a school committee.

87. Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board may, after consulting the principal, establish a school committee for each immovable instead of a single school committee.

The school board shall determine, by by-law, the composition, functions and modes of functioning and financing of each school committee.

88. The functions of the school committee are

- (1) to advise the orientation committee on defining the aims and objectives of the school;
- (2) to promote participation of the parents in defining, implementing and evaluating the educational plan of the school;
- (3) to advise the orientation committee or the principal on any matter about which the parents are concerned and on which the committee seeks to be consulted;
- (4) to examine any question on which it is consulted.

89. The school committee shall be consulted on the following matters:

- (1) the amendment or revocation of the deed of establishment of the school;
- (2) the rules of conduct governing the pupils and other users of the school;

(3) the choice of educational activities which are not included in the programs of studies or which entail changes in the pupils' regular schedule or cause them to travel to places outside the school.

90. School committees are entitled to meet on the school premises.

School committees are also entitled to use the school's administrative services and facilities in accordance with the terms and conditions established by the principal.

91. A school committee shall establish its rules of internal procedure.

92. No member of a school committee may be prosecuted for an act performed in good faith in the discharge of his duties.

93. A school committee may institute legal proceedings or intervene therein for the purposes of this division.

DIVISION V

SCHOOL VISITORS

94. Any school may be visited by the following persons:

(1) the Minister;

(2) the deputy minister of Education and the associate deputy ministers appointed under the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);

(3) the members of the Conseil supérieur de l'éducation and its commissions;

(4) the Members of the National Assembly.

95. Members of the Catholic committee or of the Protestant committee, Roman Catholic priests and Protestant ministers may visit schools except the schools claiming to be of a religious denomination Catholic or Protestant different from theirs.

96. School visitors shall be entitled to receive, free of charge, all resolutions, by-laws and other documents of the school board which may be given pursuant to Chapter II and 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).

CHAPTER IV

SCHOOL BOARDS

DIVISION I

ESTABLISHMENT OF FRENCH LANGUAGE AND
ENGLISH LANGUAGE SCHOOL BOARDS

97. The Government shall, by order, divide the territory of Québec into territories for French language school boards and into territories for English language school boards.

A school board shall be established in each territory.

The order shall determine the name of the school board.

The order comes into force on the date of its publication in the *Gazette officielle du Québec*.

98. A school board is a public legal person having the necessary powers to carry out the functions conferred on it by this Act.

99. The Government may, by order, change the name of any school board requesting it.

The order comes into force ten days from the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

100. The head office of a school board shall be situated at any place determined by the council of commissioners in the territory of the school board. The secretary general shall send a copy of the resolution to the Minister.

The school board shall give public notice of the location or of any new address of the head office.

101. At the request of the school boards concerned or of a majority of electors of the school boards, the Government, by order, may annex the whole of their territories or amalgamate them.

In the case of an amalgamation, a new school board shall be established in the territory.

102. The Government may, by order, divide the territory of any school board requesting it and establish a new territory or annex part of its territory to that of another school board consenting thereto.

In the case of a division for the purpose of establishing a new territory, a new school board shall be established in the territory determined in the order.

103. Any order issued under section 101 or 102 shall indicate, as the case may be, the name of the new school board and that of the person who will act as director general of the school board until the council of commissioners appoints a person to hold that office.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

104. Where the territories of school boards are amalgamated or where the territory of a school board is totally annexed to that of another, the rights and obligations of the amalgamated school boards or of the annexed school board become the rights and obligations of the new school board resulting from the amalgamation or of the annexing school board.

105. Where the territory of a school board is divided as a result of the formation of a new territory or the annexation of part of its territory to the territory of another school board, the school boards concerned shall apportion the rights and obligations of the school board whose territory has been divided, taking into account

- (1) the distribution of the school population;
- (2) the distribution of the staff;
- (3) the geographic location of the school immovables;
- (4) any other criterion established in cooperation with the school boards concerned.

The school boards concerned shall send to the Minister, at such time and in such form as he may determine, the apportionment of the rights and obligations of the school board which has had its territory divided. The Minister shall publish a notice in the *Gazette officielle du Québec* indicating the school board succeeding to the obligations of the school board which has had its territory divided.

The Minister shall rule on any dispute among the school boards concerned.

106. In the case of any transfer of ownership of an immovable as a result of the application of section 104 or 105, a notice stating the facts establishing the transfer and describing the immovable concerned shall be registered by deposit in the registry office of the registration division in which the immovable is situated.

DIVISION II

CONFESSIONAL AND DISSENTIENT SCHOOL BOARDS

§ 1.—*Confessional school boards*

107. The Commission des écoles catholiques de Montréal, the Protestant School Board of Greater Montréal, the Commission des écoles catholiques de Québec and the School Board of Greater Québec shall continue to exist under this Act in their territories and under their names.

108. The Government may, by order, change the boundaries of the territory of a confessional school board.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Before the coming into force of the order, the Minister shall apportion the rights and obligations of the confessional school board among the confessional school board and the school boards whose territories extend over that of the confessional school board, in accordance with the rules prescribed under section 105. Section 106 applies to the transfer of ownership of immovables.

§ 2.—*Dissentient school boards*

109. The Protestant dissentient school board of Baie-Comeau, the Catholic dissentient school board of Greenfield-Park, the Laurentian Protestant dissentient school board, the Catholic dissentient school board of Portage-du-Fort and the Protestant dissentient school board of Rouyn shall continue to exist under this Act in their territories and under their names.

110. Any number of physical persons who are resident in the territory of a school board, except the territory of a confessional school board, and who are of a religious denomination, Catholic or Protestant, different from that of the majority of persons entered on the school

board's latest electoral list, may serve on the school board a notice in writing informing it of their intention to establish a dissentient school board.

Before serving the notice of dissent, the persons who wish to establish a dissentient school board shall request the school board to recognize that they are of a religious minority, Catholic or Protestant.

111. Where the school board does not recognize that the persons wishing to establish a dissentient school board are of a religious minority, Catholic or Protestant, it shall without delay make an enumeration of the electors entered on the latest electoral list so as to determine if they are Catholic or Protestant or of another religious denomination.

As soon as the results of the enumeration are known, the school board shall inform the persons wishing to establish a dissentient school board of the results.

Where the school board fails to fulfil the obligations prescribed in this section, the Minister may appoint a person to carry out, at the expense of the school board, the unfulfilled formalities.

112. The notice of dissent may be served when the school board has recognized that the persons wishing to establish a dissentient school board are of a religious minority, Catholic or Protestant or, as the case may be, when the results of the enumeration indicate such a fact.

113. The notice of dissent shall be served, before 1 January in a school year, on the school board and on the Minister.

The dissentient school board is established on the date of service of the notice.

114. The notice of dissent shall include the following information:

- (1) the name of the dissentient school board;
- (2) the name of the person who will act as director general of the dissentient school board until the council of commissioners appoints a person to hold that office.

In addition, each person concerned shall indicate, in the notice, his name, address and capacity and affix his signature opposite such information.

115. Where a notice of dissent is served on each school board having jurisdiction over a common territory by persons who are of the same religious minority, Catholic or Protestant, the Government may, by order, establish a single dissentient school board which shall provide educational services in such territory as it may determine.

The order shall determine the name of the new dissentient school board.

The order comes into force on the date of its publication in the *Gazette officielle du Québec*.

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

The director general of the dissentient school board shall divide forthwith the territory into electoral divisions in accordance with the rules prescribed by the said Act. The date of the poll shall be the first Sunday in June.

The first commissioners shall perform the duties of the council of commissioners by themselves until representatives of the parents' committee are elected. The first commissioners shall remain in office until the date fixed for the next general election.

117. Upon the proclamation of their election, the first commissioners shall, in cooperation with the school board concerned, apportion the latter's rights and obligations in accordance with the rules prescribed in section 105. Section 106 applies to the transfer of ownership of immovables.

The Minister shall decide any dispute between the dissentient school board and the school board while ascertaining that the dissentient school board has the property required for its operation.

In the case described in section 115, each school board on which the notice of dissent has been served shall take part in the apportionment.

118. At the request of the dissentient school boards concerned, the Government, by order, may annex the whole of their territories or amalgamate them.

In the case of an amalgamation, a new dissentient school board shall be established in the territory.

Sections 104, 106, 130 and 134 to 136, adapted as required, apply to those changes.

119. The Government may, by order, divide the territory of any dissentient school board requesting it and establish a new territory of the dissentient school board or annex part of its territory to that of another dissentient school board consenting thereto.

In the case of a division for the purpose of establishing a new territory, a new dissentient school board shall be established in the territory determined in the order.

Sections 105, 106 and 131 to 136, adapted as required, apply to those changes.

120. Any order issued under section 118 or 119 shall indicate, as the case may be, the name of the new dissentient school board and that of the person who will act as director general of the dissentient school board until the council of commissioners appoints a person to hold that office.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

121. The Government may, by order, terminate the existence of any dissentient school board requesting it.

The order comes into force on 30 June following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

Before the coming into force of the order, the dissentient school board shall, in cooperation with every school board whose territory extends over its territory, apportion its rights and obligations among the school boards, in accordance with the rules prescribed in section 105. Section 106 applies to the transfer of ownership of immovables.

§ 3.—*General provisions*

122. A confessional or dissentient school board is a public legal person having the powers necessary for the discharge of its functions under this Act.

123. The Government may, by order, change the name of any confessional or dissentient school board requesting it.

The change takes effect ten days after the date of publication of the order in the *Gazette officielle du Québec* or on any later date fixed therein.

124. The head office of a confessional or dissentient school board shall be situated at any place in the territory of the school board, determined by the council of commissioners. The secretary general shall send a copy of the resolution to the Minister.

The school board shall give public notice of the location or of any new address of the head office.

DIVISION III

COUNCIL OF COMMISSIONERS

§ 1.—*Composition*

125. Every school board shall be administered by a council of commissioners composed of the following persons:

(1) the commissioners elected or appointed for the purposes of the Act respecting school elections (1988, chapter *insert here the chapter number of the Act respecting school elections*);

(2) the commissioners representing the parents' committee for each of the elementary and secondary levels, as the case may be, elected pursuant to section 126.

The director general of the school board shall take part in meetings of the council of commissioners but is not entitled to vote thereat.

126. Each year before the third Sunday in November, the secretary general of the school board shall convene the members of the parents' committee or of the parents' central committee, as the case may be, to elect from among their members, a representative referred to in section 125 for each of the elementary and secondary levels, as the case may be.

The representative shall be elected by a majority vote of the members present, and remain in office until the third Sunday in November in the year following his election.

127. To be a representative of the parents' committee, a person shall

(1) be delegated by a school committee or, where no school committee has been established, be a parent-member of an orientation committee delegated by the meeting of parents referred to in section 84;

(2) have been domiciled in the territory of the school board for at least six months or be deemed to have a second domicile within the

meaning of the second paragraph of section 22 of the Act respecting school elections, for at least six months;

(3) not be affected by any legal incapacity provided for in section 22 of the Act respecting school elections.

No person disqualified within the meaning of section 23 of the Act respecting school elections may be a representative of the parents' committee.

128. The office of representative of the parents' committee becomes vacant in the same cases as those provided for commissioners elected under section 181 of the Act respecting school elections.

Such vacancy shall be filled in accordance with the procedure prescribed in section 126, but only for the unexpired portion of the term.

129. Every commissioner representing the parents' committee shall have the same rights, powers and obligations as those prescribed for the other commissioners.

Notwithstanding the foregoing, in no case may the commissioner be a member of the council of commissioners of the regional school board of which the school board is a member.

130. In case of total amalgamation or annexation of territories of school boards, the commissioners of such school boards, other than representatives of the parents' committee, become members of the council of commissioners of the school board resulting from the amalgamation, or of the annexing school board. They shall remain in office until the date of the next general election of commissioners.

131. Where a school board annexes part of the territory of another school board constituting or including the whole of an electoral division, the commissioner representing the division becomes a member of the council of commissioners of the annexing school board. He shall remain in office until the date of the next general election of commissioners.

132. Where a school board annexes part of the territory of another school board which does not constitute or include the whole of an electoral division, the commissioner representing the division shall become a member of the council of commissioners of the school board of which the greatest number of electors of the divided electoral division are resident. He shall remain in office until the date of the next general election of commissioners.

133. Where the whole territory of a school board is divided in view of the creation of new school boards, each of the commissioners of the school board whose territory is divided becomes a member of the council of commissioners of the school board into which the whole of his electoral division has been integrated or of the school board of which the greatest number of electors of the division that has not been wholly integrated are resident. He shall remain in office until the date of the next general election of commissioners.

134. In the case provided for in section 130, the secretaries general of the amalgamated or annexed school boards shall jointly and, in the case provided for in section 133, the secretary general of the divided school board shall proceed, within 30 days before the change takes effect, to the election of the representative and the chairman of the parents' committee of the school board resulting from the amalgamation, annexation or division. They shall remain in office until the date on which they are replaced by persons elected pursuant to sections 126 and 172.

§ 2.—Operation

135. The director general shall convene the members of the council of commissioners to the first meeting of the council.

136. The council of commissioners shall appoint the chairman and the vice-chairman of the school board.

The term of office of the chairman and of the vice-chairman is the same as their term of office as commissioners.

137. Until the chairman is appointed, the meetings of the council of commissioners shall be presided over by one of the commissioners designated by the council of commissioners for that purpose.

138. Any vacancy in the office of chairman or vice-chairman shall be filled within 30 days.

139. Where the chairman is unable to act, he shall be replaced by the vice-chairman. Where the vice-chairman is unable to act, the chairman shall be replaced by another commissioner designated by the council of commissioners for that purpose.

140. The chairman shall preside over the meetings of the council of commissioners and perform any other duties assigned to him by the council of commissioners.

141. A majority of the members constitutes a quorum of the council of commissioners.

142. Decisions of the council of commissioners are taken by a majority of the votes of the members present.

In case of a tie-vote, the chairman has a casting vote.

143. The council of commissioners must, by by-law, fix the date, time and place of their regular meetings.

The council of commissioners shall hold at least four regular meetings in a year.

144. The chairman or two commissioners may call a special meeting of the council of commissioners.

The meeting shall be called by a notice sent to each commissioner by the secretary general, at least two days before the meeting is held.

Within the same period, the secretary shall give a public notice of the date, place and time of the meeting and of the matters to be discussed. In case of urgency, no publication in a newspaper is required.

145. At a special meeting, only the matters mentioned in the notice calling the meeting may be dealt with and decided, unless all the commissioners are present at the special meeting and decide otherwise.

146. At the opening of a special meeting, the chairman shall ascertain that the procedure for calling the meeting has been complied with; in any case of non-compliance therewith, the meeting shall forthwith be suspended on pain of nullity of any decision which may be made thereat.

The mere presence of a commissioner constitutes a waiver of the notice calling the meeting unless he specifically attends the meeting to object to the holding of the meeting.

147. Any regular or special meeting may be adjourned by the council of commissioners to another hour of the same day or to a subsequent day, without it being necessary to give notice of the adjournment to the absent members.

148. The meetings of the council of commissioners are public; however, the council may order that they be held in camera for the purpose of examining any matter liable to be prejudicial to a person.

149. No person, other than a commissioner and the director general of the school board, may take part in the deliberations of the council of commissioners without permission from the chairman. However, a question period must be provided at each public meeting during which the persons present may put oral questions to the commissioners.

The council of commissioners shall establish the rules which shall provide for the length and time of the question period and the procedure to be followed for putting questions.

The chairman is responsible for maintaining order and decorum during the meetings of the council.

150. With the consent of a majority of the commissioners physically present at a meeting of the council of commissioners, any commissioner may take part in the meeting and vote thereat by any means enabling all participants to communicate verbally, such as the telephone.

This consent can only be validly given if the commissioners physically present at the place where the meeting is held form a quorum and if the chairman is among those present.

The minutes of such a meeting shall indicate

(1) that the meeting was held with the aid of a means of communication indicated therein;

(2) the name of every commissioner physically present at the meeting and the names of those who have agreed to proceed in such a way;

(3) the name of any commissioner who took part in the meeting by that means of communication.

Any commissioner participating in and voting at the meeting by such means of communication is deemed to be present at the place where the meeting is held.

151. The council of commissioners shall appoint a person to act as secretary general to the council of commissioners and, as the case may be, to the executive committee.

152. The minutes of each meeting of the council of commissioners shall be entered in the register known as the "Minutes of Proceedings". After having been read and approved at the beginning of the following meeting, they shall be signed by the person presiding over the meeting and countersigned by the secretary general.

The council of commissioners, by resolution, may excuse the secretary general from reading the minutes provided that a copy thereof has been given to each member present at least six hours before the opening of the meeting at which they are approved.

153. Whenever a by-law or a resolution of the council of commissioners is amended or repealed, mention shall be made thereof in the margin of the Book of By-laws or of the Minutes of Proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal.

154. The school board shall follow any general or special instructions given by the Minister with respect to the keeping of books and registers.

155. The minutes of each meeting approved by the council of commissioners and the copies certified true by the chairman and the secretary general, or by one of them and by a person so authorized by a rule of internal procedure are proof of their contents. The same applies to documents and copies emanating from the school board or forming part of its records if they have been so certified.

The information included in the register of the minutes is public.

156. The signature of the chairman, director general or secretary general may be affixed by means of a signature stamp or replaced by an engraved, lithographed or printed facsimile.

157. The council of commissioners may, by by-law, delegate some of its duties to the director general, an assistant director general, a principal, a principal of an adult education centre or any other member of the executive staff.

The duties so delegated shall be performed under the direction of the director general.

158. The council of commissioners may, by by-law, determine the remuneration that may be paid to its members for the services they render to the school board.

It may also determine the norms and the terms and conditions governing the repayment of expenses incurred by the members in the performance of their duties.

The maximum amount of remuneration that may be paid to all the members of the council of commissioners of a school board shall be determined by the Government which may also establish the portion of the remuneration that may be paid to them as compensation for part of their expenses.

159. Sections 304 to 312 of the Act respecting elections and referendums in municipalities (1987, chapter 57) apply to members of the council of commissioners in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be a municipal council and the school board is deemed to be a municipality.

Notwithstanding the foregoing, section 304 of the said Act does not apply to any member of a council of commissioners having a direct or indirect interest in any undertaking or contract causing his personal interest to conflict with that of the school board if he discloses his interest in writing to the council of which he is a member, including the interest referred to in section 305 of the said Act, and if he abstains from taking part in the debate and in any decision respecting the matter related to his interest.

160. No member of the council of commissioners may be prosecuted for an act performed in good faith in the discharge of his duties.

161. The school board may take out liability insurance for the benefit of its employees.

Members of the council of commissioners, of an orientation committee, of a school committee or of any committee of the school board may, while they remain in office, and on the same conditions as those applicable to the employees of the school board, be a party to the liability insurance taken out by the school board under this section.

DIVISION IV

SCHOOL BOARD COMMITTEES

162. The council of commissioners may establish an executive committee composed of the following members:

(1) the chairman of the school board, who is chairman of the committee;

(2) not fewer than three other members of the council of commissioners including at least one representative of the parents' committee.

The director general of the school board takes part in the sittings of the executive committee but is not entitled to vote thereat.

163. The executive committee shall exercise the duties and powers delegated to it by by-law of the council of commissioners.

Every decision made by the executive committee must be ratified by the council of commissioners at its next ensuing sitting.

164. Sections 139 to 147, 150, 152 to 156 and 159 to 161, adapted as required, apply to the executive committee.

165. For the purposes of section 52, every school board shall establish, under the direction of the director general, an advisory committee on management on which the principals and members of the executive staff of the school board shall sit.

The principals shall constitute the majority of the members of the committee.

166. Where the territory of a school board is divided into administrative regions, the advisory committee on management shall be replaced for the same purposes by an advisory committee for each region and a central advisory committee composed of delegates from the regional committees.

The school board shall determine, by by-law, the composition, mode of operation and duties of each committee.

167. Every school board shall establish an advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities.

The committee shall be composed of

(1) representatives of the parents of the pupils concerned, designated by the parents' committee;

(2) representatives of the teachers and professionals who provide services to the pupils concerned, designated by the associations which represent them in their dealings with the school board;

(3) representatives of bodies which have experience in providing such services, designated by the council of commissioners after consulting with those bodies.

168. The council of commissioners shall determine the number of representatives from each group.

The representatives of the parents shall constitute the majority of the members of the committee.

169. The duties of the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities are

(1) to advise the school board on norms for the organization of educational services to handicapped pupils and pupils with social maladjustments or learning disabilities;

(2) to advise the school board on the allocation of financial resources to the services intended for those pupils.

The committee may also advise the school board on the application of the special education program to a handicapped pupil or a pupil with social maladjustments or learning disabilities.

170. Every school board which provides pupil transportation shall establish an advisory committee on transportation the composition, operation and duties of which shall meet the norms established by government regulation.

171. A parents' committee shall be established in each school board.

The committee shall be composed of representatives of each school committee or, where no school committee has been established, a parent chosen from among the parents who are members of the orientation committee of the school by the meeting of parents contemplated in section 84.

172. Each year, between 15 and 30 October, the secretary general of the school board shall call a meeting of the parents' committee to elect the chairman of the committee.

173. Where the territory of a school board is divided into administrative regions, the parents' committee shall be replaced for the same purposes by a regional parents' committee for each region and a central parents' committee composed of delegates from the regional parents' committees.

Section 172 applies to the election of the chairman of the central parents' committee and of each regional parents' committee.

The school board, after consulting with the members of the regional parents' committees, shall determine, by by-law, the allocation of duties and the mode of operation and financing of the regional and central committees.

174. The duties of the parents' committee are

- (1) to ensure such cooperation as is necessary for the proper operation of school committees;
- (2) to impart to the school board the needs identified by school committees;
- (3) to give advice on any matter conducive to the most efficient possible operation of the school board;
- (4) to examine any matter on which the school board may consult it.

175. The parents' committee shall be consulted on the following matters:

- (1) the division, annexation or amalgamation of the territory of the school board or, as the case may be, the withdrawal of the school board from the regional school board;
- (2) the plan of allocation and destination of the immovables of the school board, the list of schools and the deeds of establishment;
- (3) the details concerning implementation of the basic school regulations;
- (4) the rules governing the allocation of financial resources among the schools;
- (5) the school enrollment criteria;
- (6) the school calendar;
- (7) the local programs of instructional services and other educational services.

176. The committees may hold their meetings on the premises of the school board.

The committees may also use the administrative services and the facilities of the school board in accordance with the terms and conditions established by the director general.

177. The committees shall establish their rules of internal procedure.

Section 150, adapted as required, applies to the committees.

178. No committee member may be prosecuted for an act performed in good faith in the discharge of his duties.

179. Any committee may bring action or intervene in judicial proceedings to ensure the carrying out of this division.

DIVISION V

DIRECTOR GENERAL

180. Every school board shall appoint a director general and an assistant director general.

However, where all the functions of a school board relating to preschool and elementary education have been delegated to the regional school board of which it forms part, the school board is not required to make such appointments.

181. The Minister may authorize a school board to appoint more than one assistant director general.

The director general shall take part in the selection of the assistant director general.

182. In no case may the director general or the assistant director general be a member of the orientation committee of a school under the authority of the school board.

183. The appointment or the dismissal of the director general or an assistant director general who performs his duties on a full-time basis, or the non-renewal of their terms of office is decided by the affirmative vote of two-thirds of the members of the council of commissioners.

184. The director general shall assist the council of commissioners and the executive committee, if any, in the performance of their duties.

He is responsible for the day-to-day administration of the school board and the management of its resources. He shall see that the decisions of the council of commissioners and of the executive committee, if any, are carried out and shall perform the duties that they assign to him.

He shall perform his duties on a full-time basis.

185. The director general shall render account of his administration to the council of commissioners or the executive committee, as the case may be.

186. An assistant director general shall assist the director general in the performance of his duties and shall perform the duties delegated to him in writing by the director general.

An assistant director general shall perform his duties under the authority of the director general.

The assistant director general or, where there are more than one, the assistant director general designated by the director general shall perform the duties of the director general if he is unable to act.

DIVISION VI

FUNCTIONS OF THE SCHOOL BOARD

§ 1.—*Preliminary provisions*

187. For the purposes of this division, the persons who reside in the territory of a school board or who are committed or placed under custody therein pursuant to the Youth Protection Act (R.S.Q., chapter P-34.1), the Act respecting health services and social services (R.S.Q., chapter S-5) or the Young Offenders Act (Statutes of Canada, 1982, chapter 110) come under the jurisdiction of the school board.

188. Only those persons who, according to law, are entitled to receive instruction in the English language come under the jurisdiction of an English-language school board.

189. Persons belonging to a religious denomination, either Catholic or Protestant, which is not the denomination of a confessional school board do not come under the jurisdiction of that school board.

190. Only those persons belonging to the same religious denomination as that of a dissentient school board come under the jurisdiction of that school board.

§ 2.—*General functions*

191. Every school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act.

Where the circumstances so require, the Minister may relieve any school board in whole or in part from that function in respect of persons committed or placed under custody in its territory.

192. In order to carry out that function, the school board shall, in particular,

(1) provide educational services, entrust the regional school board of which it forms part with the provision of educational services or make an agreement pursuant to section 196 or 197;

(2) if it does not provide certain educational services itself pursuant to section 427 or 428, refer persons to the school board which provides such services.

In addition, a school board shall assume such duties in respect of persons who come under the jurisdiction of another school board, where it is authorized to do so by a decision of the Minister pursuant to section 427 or 428.

193. Every three years, every school board shall determine, in accordance with the criteria it establishes by by-law, a plan of allocation and destination of its immovables.

The school board shall then draw up a list of the schools in its territory and shall issue a deed of establishment to them in accordance with the plan.

194. Every school board may provide educational services for adults. The services are provided on the premises of a school established under section 193 or in adult education centres established by the school board.

The school board shall determine the method of management and the mode of operation of the services and the centres and shall establish bodies through which the adults may participate in the development and implementation of educational activity programming.

The school board shall also establish, after consulting with the school boards concerned, mechanisms whereby they may take part in the definition of its adult education policies.

195. Every school board shall see to the proper operation of its schools and adult education centres.

To that end, it may make by-laws for the management of its schools and adult education centres.

The school board shall settle any dispute which may arise between the parents or children and the teachers or between the adults and the teachers, in connection with the schools or the adult education centres in its territory.

196. A school board may, in accordance with the norms the Minister may establish by regulation, enter into an agreement with another school board or a private educational institution within the meaning of the Act respecting private education, for the provision of developmental and cognitive learning services or instructional services.

A school board may enter into an agreement with another school board, or any body or person, for the provision of special services to handicapped pupils or to pupils with social maladjustments or learning disabilities or for school purposes other than the provision of developmental and cognitive learning services or instructional services.

The school board shall consult every adult and the parents of every pupil concerned by such an agreement.

197. With the authorization of the Government and subject to the conditions it determines, a school board may enter into an agreement with a department or agency of the Gouvernement du Québec or of the Government of Canada, for the provision of services to adults.

198. A school board may, with the authorization of the Minister and subject to the conditions he determines, enter into an agreement of association with a private educational institution.

A private educational institution having entered into an agreement of association with a school board pursuant to the first paragraph is entitled, notwithstanding the Act respecting private education, to such benefits granted to public schools under this Act as the Minister may determine.

199. A school board may, in accordance with the budget rules established by the Minister, require a financial contribution in respect of a person who attends one of its schools but is not resident in Québec or in respect of a person contemplated in section 2.

200. Every school board shall consult the orientation committees, the parents' committee or the school committees, as the case may be, on matters in respect of which they must be consulted.

201. Every school board shall facilitate the carrying out of the educational plan of each school; for such purpose, it may delegate, by by-law, certain duties conferred on it by this Act to an orientation committee with its consent.

202. Every school board shall furnish to the Minister the information he requests for the performance of his duties at such time and in such form as he prescribes.

203. Every school board shall prepare and transmit to the Minister on the date he determines, an annual report containing a statement of its activities during the school year and a report on the educational and cultural activities of its schools and adult education centres.

It shall also inform the population in its territory of the educational and cultural services it provides.

§ 3.—Functions relating to educational services

204. Every school board shall see to the implementation of the basic school regulations adopted by the Government and of the programs of studies established by the Minister.

It shall adapt the optional contents of the programs of studies and enrich them according to its needs and priorities.

205. A school board may adopt local programs of studies in elective subjects not established by the Minister, to meet the special needs of the pupils.

In addition to the technical or vocational training it is authorized to provide, a school board may, unless the Minister decides otherwise, develop and offer programs of studies leading to a job function or occupation which requires specific short-term training and award attestations of qualification in respect of such programs.

The programs shall be submitted to the Catholic committee or Protestant committee for approval from the point of view of religion and morals, in accordance with section 22 of the Act respecting the Conseil supérieur de l'éducation.

206. Every school board shall establish a program for each auxiliary and special educational service contemplated in the basic school regulations except in matters coming under the jurisdiction of a minister other than the Minister of Education.

It may enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the Minister of Education and on the mode of administration of the programs.

The programs must be in conformity with the objectives prescribed in basic school regulations.

207. Every school board shall ensure that Catholic moral and religious instruction, Protestant moral and religious instruction, or moral instruction is provided in each school according to the choice of the pupil or his parents.

The provision of Catholic or Protestant moral and religious instruction and moral instruction must enable each pupil to achieve the objectives and acquire the contents defined in the official programs of studies.

208. Every school board shall ensure that each school offers

(1) auxiliary services of pastoral care and guidance for pupils enrolled as Catholics;

(2) auxiliary services of religious care and guidance for pupils enrolled as Protestants.

209. Catholic or Protestant moral and religious instruction and Catholic pastoral care and guidance services or Protestant religious care and guidance services are provided in accordance with the regulations of the Catholic committee or the Protestant committee, as the case may be.

210. A school board may, at the request of an orientation committee and on the conditions the board prescribes, provide moral and religious instruction of a religious denomination other than Catholic or Protestant if parents so request.

The school board shall, however, ensure that the compulsory objectives are achieved and that the compulsory contents defined in the official programs of studies are acquired, regarding moral instruction in particular.

211. The school board may adopt, by by-law, criteria for

- (1) the introduction of new methods of instruction;
- (2) the selection of textbooks and teaching material required for the official programs of studies and for the programs of studies adopted by the school board.

212. Every school board shall ensure that no textbook or teaching material or class of teaching material other than those approved by the Minister and, where applicable, by the Catholic committee or Protestant committee, as the case may be, is used for the teaching of any program of studies under its authority.

In accordance with section 8, it shall place at the disposal of the pupils, free of charge, the textbooks and teaching material used in classrooms and workshops for the teaching of the programs of studies, and shall ensure that pupils have access, free of charge, to reference and reading material.

213. Every school board shall establish, by by-law, standards and procedures for the evaluation of pupils' learning achievement, taking into account what is prescribed in the basic school regulations and subject to the uniform examinations that may be imposed by the Minister.

Every school board is responsible for the administration of the uniform examinations imposed by the Minister and it may also impose its own standard examinations for use in all schools and adult education centres under its jurisdiction in the subjects it determines.

214. Every school board shall issue, in accordance with the criteria or conditions established by the Minister, a certificate of equivalency to persons who have acquired knowledge otherwise than as prescribed in the basic school regulations.

215. Every school board shall establish, by by-law, rules governing the placement of pupils and their promotion from one grade to a higher one or from elementary school to secondary school, subject to the rules prescribed in the basic school regulations.

The rules governing promotion from elementary school to secondary school shall be established following consultation with the regional school board, where applicable.

216. Every school board shall offer special educational services for handicapped pupils and pupils with social maladjustments or learning disabilities.

Before providing such services to any pupil, the school board shall consult the pupil, his parents and the personnel who provide services to the pupil.

217. Every school board shall adopt, by by-law, after consulting with the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities, norms for the organization of educational services for such pupils.

Matters prescribed in the by-law shall include

(1) procedures for evaluating handicapped pupils and pupils with social maladjustments or learning disabilities and for reviewing their condition;

(2) methods for integrating those pupils into regular classes or groups and into regular school activities as well as the support services required for their integration and, if need be, the weighting required to determine the maximum number of pupils per class or group;

(3) terms and conditions for grouping those pupils in specialized schools, classes or groups.

The by-law shall be drafted after consultation with the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities.

218. Every school board shall determine the educational services to be provided by each of its schools and adult education centres.

219. Every school board shall determine the time allotted to each subject and ensure

(1) that the compulsory objectives of the official programs of studies are achieved and their compulsory contents are acquired;

(2) that the minimum time prescribed for Catholic or Protestant moral and religious instruction by the Catholic committee or the Protestant committee, as the case may be, is respected;

(3) that the rules on the certification of studies prescribed in the basic school regulations are complied with.

220. Every school board shall establish the school calendar of its schools and adult education centres, subject to the provisions of the basic school regulations.

221. Every school board shall establish, by by-law, criteria for the enrollment of pupils in the schools, taking into account the capacity of each school and the educational services provided.

The by-law shall be adopted and put into force at least 15 days before the beginning of registration.

Subject to its enrollment criteria, every school board shall take into account the choice of the pupil's parents or of the pupil, if of full age, upon registration.

222. A school board may, at the request of parents who advocate the same educational plan, assign an immovable for the purposes of that educational plan.

In order to facilitate the grouping of pupils whose parents advocate the same educational plan, the school board may establish the choice of the educational plan as one of the enrollment criteria.

223. At the time of registration, every school board shall ensure that the pupil or his parents indicate whether the pupil is to receive Catholic moral and religious instruction, Protestant moral and religious instruction or moral instruction.

In case of refusal or failure to make the choice, the pupil shall receive the instruction chosen in the preceding year or, where no choice was made, moral instructions.

224. A school board may, at the request of the principal and for just and sufficient cause, and after giving the pupil and his parents an opportunity to be heard, enrol him in another school or expel him from its schools; in the latter case, it shall inform the director of youth protection.

225. At the request of the Minister, a school board shall take part in any periodical assessment by the Minister of the basic school regulations, the official programs of studies, the textbooks and teaching material required for the teaching of the official programs of studies and the operation of the school system.

226. The functions provided for in this subdivision are exercised after consultation with the teachers.

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school board.

§ 4.—*Functions relating to community services*

227. Every school board shall participate, in the fields of its educational mandate, in the carrying out of community social and cultural development projects.

It may carry out such projects itself or enter into agreements for such purposes with any person or body.

228. A school board may provide day care services for preschool pupils and pupils in elementary school, in accordance with the Act respecting child day care (R.S.Q., chapter S-4.1).

It may also operate a day care centre or act as a home day care agency and apply for a permit for such purposes in accordance with the said Act.

229. For the purposes of section 228, a school board may hire personnel and enter into agreements. It may require a financial contribution from the person having parental authority or from any other person prescribed in a regulation under the Act respecting child day care.

§ 5.—*Functions relating to human resources*

230. The school board is the employer of the personnel required for its operation and that of its schools and adult education centres.

231. The personnel required for the operation of a school board shall perform their duties under the authority of the director general of the school board.

The personnel assigned to a school shall perform their duties under the authority of the principal and the personnel assigned to an adult education centre shall perform their duties under the authority of the director of the adult education centre.

232. Every school board shall, in assigning personnel to its schools and adult education centres, take into account the staffing requirements submitted to it by the school principals and the directors of the adult education centres, and the applicable collective agreements.

Every school board shall ensure that any person it assigns to teaching holds a teaching certificate or a teaching permit, except in cases where they are not required.

It shall also ensure that any person it assigns to Catholic pastoral care and guidance or Protestant religious care and guidance meets the qualification requirements established by the Catholic or Protestant committee, as the case may be.

233. Every school board shall appoint a person responsible for administrative support to Catholic schools and to the moral and religious instruction and pastoral care and guidance services provided to the Catholic pupils of the schools in its territory; the person must be a member of the executive staff and be authorized by the bishop of the diocese in which the head office of the school board is situated.

234. Every school board shall appoint a person responsible for administrative support to Protestant schools and to the moral and religious instruction and religious care and guidance services provided to the Protestant pupils of the schools in its territory; the person must be a member of the executive staff of the school board.

235. Every school board which provides educational services for adults shall appoint a person responsible for adult education services.

§ 6.—*Functions relating to material resources*

236. It is the function of the school board

(1) to acquire or lease such movable and immovable property as is required for the carrying on of its activities and to accept property gratuitously;

(2) to build, repair, maintain or lease out its movable or immovable property;

(3) to keep its property in good condition, determine its use and administer it;

(4) to encourage the use of its immovables by the community organizations in its territory.

A school board may acquire an immovable situated outside its territory.

237. No school board shall, without the authorization of the Minister, acquire, build, enlarge, develop, improve, convert, rebuild or repair its immovables, where doing so would cause the school board to be indebted for a period exceeding one year.

238. A school board may insure the movable and immovable property belonging to it.

239. Notwithstanding any legislative provision to the contrary, no school board may perform or cause to be performed any work on an immovable requiring the preparation of plans and specifications unless the plans and specifications have been approved by the Minister.

This section does not apply to certain classes of work designated by the Minister.

240. No school board shall, without the authorization of the Minister, hypothecate, sell, demolish, exchange or otherwise dispose of its immovables.

Every authorized disposition shall be effected in accordance with the regulations of the Government.

241. A school board may, if authorized by the Minister, expropriate an immovable required for its purposes.

Notwithstanding the foregoing, no school board shall, without the authorization of the Government expropriate an immovable exempt from school tax under the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

§ 7.—Functions relating to financial resources

242. The fiscal year of every school board begins on 1 July and ends on 30 June of the following year.

243. Every school board shall determine annually rules and procedures for the allocation of financial resources to its schools and adult education centres.

The rules shall prescribe the amounts allocated to orientation committees, school committees and the bodies established pursuant to section 194 to ensure adult participation.

244. Every school board shall approve the budget of its schools and adult education centres, with or without amendments.

245. Every school board shall prepare its operating, investment and debt service budget for the following school year and submit it to the Minister for approval before such date and in such form as he determines.

The budget of every school board shall indicate the amounts allocated to its committees and the financial resources allotted to special educational services for handicapped pupils and pupils with social maladjustments or learning disabilities.

In the case of confessional school boards and dissentient school boards contemplated in Division II of this chapter, approval of the budget by the Minister is not required.

246. Before adopting its budget, every school board shall give a public notice of at least 15 days of the date, time and place of the sitting of the council of commissioners at which its budget is to be studied.

247. The budget of a school board shall 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.

Notwithstanding the foregoing, the Minister may, on the conditions and according to the procedures he prescribes, authorize a school board to adopt a budget which does not maintain the balance provided for in this section.

The budget is without effect until approved by the Minister.

248. A school board may include as revenue in its budget any surplus anticipated for the current year and any surplus for the preceding year not included in its budget.

Every school board shall include as expenditure in its budget any deficit anticipated for the current year and any deficit for the preceding year not included in its budget.

249. The Minister may authorize a school board to incur a specific amount of expenses before the approval of its budget or a specific amount of expenses not provided for in its budget.

250. Every school board shall transmit to the Minister, on the dates and in the form he determines, interim reports on its financial position.

251. Every school board shall keep accounting records in such manner and in such form as the Minister may prescribe.

252. At the beginning of each fiscal year, every school board shall appoint from among the members of a professional corporation of accountants governed by the Professional Code (R.S.Q., chapter C-26) an external auditor who shall file a report of his audit of the financial transactions respecting its operation and that of its schools and adult education centres.

The Minister may specify the general or particular mandate of an auditor after consulting with the school boards.

253. The following shall not act as an external auditor for the school boards:

- (1) a member of the council of commissioners;
- (2) an employee of the school board;
- (3) a partner of a person referred to in paragraph 1 or 2;
- (4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his partner, any share or interest in or in relation to a contract with the school board, receives a commission pursuant to such a contract or derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession.

254. Once the financial activities have been audited, the director general shall submit the financial statements of the school board and the external auditor's report to the council of commissioners at its first sitting after the receipt of the report.

The secretary general shall give public notice of the date, time and place of the sitting at least 15 days in advance.

255. At least one week before the sitting referred to in section 254, the director general shall publish a summary of the external auditor's report.

He shall submit to the Minister, at such time and in such form as he prescribes, the annual financial statement of the school board together with the external auditor's report.

256. Notwithstanding any inconsistent legislative provision, a school board may, with the authorization of the Minister and subject to such conditions as he prescribes, borrow money by any method recognized by law.

The Minister may grant to a school board a general authorization to borrow for a period not exceeding one year and up to such amount as he specifies.

At the request of the Minister, the school board, either directly or through the financial institution with which it does business, shall furnish him with any information he may require on its financial position.

257. No school board shall negotiate a loan on a money market other than the Canadian market or a loan which must be repaid, in whole or in part, in foreign currency without prior authorization from the Minister of Finance and the Minister of Education.

No school board shall contract such a loan or engage in any registration formality permitting access to a money market other than the Canadian market without obtaining such prior authorizations.

The loan authorization of the Minister of Education may prescribe the conditions of the loan.

Where the authorization limits the amount of the loan, that amount is deemed to be the par value of the bonds or other securities issued pursuant to that loan, regardless of any premium which may be payable upon repayment, or of the fact that the bonds or other securities may be sold at a premium or rebate.

The loan is deemed to be authorized both in foreign currency and in Canadian currency notwithstanding the difference that may exist between them when the loan is made or subsequently.

258. The Government may prescribe, by regulation, the nature and form of the information that must be supplied to the Minister of Finance and to the Minister of Education for the purposes of the first paragraph of section 257, as well as the time when it must be supplied.

Regulations under the first paragraph come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

259. A school board is, and has always been, at liberty to stipulate, in a procedure it is authorized to adopt in respect of a loan, that the bonds issued are redeemable before their date of maturity, at such time and on such terms and conditions as are specified in the procedure and for a price equal to or greater than their par value. The right of redemption shall be mentioned on the bonds, failing which it cannot be exercised against the will of the holders.

260. Redeemable bonds may, if the school board so wishes, be redeemed in advance on any date on which interest is due, on the terms and conditions specified at the time of their issue, and in every case, a notice shall be published in the *Gazette officielle du Québec* not less than 30 nor more than 60 days before the date of redemption and in one or more newspapers having general circulation in the territory of the school boards.

Within the same time limit, the notice shall be sent by registered or certified mail to the last known address of every registered holder of any bond the redemption of which is ordered.

261. Where the redemption of a bond is ordered, it shall cease to bear interest on the date specified in the notices if, on that date, the required amount was available at the place of payment.

§ 8.—*Functions relating to pupil transportation*

262. A school board which provides secondary education may provide partial or full transportation for its non-adult pupils and establish, by by-law, norms for that purpose.

It may provide the transportation itself if authorized by the Minister of Transport, or enter into a contract with a carrier for that purpose.

263. A school board which does not provide secondary education may, if authorized by the Minister of Transport after consultation with the Minister of Education, perform the functions provided for in this subdivision.

264. Pupil transportation provided by a school board before the beginning of classes and after the end of classes each day is free of charge. Where the transportation is provided under a contract with a public transit authority or with the holder of a bus transport permit, within the meaning of government regulations, the school board may claim from a pupil that portion of the cost of the transportation pass which corresponds to service in addition to service before the beginning of classes and after the end of classes each day.

No school board that provides pupil transportation at noon to allow pupils to have their meal at home may claim the cost thereof from the pupils unless the service is optional.

Whether or not a school board provides transportation at noon to allow pupils to have their meal at home, it is required to ensure supervision of the pupils who are not provided with transportation or who choose not to use such transportation.

265. A school board may enter into an agreement to provide transportation for all or some of the pupils of another school board, a private educational institution or a general and vocational college.

266. The cost of the transportation provided by one school board for another school board shall be assumed by the latter school board according to the cost of the transportation services received or in such proportion as is determined by the Government, after deducting the subsidies granted for such purposes.

267. The cost of transportation provided by a school board for a general and vocational college or a private educational institution shall be assumed by the college or institution according to the cost of the transportation services received, after deducting the subsidies granted for such purposes.

268. A school board may grant a pupil transportation contract after negotiating an agreement or following a call for public tenders.

In the case of a call for public tenders, the school board may reject every tender and call for other tenders or accept one although it is not the lowest tender or, in cases provided for by government regulation, reject every tender in order to enter into a contract after negotiating an agreement.

Every pupil transportation contract shall be made in writing and in accordance with government regulations.

No contract may be for a longer term than that determined by the Minister of Transport, or where it has not been so determined, three school years.

269. A school board, after having determined the number of available seats, may allow its adult pupils and persons other than its pupils or those pupils of another school board, a private educational institution or a general and vocational college designated in an agreement

as beneficiaries of the pupil transportation services it provides, to use its pupil transportation services until all available seats are filled, and determine the fare.

The person who effects pupil transportation is bound by the decision, notwithstanding any contrary provision contained in a pupil transportation contract.

This section does not apply where pupil transportation is integrated into the regular service of a public transit authority or of an authority which is the holder of a bus transport permit.

270. A school board, whether or not it is bound by a pupil transportation contract, may pay directly to the pupils an amount to cover all or part of their transportation costs.

271. Every school board providing pupil transportation shall receive a subsidy in the amount determined according to the budgetary rules established by the Minister of Transport after consultation with the Minister of Education and approval by the Conseil du trésor.

A school board shall provide the Minister of Transport with the information he may request for subsidy purposes at such time and in such form as he prescribes.

A school board entrusting the transportation of its pupils to another school board is not deemed to be providing pupil transportation for the purposes of this section.

272. The Minister of Transport may withhold or cancel any subsidy for pupil transportation in case of refusal to comply with this subdivision or the regulations made under section 417, or reduce the amount thereof where the service for which the subsidy is made is not provided or the conditions for obtaining the subsidy are not complied with.

DIVISION VII

TAXATION

§ 1.—*Preliminary provisions*

273. In this division,

(1) the words “municipality” and “clerk” have the same meaning as in the Act respecting municipal taxation;

(2) “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipal corporation by the comparative factor established for that roll under section 264 of the Act respecting municipal taxation;

(3) “taxable immovable” means

(a) a taxable unit of assessment, or the taxable part thereof if it is not entirely taxable;

(b) a non-taxable unit of assessment referred to in the first paragraph of section 208 of the Act respecting municipal taxation, or the part thereof referred to in that paragraph if the reference is not to its entirety;

(4) “owner” means the person in whose name a taxable immovable is entered on the assessment roll of a municipal corporation.

274. A school board, other than a school board situated in whole or in part on the Island of Montréal, shall levy a tax for the payment of expenses which are not otherwise provided for by government subsidies and by its other revenues.

The tax is levied on every taxable immovable situated in the school board’s territory except on any immovable whose owner is required or has elected to pay his school taxes to another school board which has jurisdiction over the territory where the immovable is located.

275. Every natural person who is the owner of a taxable immovable situated in the territory of two or more school boards shall pay his school taxes to the school board where he or his child is enrolled, except where an agreement has been made pursuant to section 196 or 197 by those school boards.

Where the owner and his child or children are enrolled in different school boards, the school tax is levied by each school board on a portion of the standardized assessment of the taxable immovable computed in proportion to the number of those persons enrolled in each school board.

276. Every signatory of a notice of dissent who is the owner of a taxable immovable shall pay his school taxes to the dissentient school board unless he or one of his children enrolls in another school board having jurisdiction over the territory where the immovable is situated or unless he serves a notice to the contrary before 1 April. Where such is the case, he shall send a copy of the notice to the municipality within the same time.

277. Every natural person who is the owner of a taxable immovable and who is not himself enrolled and who does not have any children enrolled in any of the school boards having jurisdiction over the territory where the immovable is situated may elect to pay his school taxes to any one of those school boards.

278. An election as to the payment of school taxes shall be made by way of a notice sent to every school board concerned before 1 April. The school board in whose favour the election is made shall forthwith transmit a copy of the notice to the regional school board, if any, of which it forms part and to the municipality.

The election remains in force until the person makes another election or revokes his election in the manner provided for in the first paragraph or until he enrolls himself or his child in another school board having jurisdiction over the territory where the immovable is situated.

279. Where a person referred to in the second paragraph of section 277 has not made an election but is entered on the last list of electors of one of the school boards having jurisdiction over the territory where the immovable is situated, he shall pay his school taxes to that school board.

The obligation under the first paragraph applies to every school year until the school year during which the following general election is held unless the owner or one of his children enrolls in another school board.

280. In the case of a taxable immovable owned by a legal person or a partnership, and in the case of a taxable immovable whose owner is not required or has not elected to pay his school taxes to one of the school boards, the school tax is levied by each school board on a portion of the standardized assessment of the taxable immovable computed in proportion to the number of pupils, other than adults, who, on 30 September of the preceding year, are enrolled in the schools of each school board.

The school boards concerned shall jointly determine the proportion of the tax to be levied by each of them.

281. Where the total amount of expenses for the payment of which a tax must be levied under section 274 exceeds 6% of the net expenditure of the school board or where the rate of the tax exceeds \$0.25 per \$100 of the standardized assessment of taxable immovables included in the real estate tax base of the school board, the tax is subject to the approval of the electors in accordance with sections 318 and following.

282. The “net expenditure” is equal to that amount of operating expenditures, without regard to the debt service for capital expenditures, which is eligible for the purpose of subsidies under the budgetary rules established by the Minister of Education, as specified in the approved budget of the school board.

§ 2.—Levy of school taxes

283. The tax base of the school tax is the standardized assessment of taxable immovables made by the municipalities.

284. The clerk of every municipality shall furnish to every school board wholly or partly included in the territory of the municipality a certified copy of the assessment roll of the taxable immovables situated in the common territory and an attestation of the standardization factor for that roll.

The clerk shall send the copy within 15 days of the filing of the assessment roll.

Copies or extracts shall be furnished upon payment of a fee at the applicable rate for the issue of municipal documents.

285. The council of commissioners shall set the school tax rate after the approval of the budget of the school board.

Where a school board has been authorized to incur expenses before the approval of its budget, the Minister shall determine the amount of the net expenditure for the purposes of section 281 and the school board may, notwithstanding the first paragraph, set the school tax rate on the basis of its budget estimates.

286. The school tax rate of a school board is the same for all taxable immovables.

School taxes are payable by the owner of the taxable immovable.

§ 3.—Collection of school taxes

287. Once the school tax is levied, the director general of the school board shall mail a request for payment of school taxes to every owner of an immovable which is taxable by the school board, except where the collection of the school tax is entrusted to the municipal corporation or municipality.

288. School taxes are payable 31 days from the sending of the tax bill.

School taxes are payable in a single payment.

289. School taxes bear interest at the rate fixed by the school board when it levies the tax.

290. No school board may waive the payment of school taxes or interest.

291. Any action for the recovery of school taxes brought against an owner is prescribed by three years from the date they become payable.

292. The municipal corporation or municipality having jurisdiction to send municipal tax bills in the territory of the school board or part thereof shall collect the school taxes of the school board if the board so requests.

The municipal corporation or municipality shall collect, on behalf of the school board, the amount of the school taxes in any manner it sees fit and with the same rights and obligations as for the collection of municipal real estate taxes.

Notwithstanding the foregoing, the payment of school taxes of a school board shall be demanded in a single payment but shall not necessarily be demanded in the same bill as the municipal tax.

293. The municipal corporation or municipality may deduct an amount to cover expenses incurred in collecting the school tax by agreement with the school board or, failing agreement, in accordance with the rules prescribed by government regulation.

294. The municipal corporation or municipality shall pay the amount of the school tax to the school board as and when it is collected or as agreed between them.

295. The municipal corporation or municipality shall remit to the school board any additional amount, including interest, payable by an owner under the Act respecting municipal taxation.

The school board shall remit to the municipal corporation or municipality any amount, including interest, reimbursed to an owner under the Act respecting municipal taxation.

The remittances shall be made on the first day of the month of April, July or November following the due date of the billing or the reimbursement of the amount, whichever of those three dates is closest.

Any amount remitted after the applicable time limit bears interest at a rate equal to the maximum rate fixed under section 50 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) from the expiration of that time limit. If the maximum rate is changed after the expiration of that time limit but before the amount is paid, the new rate applies from passage of the order.

296. Notwithstanding any legislative provision to the contrary, every municipal corporation or municipality shall pay to the school board the contributions or subsidies that are given in lieu of the school tax within 15 days of their collection.

Where a municipal corporation or municipality receives a partial payment, it shall, within the same time limit, pay a part of that payment to the school board proportionate to the ratio between the amount owing as school tax and the total amount.

Every amount remitted after the time limit bears interest at the rate prescribed under the fourth paragraph of section 295.

297. The clerk of the municipal corporation or municipality shall forward to the school board any information it requires in writing in respect of the school tax and the contributions or subsidies given in lieu thereof.

§ 4.—*Recovery of school taxes*

1. Seizure and sale of movable property

298. The provisions of the Code of Civil Procedure respecting the seizure in execution of movable property apply except as otherwise provided in this subdivision.

299. The director general may collect, with costs, the taxes due by any owner by the seizure and sale of his movable property not exempt from seizure that is found in the territory of the school board.

300. The seizure and sale are made under a writ prepared by the chairman of the school board and signed and issued by the clerk of the Provincial Court or the prothonotary of the Superior Court, according to the amount of the claim.

The clerk or the prothonotary shall issue the writ upon production of a certificate from the chairman of the school board attesting the amount of the debt and the fact that it is due and owing.

301. The writ is addressed to a bailiff, who shall execute it in the same manner as a writ of seizure in execution of movable property issued by the Provincial Court.

302. The bailiff shall announce the day and place of sale of the seized movable property by public notice given in accordance with the Code of Civil Procedure.

303. The public notice shall state the name and address of the person whose property is to be sold.

2. Oppositions to seizure and sale of movable property
and oppositions to payment out of proceeds of sale

304. The debtor and any person having a right of property or of pledge in the property seized may oppose the seizure and sale, the former on any of the grounds listed in article 596 of the Code of Civil Procedure, and the latter on any of the grounds listed in articles 597 and 604 of the said Code.

In addition to the grounds mentioned in article 596 of the Code of Civil Procedure, opposition to annul may be brought before the court of competent jurisdiction for any cause likely to affect the claim of the school board.

305. The opposition shall be accompanied by an affidavit attesting that the allegations therein contained are true, and that it is not made with intent to unjustly delay the sale, but with a view to obtaining justice. It shall be served upon the bailiff entrusted with the execution of the writ of seizure and returned to the office of the Provincial Court, within eight days following the service.

306. On being served with an opposition, the bailiff shall stay his proceedings, and, within eight days following the service, he shall return all his proceedings respecting the writ of seizure to the office of the court mentioned in the opposition.

307. The opposition shall thereafter be contested, heard and decided according to the rules of procedure governing oppositions to the seizure and sale of movable property before the court in which it is brought.

308. Where the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with the seizure, or any other bailiff, to proceed on the writ of seizure, and, upon the delivery to him of such writ and of a copy of the judgment, the bailiff shall proceed with the sale of the movable property seized, after notice given in the manner provided in the Code of Civil Procedure.

309. Where no opposition to the distribution of the proceeds of the sale of the seized movable property is made, the bailiff shall return the writ and his proceedings, and remit the proceeds of the sale, after deducting the costs of seizure and sale, to the director general, who shall apply such proceeds towards the payment of the school taxes for which the writ of seizure was issued.

310. Where an opposition is made to the payment of the proceeds of the sale, the bailiff shall remit the moneys in his possession, after deducting the costs of seizure and sale, to the director general, who shall receive them on deposit, and make a return of all his proceedings respecting the seizure and sale to the court.

The opposition shall thereafter be contested, heard and decided according to the rules of procedure governing oppositions to payment before the court in which it is brought.

The proceeds of the sale shall be distributed by the court, and paid by the director general as ordered by the court.

311. If there is any surplus, the director general shall pay it to the owner whose property was sold.

3. Sale of immovable property

312. Before the beginning of the month of November every year, the director general shall prepare a statement of the school taxes remaining due and owing by owners.

The statement shall show the name and address of each owner and describe the taxable immovables subject to the school tax according to the assessment roll. The description of the taxable immovables is made in accordance with the provisions of the Cities and Towns Act (R.S.Q., chapter C-19) respecting the sale of immovables for non-payment of taxes.

313. The statement shall be submitted to the council of commissioners for approval.

Before the beginning of the month of November, the director general shall transmit the approved statement to the secretary-treasurer of the local municipal corporation governed by the Municipal Code of Québec in whose territory the immovables are situated.

The provisions of the Municipal Code of Québec respecting the sale of immovables for non-payment of taxes, including the redemption of immovables sold, apply.

Where the taxes to be collected relate to immovables situated in a city or town, the provisions of the Cities and Towns Act respecting the sale of immovables for non-payment of taxes and the redemption of immovables sold apply, adapted as required.

314. Where the director general of a school board receives from the secretary-treasurer of the municipal corporation a statement of the immovable property to be sold for taxes by the secretary-treasurer of the regional county municipality, he shall, if he has not already done so under section 313 with respect to the secretary-treasurer of the local municipal corporation, forward to the secretary-treasurer of the regional county municipality, before 31 December, a statement showing the amount of school taxes due and affecting each such immovable for school purposes; the secretary-treasurer of the regional county municipality shall take such claim into account in preparing his list.

315. Where immovables in the territory of a school board are put up for sale for non-payment of school taxes, the school board may bid for and purchase immovables through its chairman or another person authorized by the school board, without being bound to pay the purchase price forthwith.

The school board may also bid for and purchase those immovables at any sheriff's sale or any other sale having the effect of a sheriff's sale.

In no case, however, may the bid of the school board exceed the amount of the school taxes in principal, interest and costs, plus a sufficient amount to satisfy any privileged claim of prior or equal rank to the school taxes, in which case the school board shall pay the purchase price in the same manner as any other bidder.

316. The school board shall enter in its own name the immovables purchased at auction upon the assessment and collection rolls and upon the special apportionment rolls; such immovables shall remain subject to municipal and school taxes like any other immovable and shall be so assessed but the municipal taxes shall not be collectable from the school board.

If the right of redemption is exercised, the redemption price shall include, in addition to the amount paid by the school board for the immovable and interest thereon at 10%, the amount of the municipal and school taxes levied on the immovable from the date of the auction purchase to the date of the redemption, or the instalments due upon such taxes if they are payable by instalments, and also the sums of money owing for municipal and school taxes which were not paid in the distribution of the proceeds of the sale.

After the redemption, the undue instalments of special taxes shall continue to encumber the redeemed immovable and the owner shall be liable therefor.

If the right of redemption is not exercised within the period fixed by law, the director general, sheriff or prothonotary, as the case may be, shall draw up and sign a deed of sale in favour of the school board and cause it to be registered.

317. Immovables acquired at auction by the school board which are not redeemed shall be sold at auction or by private sale, as the school board may determine.

§ 5.—*Referendum*

318. Where the levy of a school tax is subject to the approval of the electors, a referendum shall be held in accordance with sections 319 to 326, and sections 13 to 21, 24 to 32, 77 to 180 and 191 to 196 of the Act respecting school elections shall apply, adapted as required.

However, the list of electors for the purposes of the referendum is the list that was used for the last general election of commissioners, subject to applications for entry, striking off or correction.

Sections 46 to 49 of the Act respecting school elections apply to the revision of the list of electors used for the purposes of the referendum.

319. The council of commissioners of the school board shall fix and give public notice of the referendum date.

320. The list of electors shall be filed at least 45 days before the referendum date.

321. The following shall be printed on the ballot paper:

“Do you approve the levy of a tax at the rate of (X) cents per hundred dollars of standardized assessment of taxable immovables for the (*name of the school board*)?”

YES	
NO	

Beneath shall appear whichever of the following notes is appropriate:

(If the limit it is proposed to exceed is 6%:)

“NOTE: The anticipated revenue from this tax corresponds to (y)% of the net expenditure of the school board for the school year (*insert here the school year*), which is, (z)% more than the legal limit.

If the levy of the tax is approved, the first percentage mentioned above constitutes the new legal limit for that purpose for the school year (*insert here the school year*) and the following two school years.”

(Or, if the limit it is proposed to exceed is the rate of 25 cents per \$100 of assessment:)

“NOTE: This rate corresponds to (x) cents per \$100 of standardized assessment more than the legal limit.

If the levy of the tax is approved, the rate of this tax constitutes the new legal limit for that purpose for the school year (*insert here the school year*) and the following two school years.”

(Or, if it is proposed to exceed both limits:)

“NOTE: The anticipated revenue from this tax corresponds to (x)% of the net expenditure of the school board for the school year (*insert here the school year*), which is (y)% more than the legal limit.

The rate of this tax corresponds to (z) cents per \$100 of standardized assessment more than the legal limit.

If the levy of the tax is approved, the rate of this tax and the first percentage mentioned in the first paragraph constitute the new legal limits for the school year (*insert here the school year*) and the following two school years.”

322. The returning officer for the referendum shall, if so requested in writing, appoint for each polling station a representative for those persons voting “YES” and a representative for those voting “NO”.

The appointment of a representative shall be made in writing and signed by the returning officer. It shall indicate the surname, given name, occupation and residence of the representative and the polling station in which he may act.

323. If the results show a majority of “NO” votes, the tax levy is disapproved and the school board shall levy a tax within the limits prescribed in this Act.

In the event of a tie-vote, the chairman of the school board shall have a casting vote.

324. The returning officer shall certify the returns and declare, over his signature, whether the school tax has been approved or disapproved, giving the necessary particulars.

The returning officer shall table the returns before the council of commissioners at its next sitting.

325. Where the school tax is approved, the percentage or the rate higher than the limit provided in section 281 constitutes the new maximum percentage or rate for the purposes of that section for the current school year and the following two school years.

326. Where, following a contestation, the court annuls a referendum, it may order a new referendum, fix the referendum date and, where required, order the preparation of a new list of electors.

DIVISION VIII

REGIONAL SCHOOL BOARDS

§ 1.—*Establishment*

327. The Government may, in the order referred to in section 97, divide the territory of Québec or part of it into territories for French language regional school boards and divide that territory or part of it into territories for English language regional school boards.

A regional school board shall be established in each territory. The name of the regional school board shall be determined in the order.

328. The French language or English language school boards, as the case may be, whose territories are within that of a French language or English language regional school board shall form part of the regional school board.

329. On application therefor by the school boards concerned, the Government may, by order, establish the school boards as one new regional school board and determine its name.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The territory of the regional school board shall comprise the aggregate of the territories of the member school boards.

330. A regional school board is a public legal person having the necessary powers to carry out the functions conferred on it by this Act.

331. The Government may, by order, change the name of a regional school board that applies therefor.

The order comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

332. The head office of a regional school board shall be located at the place fixed by the council of commissioners in the territory of the regional school board. The secretary general shall forward a copy of the resolution to the Minister.

The regional school board shall give public notice of the location of the head office or any change thereof.

333. On application therefor by a school board and a regional school board, the Government may, by order, authorize the school board to form part of the regional school board.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The limits of the territory of the regional school board shall be changed, from the date of coming into force of the order, to include the territory of the school board that has joined.

Section 105 applies to the apportionment of the rights and obligations of the school board between itself and the regional school board. Section 106 applies to the transfer of ownership of an immovable.

334. The Government may, by order, authorize a school board applying therefor to withdraw from the regional school board of which it forms part.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

The limits of the territory of the regional school board shall be changed, from the date of coming into force of the order, to exclude the territory of the school board that has withdrawn.

Section 105 applies to the apportionment of the rights and obligations of the regional school board between itself and the school board that has withdrawn. Section 106 applies to the transfer of ownership of an immovable.

335. Where a school board withdraws, the secretary general of the regional school board shall, where necessary, within 30 days before the date on which the order comes into force, provide for the election of the representative and the chairman of the parents' committee of the regional school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 126 and 172.

336. The secretary general of a school board that ceases to form part of a regional school board shall, within 30 days of the coming into force of the order, provide for the election of the representatives and the chairman of the parents' committee of the school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 126 and 172.

337. The Government may, in an order made under section 101 by which it amalgamates the territories of all the school boards forming part of the regional school board, discontinue the regional school board.

338. The rights and obligations of the regional school board and those of each of the school boards whose territories are amalgamated become, on the date of coming into force of the order, the rights and obligations of the new school board resulting from the amalgamation.

Section 106 applies to the transfer of ownership of an immovable.

339. On application therefor by the sole school board in a regional school board, the Government may, by order, discontinue the regional school board.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

340. The rights and obligations of the regional school board become, on the date of coming into force of the order, the rights and obligations of the school board.

Section 106 applies to the transfer of ownership of an immovable.

341. The secretary general of the sole school board shall, within 30 days of the date on which the changes take effect, provide for the election of the representatives and the chairman of the parents' committee of the school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 126 and 172.

342. On application therefor by the regional school boards concerned, the Government may, by order, annex their territories totally or amalgamate them.

In cases of amalgamation, a new regional school board shall be established in the territory determined in the order.

The school boards forming part of amalgamated or annexed regional school boards shall form part of the new regional school board resulting from the amalgamation or of the annexing regional school board.

343. On application therefor by a regional school board, the Government may, by order, divide the territory thereof to form the new territory of a regional school board or to annex part of its territory to that of a regional school board that consents thereto.

Where the territory is divided for the formation of a new territory, a new regional school board shall be established in the territory determined in the order.

344. The order made under section 342 or 343 shall indicate, where necessary, the name of the new regional school board and the name of the person who is to act as director general until the council of commissioners appoints a person to the office of director general.

The order made under section 343 shall also indicate the name of the school boards forming part of each of the regional school boards concerned by the division or forming part of the regional school board resulting from the division.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

345. Sections 104 and 106 apply in cases provided for in section 342 and sections 105 and 106 apply in cases provided for in section 343, adapted as required.

§ 2.—*Council of commissioners*

1. Composition

346. Every regional school board shall be administered by a council of commissioners composed of the following persons:

(1) all the commissioners of the school boards forming part of the regional school board who are elected or appointed pursuant to the Act respecting school elections and, where such is the case, pursuant to sections 347 and 348 of this Act;

(2) the commissioner who represents the parents' committee of the regional school board and is elected in the manner provided for in section 126.

The director general of the regional school board shall take part in the sittings of the council of commissioners but is not entitled to vote thereat.

347. Notwithstanding subparagraph 1 of the first paragraph of section 346, the Minister may, on application therefor by all the school boards forming part of a regional school board, reduce to not less than five the number of commissioners from each school board.

The decision of the Minister shall come into force on the thirtieth day following its publication in the *Gazette officielle du Québec*. Before the coming into force of the decision, each school board shall appoint the commissioners who are to be members of the council of commissioners of the regional school board. Where a member of the council of commissioners ceases to hold office during a term for one of the reasons provided for in section 181 of the Act respecting school elections, the school board that appointed him shall replace him.

348. The decision made by the Minister under the first paragraph of section 347 shall have effect for the unexpired portion of the then current school year and for the two subsequent school years. Thereafter, the number fixed by the Minister shall remain the same unless all the school boards that form part of the regional school board apply to the Minister for a review of his decision made pursuant to the first paragraph of section 347. The decision of the Minister on such application comes into force on the thirtieth day following the day of its publication in the *Gazette officielle du Québec*.

349. The commissioners contemplated in subparagraph 1 of the first paragraph of section 346 shall be members of the regional school board during their terms of office as school commissioners of the school board forming part of the regional school board.

350. Sections 127 to 129, adapted as required, apply to the representative of the parents' committee.

2. Operation

351. Sitzings of the council of commissioners shall be called by a public notice given by the secretary general at least seven clear days before each sitting.

352. A copy of the public notice shall be sent by registered or certified mail to each school board forming part of the regional school board.

353. Sections 135 to 161, adapted as required, apply to regional school boards.

§ 3.—*Committees of regional school boards and directors general*

354. The council of commissioner may establish an executive committee that shall include the following persons:

(1) the chairman of the regional school board who shall be the chairman of the committee;

(2) at least one commissioner from each school board forming part of the regional school board;

(3) the commissioner who represents the parents' committee.

The director general of the regional school board shall take part in the sittings of the executive committee but is not entitled to vote thereat.

355. Sections 163 to 186, adapted as required, apply to regional school boards.

§ 4.—*Functions*

356. A regional school board has sole authority to provide secondary education in its territory for and on behalf of the school boards forming part of it.

A school board may, on the conditions it determines, delegate to the regional school board of which it forms part, some or all of its functions relating to preschool and elementary education. The resolution to that effect is subject to the approval of the regional school board and the Minister.

Any change in the conditions contained in the resolution shall also be submitted for approval.

357. Every regional school board may provide partial or full transportation for its pupils and for those of a school board forming part of it and which is not authorized to provide such transportation and, by by-law, establish norms for that purpose.

It may, with authorization from the Minister of Transport, provide the transportation itself or enter into a contract with a carrier for that purpose.

This section does not apply to the transportation of adults.

358. For the purposes of section 269, the pupils of school boards forming part of the regional school board which provides their transportation are deemed to be pupils of the regional school board.

359. Sections 187 to 272, adapted as required, apply to regional school boards.

§ 5.—*Taxation*

360. Sections 273 to 326, except sections 292 to 297, apply to regional school boards, adapted as required.

361. Every obligation or election as to the payment of the school tax in favour of a school board pursuant to sections 275 to 279 also applies in respect of the regional school board of which the school board forms part. Such an obligation or election in favour of a regional school board also applies in respect of each of the school boards forming part of the regional school board.

362. For the purposes of section 281, the real estate tax base of a regional school board is equal to the aggregate standardized assessments of taxable property in its territory, multiplied by the proportion that the number of pupils other than adults who, on

30 September of the preceding school year, were enrolled in the schools of the regional school board is of the total number of pupils other than adults who, on 30 September of the preceding school year, were enrolled in the schools of the regional school board and of the school boards forming part thereof.

The real estate tax base of a school board forming part of the regional school board is then equal to the aggregate standardized assessments of taxable property in its territory, multiplied by the difference between one and the proportion determined in the first paragraph.

363. Every school board forming part of a regional school board must collect or cause to be collected the taxes of the regional school board in accordance with section 292.

Where a school board causes the taxes of the regional school board to be collected, the regional school board shall assume the collection expenses agreed on between the school board and the municipal corporation.

364. The director general of a school board forming part of a regional school board must enter, in a book or register kept for that purpose, the school taxes of the regional school board.

The school board shall remit to the regional school board the amount of the taxes collected in any month not later than the fifteenth day of the following month.

Any late remittance shall bear interest at an annual rate of 6% from the time it was due.

However, a regional school board may, within 30 days before the end of the school year, order a higher rate of interest; the rate so ordered applies for the following school year.

DIVISION IX

PROCEDURE

§ 1.—*By-laws and resolutions*

365. Fifteen days' public notice shall be given prior to the adoption of a by-law by a school board, indicating its object, the day appointed for its adoption and the place where it may be examined.

The school board shall forward to each orientation committee and to the parents' committee a copy of every draft by-law within the same period before adoption.

366. Fifteen days' public notice shall be given prior to the adoption of a resolution by a school board authorizing an application to be made to the Government for the making of an order pursuant to this Act, indicating the object of the resolution and the day appointed for its adoption.

The school board shall forward to each orientation committee and to the parents' committee a copy of every draft resolution within the same period before adoption.

367. By-laws come into force on the tenth day after publication of a public notice that they have been adopted or on any later date indicated in the notice.

368. The director general of a school board shall forward a true copy of the by-laws to each orientation committee and to the parents' committee not more than five days after publication of the public notice.

369. All by-laws shall be recorded in a by-law registry kept at the head office of the school board.

Each entry of by-laws in the by-law registry shall be signed by the chairman and the director general of the school board.

§ 2.—*Public notices*

370. All public notices shall be posted up in each school of the school board and published in at least one newspaper circulated in the territory of the school board.

371. The notice shall indicate its object and shall be published within the time limit prescribed by this Act or, where none is prescribed, as soon as possible.

CHAPTER V

CONSEIL SCOLAIRE DE L'ÎLE DE MONTRÉAL

DIVISION I

INCORPORATION AND COMPOSITION

372. The Council established by the Act to promote school development on the island of Montreal (1972, chapter 60) under the name of "School Council of the island of Montreal" in English and "Conseil scolaire de l'île de Montréal" in French is hereby continued under the French name.

The Council has jurisdiction over the school boards situated in whole or in part on the island of Montréal in those matters that are assigned to it.

373. The Council is a public legal person having the powers necessary for the discharge of its functions under this Act.

374. The head office of the Council shall be in the city of Montréal, but the Council may transfer it elsewhere on the island of Montréal.

The Council shall give a public notice of the location or of any relocation of the head office.

375. The Council shall consist of members designated in the following manner:

(1) the Commission des écoles catholiques de Montréal shall designate, within 30 days following the election of its members, six persons from among them;

(2) the Protestant School Board of Greater Montréal shall designate, within 30 days following the election of its members, two persons from among them;

(3) each of the other school boards on the island of Montréal shall designate, within 30 days following the election of its members, one person from among its members;

(4) the members designated under the preceding paragraphs shall designate, from among themselves, a person to act as chairman; the school board represented by that person shall designate another of its members to represent it on the Council.

If a school board fails to designate such members within the prescribed time, the Government may appoint them from among the members of that school board on the recommendation of the Minister.

Each school board having only one member on the Council may designate another of its commissioners as a substitute to sit and vote in the member's stead when he is unable to take part in a sitting of the Council.

The director general shall take part in the sittings of the Council but is not entitled to vote thereat.

376. The term of office of the members of the Council shall be of the same duration as that of their term as school commissioners.

Notwithstanding the foregoing, subject to section 181 of the Act respecting school elections, the members of the Council remain in office until they are replaced or reappointed.

377. No officer or employee of the Council shall be designated or appointed a member of the Council.

DIVISION II

OPERATION

378. The director general shall convene the members of the Council within 15 days after the time allowed for their designation or appointment.

One member of the Council shall chair the first sitting until the chairman of the Council is appointed.

379. A vacancy in the office of chairman shall be filled within 30 days.

The school board represented by the person elected as chairman shall designate another of its members to represent it on the Council.

380. The Council shall establish its rules of internal procedure.

The rules must provide, in particular, for

- (1) the holding of not fewer than four sittings each year;
- (2) the sending of a copy of the notice calling a sitting and the agenda of sittings of the Council to each school board on the island of Montréal;
- (3) a period at each sitting of the Council during which the persons attending may put verbal questions to the members of the council; the rules may prescribe the length and time of the question period and the procedure to be followed to put a question.

The Council shall forward a copy of its rules of internal procedure to each school board on the island of Montréal.

381. The Council may, by by-law, delegate such functions as it may indicate to the executive committee, the director general or another member of the Council.

382. Sections 139 to 143, 148, 151 to 156, 158 to 161 and 365 to 371, adapted as required, apply to the Council.

DIVISION III

EXECUTIVE COMMITTEE

383. The Council may establish an executive committee.

The committee shall be composed of the following members:

(1) the chairman of the Council, who shall be the chairman of the committee;

(2) not more than four other members designated by the Council.

The director general of the Council shall take part in the sittings of the executive committee but is not entitled to vote thereat.

384. The executive committee shall perform such duties as the Council delegates to it by by-law.

385. Sections 139 to 143, 151 to 156, 159, 160 and 365 to 371, adapted as required, apply to the executive committee.

386. The executive committee shall establish its rules of internal procedure and forward a copy thereof to the Council and to each school board on the island of Montréal.

DIVISION IV

STAFF

387. The Council shall appoint a director general and the necessary staff for its operations.

Section 183, adapted as required, applies to the director general of the Council.

388. The director general is responsible for day-to-day administration and management of the resources of the Council.

He shall see that the decisions of the Council and any decisions of the executive committee are carried out, and perform such tasks as they may assign him.

389. The Council shall designate a member of its executive staff to perform the duties of the director general if he is unable to act.

DIVISION V

FUNCTIONS

390. The Council, with the authorization of the Minister and on the conditions he determines, may, in its own capacity, borrow money by any legal means for its purposes and the purposes of school boards on the island of Montréal other than confessional school boards. The Council may, however, pursuant to agreements with confessional school boards, borrow money for their purposes.

Sections 256 to 261, adapted as required, apply to the Council.

391. Where the Minister authorizes a school board on the island of Montréal to borrow money in the manner provided for in the second paragraph of section 256, the school board may, pursuant to an agreement, entrust the Council with the power to borrow money on its behalf in accordance with the authorization.

392. The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities issued by the Council for its purposes or the purposes of the school boards on the island of Montréal or that form part of the bonded debt of the Council on 1 July 1989 shall be derived from the general revenue of the Council and the school boards of the island of Montréal; those bonds or other evidences of indebtedness or securities constitute a direct, general and unconditional undertaking of the Council and of the school boards ranking *pari passu* with all other undertakings of the Council and of the school boards in respect of loans of money not secured by hypothec or other encumbrance.

393. The bonds or other evidences of indebtedness or securities forming part of the debt of the Council on 1 July 1989 constitute a direct, general and unconditional undertaking of the Council, the school boards and the confessional school boards; the bonds or other evidences of indebtedness or securities issued by a confessional school board must rank *pari passu* with all other undertakings of the Conseil scolaire de l'île de Montréal and of the school boards on the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.

394. Before being delivered, every bond issued by the Council shall be stamped with the seal of the Ministère des Affaires municipales and provided with a certificate of the Minister of Municipal Affairs

or of a person specially authorized by him attesting that the resolution authorizing the issue thereof has been approved by the Minister of Municipal Affairs and that such bond is issued in accordance with that resolution.

Every bond issued pursuant to a resolution approved by the Minister of Municipal Affairs that bears such seal and certificate is valid and its validity cannot be contested for any reason.

This section does not apply to any issue of bonds made or to any loan contracted after 7 March 1982.

395. The Council may authorize a person designated by it to keep, outside Québec, in its place and stead, a register for the entry of the bonds or other evidences of indebtedness or securities redeemable in foreign currency issued by it or already included in its bonded debt. The register will also serve for the entry of the surnames, given names and addresses of the original holders or transferees of the bonds or other evidences of indebtedness or securities redeemable in foreign currency, the amount, date of issue and number of each such bond or other evidence of indebtedness or security, and the date on which each such entry is made.

Sections 23 and 24 of the Act respecting municipal and school debts and loans cease from such date to apply in respect of the bonds or other evidences of indebtedness or securities in respect of which the entry is made.

This section does not apply to any issue of bonds made after 7 March 1982.

396. The Council shall receive government subsidies relating to the bonds or other evidences of indebtedness or securities forming part of any bonded debt contracted for its purposes and those of the school boards on the island of Montréal other than confessional school boards.

The Council shall also receive government subsidies allocated to a confessional school board, as a contribution for the payment in principal and interest of loans, where, pursuant to an agreement, the Council has contracted such loans itself for the purposes of the confessional school board.

397. The Council is a school corporation within the meaning of article 9810 of the Civil Code.

398. The Council, by by-law, shall adopt measures calculated to ensure the upgrading of instruction in underprivileged areas of school boards on the island of Montréal.

399. The Council shall provide, following an agreement, technical support services to the school boards on the island of Montréal. The agreement shall provide for the costs of such services.

400. The Council, pursuant to a resolution of every school board on the island of Montréal, shall provide for the planning of their development and see to the organization of joint services that may be of benefit to them.

For that purpose, the Council shall carry out the functions of the school boards on the island of Montréal in respect of those matters indicated in the resolution referred to in the first paragraph.

The resolution shall be adopted on a recommendation supported by the vote of two-thirds of the members of the Council.

The council may make recommendations concerning

(1) the development of technical or vocational education and adult education;

(2) the development of particular educational services intended for handicapped pupils or for pupils with social maladjustments or learning disabilities;

(3) the promotion of the teaching of good eating habits;

(4) the plan of allocation and destination of the immovables owned by school boards;

(5) the administration of subsidies granted to school boards pursuant to budgetary rules established by the Minister of Education or the Minister of Transport;

(6) the development of research and models in the field of intercultural education.

The resolution referred to in this section is valid for a period of three years. It may be renewed in accordance with the procedure provided for in this section for further periods of three years.

401. The Council shall levy a tax for the payment of its expenses as well as those of the school boards on the island of Montréal which have not been otherwise provided for by government subsidies and their other revenues for the following school year and to ensure the upgrading of instruction in underprivileged areas of school boards.

Sections 273, 283, 284, 293 and 295 to 297, adapted as required, apply to the Council.

The school boards on the island of Montréal shall, on request, transmit such information or documentation to the Council as it may require for the purposes of school taxation.

Where part of the territory of a school board on the island of Montréal is outside the territory of the island of Montréal, the Council shall exercise the powers of taxation of that school board on that part of the territory in accordance with sections 273 to 326.

402. The rate of the school tax levied by the Council shall be the same for all the taxable immovables on the island of Montréal.

The school tax shall be paid by the owner of the taxable immovable.

The Council shall inform the clerk of each municipal corporation on the island of Montréal of the tax rate within ten days of its adoption.

403. Every municipal corporation on the island of Montréal shall collect the school tax levied by the Council.

It shall collect, on behalf of the Council, the amount of the school tax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal real estate taxes.

Notwithstanding the foregoing, the payment of school taxes of a school board shall be demanded in one payment and there is no obligation to demand payment of the school tax in the same bill as the municipal tax.

404. The municipal corporation shall pay the amount of the school tax to the Council not later than 1 April each year; the remittance shall be made notwithstanding any Act governing the municipal corporation and regardless of whether that tax has been collected.

Any amount paid after the specified time bears interest at a rate equal to the maximum rate established under section 50 of the Act respecting municipal debts and loans from the expiration of that time. If the maximum rate is changed after the expiration of that time but before the amount is paid, the new rate applies from passage of the order.

The municipal corporation may borrow, without any approval, any sufficient amount to pay the amount referred to in the first paragraph when due; the proceeds of the school tax then due belong to it and it may use them to repay the loan.

405. The Council shall receive the proceeds of the school tax for the account of the school boards and remit to each school board the portion to which it is entitled, to a maximum amount representing either 6% of the net expenditure of the school board or a taxation rate of \$0.25 per \$100 of the standardized assessment of taxable property included in the real estate tax base of each school board.

406. Where the full amount of expenditures of a school board for the payment of which an assessment is required under section 401 exceeds 6% of the net expenditure of the school board, or where the taxation rate of the assessment exceeds \$0.25 per \$100 of standardized assessment of taxable property included in the real estate tax base of the school board, the school board shall collect the excess itself by way of a surtax. Sections 275 to 280 apply for the purpose of determining the real estate tax base of a school board.

Before collecting the surtax, the school board shall obtain the approval of its electors. Sections 318 to 326, adapted as required, apply to the levy of the surtax.

The words “net expenditure” have the same meaning as in section 282.

407. The surtax shall be levied by a school board on any taxable immovable situated in its territory, except immovables the owners of which are required or have elected to pay their school tax to another school board having jurisdiction over the territory in which the immovable is situated.

In the case of an immovable owned by a legal person or a partnership or in the case of a taxable immovable the owner of which is not required or has not elected to pay his school tax to any specific school board, the school tax shall be levied by each school board on a portion of the standardized assessment of the taxable immovable, computed in proportion to the number of pupils other than adults who, on 30 September of the preceding school year, are enrolled in the schools of each school board.

The school boards concerned shall determine the proportion jointly.

408. The school boards shall collect the surtaxes they levy themselves. They may, however, enter into an agreement with the municipal corporation having jurisdiction as regards the sending of

municipal tax bills in the territory or part of the territory of the school board in order to provide that the municipal corporation will collect the surtax on behalf of the school board.

Where an agreement is entered into, the municipal corporation shall collect, on behalf of the school board, the amount of the surtax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal real estate taxes. In such case, sections 293 to 295 and 297 apply.

Notwithstanding the foregoing, the payment of the surtax of a school board shall be demanded in one payment and there is no obligation, where the surtax is collected by a municipal corporation, to demand payment thereof in the same bill as the municipal tax.

The clerk of the Provincial Court and the prothonotary of the Superior Court have the same powers in actions for recovery of surtaxes as the powers they have in actions for recovery of municipal taxes.

409. The prescription periods and the charges relating to the surtax and the rights and obligations of persons with respect to the surtax shall be the same as those applicable to municipal real estate taxes.

410. Where the full amount of expenditures of the Council to ensure the upgrading of instruction in underprivileged areas of school boards exceeds the difference between the total amount of expenditure of the school boards on the island of Montréal for the payment of which a tax is levied under section 401 and 6% of the total amount of their net expenditure and that of the Council, or where such amount brings the taxation rate of the tax above \$0.25 per \$100 of the standardized assessment of taxable property included in the real estate tax base of the school boards, the tax levied by the Council shall be submitted to the electors for approval in accordance with sections 318 to 326.

The resolution approving the surtax referred to in the first paragraph shall determine the apportionment of the surtax among the school boards on the island of Montréal and be adopted by the vote of two-thirds of the members of the Council.

411. The Council shall each year, on the date fixed by the Minister, prepare its budget for the ensuing school year and transmit it to the Minister. It shall transmit copy of it to every school board on the island of Montréal.

412. The fiscal year of the Council begins on 1 July each year and ends on 30 June the following year.

Sections 243 to 249 and 251 to 255, adapted as required, apply to the Council.

CHAPTER VI

THE GOVERNMENT AND THE MINISTER OF EDUCATION

DIVISION I

REGULATIONS

413. The Government may make regulations to be known as the “basic school regulations”.

The basic school regulations may

(1) determine the nature and objectives of educational services as well as their general organizational framework;

(2) determine rules on the admission and enrollment of pupils and on school attendance;

(3) determine rules on the evaluation of learning achievement and the certification of studies;

(4) fix a date, between the beginning of the school year and 1 January, for determining the age at which a person is eligible for educational services;

(5) provide for the admission of pupils or categories of pupils under five years of age and indicate, on conditions prescribed therein, the educational services that they are to receive;

(6) authorize the Minister to draw up a list of the school boards to which subparagraph 5 applies;

(7) authorize a school board, on conditions prescribed therein, to exempt a pupil from a subject other than Catholic or Protestant moral and religious instruction or moral instruction;

(8) authorize the Minister to effect a gradual implementation of the provisions of the basic school regulations concerning the ratio of compulsory subjects to elective subjects and concerning the rules governing certification of studies;

(9) authorize the Minister to establish the procedure for applying the rules governing certification of studies and to exempt a category of pupils he indicates from the application of some of those rules;

(10) authorize the Minister to waive the requirements of a provision of the basic school regulations, upon application therefor giving reasons, where the enforcement of the provision is likely to be detrimental to a pupil.

The Government may establish, by regulation, basic school regulations applicable to adults; such a regulation may deal with the matters referred to in subparagraphs 1, 2, 3, 8, 9 and 10 of the second paragraph.

The power of the Government to establish basic school regulations is, in respect of matters referred to in subparagraphs 1 and 3 of the second paragraph and in the third paragraph, exercised subject to the regulatory powers of the confessional committees provided for under section 22 of the Act respecting the Conseil supérieur de l'éducation.

414. The Government may define, by regulation, the special educational services intended for handicapped pupils and pupils with social maladjustments or learning disabilities.

415. The Government may establish, by regulation,

(1) for all or certain school boards, a position classification, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., chapter C-27);

(2) the requirements and procedure applicable to the issuance of teaching certificates and permits and the term of such permits;

(3) the standards for evaluating the formal training of teachers for the determination of their qualifications.

The power of the Government provided for in subparagraph 2 of the first paragraph is exercised subject to the regulatory powers of the confessional committees provided for under section 22 of the Act respecting the Conseil supérieur de l'éducation.

416. The Government may, by regulation,

(1) determine the norms, conditions and procedure for awarding contracts for the construction, enlargement, equipment, improvement, conversion, demolition, reconstruction or repair of an immovable of a school board or of the Conseil scolaire de l'île de Montréal and prescribe forms for those purposes;

(2) determine the norms, conditions and procedure for disposing of an immovable of a school board and prescribe in which cases and on which conditions the school board must dispose of the immovable for a nominal price fixed by the Government.

The regulations provided for in this section may

(1) require the authorization of the Minister at various stages; the authorization given may be subject to certain conditions;

(2) allow the Minister to waive the requirements of certain provisions of the regulation with regard to that portion of the work or those dispositions of immovables which he indicates.

417. The Government may regulate pupil transportation, namely,

(1) to determine the stages of the process for awarding contracts for the transportation of pupils;

(2) to provide, for each stage, restrictions and conditions for awarding contracts;

(3) to limit the carriers with whom a school board may make agreements;

(4) to prescribe the minimum stipulations required to be included in a contract.

A regulation contemplated in this section may allow the Minister of Transport to exempt contracts for the transportation of pupils from the application of some of the provisions of that regulation.

418. The Government may determine, by regulation, the rules for establishing the costs incurred by a municipal corporation or a municipality in collecting school taxes where there is disagreement as to the amount of those costs.

419. The Government may determine, by regulation, norms on the composition, operation and functions of the advisory committee on pupil transportation.

420. The Government may define, by regulation, the expression “resident in Québec” for the purposes of this Act.

421. The Minister shall define, by regulation, after consultation with the confessional committees, the conditions and procedures for consulting the parents of pupils attending a school with regard to an application for recognition or withdrawal of recognition, as the case may be, of the confessional status of the school.

422. A draft copy of the regulations provided for in sections 413 and 414 and in subparagraphs 2 and 3 of the first paragraph of section 415 shall be submitted before passage to the Conseil supérieur de l'éducation for preliminary examination.

DIVISION II

DUTIES OF THE MINISTER OF EDUCATION

423. The Minister shall establish the official programs of developmental and cognitive learning activities for preschool education, the official programs of compulsory and elective subjects for elementary and secondary schools and, if he considers it appropriate, the official programs of technical or vocational training.

The programs shall include compulsory objectives and contents and optional objectives and contents that may be enriched or adapted according to the needs of the pupils who receive the services.

The programs of studies and training programs established for adult education shall include compulsory objectives and contents only.

424. The Minister may establish a list of textbooks and teaching material or classes of teaching material approved by him and, where applicable, by the confessional committees, which may be selected for the teaching of the official programs of studies.

This section does not apply to the teaching of the programs of studies and training programs established for adult education.

425. The Minister may draw up a list of elective subjects not mentioned in the basic school regulations, a list of technical or vocational training programs, the number of credits assigned to each elective subject and to each technical or vocational training program and a list of the subjects and technical or vocational training programs for which he imposes uniform examinations.

The Minister may, upon request, authorize a school board to assign a greater number of credits than that established under the first paragraph to an elective subject for which the school board has adopted a local program of studies.

426. The Minister may establish, subject to what is prescribed in the basic school regulations, conditions of admission to technical or vocational training.

427. The Minister may draw up a list of school boards which are authorized to provide educational services to the adults residing in such territory as he may determine.

Any school board not listed under the first paragraph lacks jurisdiction to provide such services.

428. The Minister may draw up a list of technical or vocational training programs or of special services for handicapped pupils and pupils with social maladjustments or learning disabilities which a school board is authorized to provide to persons coming under its jurisdiction or under the jurisdiction of any other school board he indicates.

The school board in respect of which the list is drawn up lacks jurisdiction in respect of any technical or vocational training program or any special service to handicapped pupils and pupils with social maladjustments or learning disabilities which is not so listed.

429. The Minister may determine the nature of the recognition of equivalency that may be granted to persons who have acquired knowledge otherwise than in the manner prescribed in the basic school regulations as well as the criteria or requirements for the granting of such recognition.

430. The Minister may, to avoid penalizing pupils unduly, revise the results obtained by them in the uniform examinations he imposes, to compensate for any error or ambiguity in the examinations brought to his attention after they are taken.

If it proves impossible to revise the results, the Minister may invalidate the examination and, after advising the interested persons at least 30 days in advance, hold another examination.

The Minister may also, in accordance with the criteria and methods he establishes, weight the results obtained in the school examinations in subjects for which he imposes uniform examinations, to make the results comparable to those obtained in other schools.

431. The Minister shall issue secondary school diplomas and secondary school vocational diplomas as well as grade transcripts, certificates and any other official attestations he may prescribe.

432. After consulting with the school boards, the Minister shall establish annually and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses allowable for the purpose of subsidies to be allocated to school boards and the Conseil scolaire de l'île de Montréal. The budgetary rules shall be drafted in such a way as to provide, with regard to the allocation of subsidies applicable to the operating expenses of school boards, an apportionment proportionate to the number of pupils enrolled in the schools.

The budgetary rules may provide that the allocation of subsidies applicable to capital expenditures and debt service may be made on the basis of general or specific standards, be subject to the authorization of the Minister or be made only to one school board or certain school boards or the Conseil scolaire de l'île de Montréal.

The budgetary rules may provide that the allocation of subsidies applicable to the expenses referred to in the second paragraph may also be subject to general conditions applicable to all school boards or to special conditions applicable only to one school board or certain school boards.

433. The budgetary rules may also prescribe

(1) the conditions of admission of a person not resident in Québec and the financial contribution to be collected, subject to the power of the Minister to exempt certain persons or categories of persons therefrom;

(2) the maximum amount of the financial contribution that may be required of a person contemplated in section 2.

434. The budgetary rules may also provide, subject to the conditions prescribed by the Minister, that a subsidy shall be granted to a school board or the Conseil scolaire de l'île de Montréal in the following cases:

(1) where the property of the school board or the Conseil scolaire de l'île de Montréal is damaged as the result of a disaster, theft or vandalism;

(2) where a school board fulfils a special obligation entrusted to it under this Act, particularly pursuant to subparagraphs 5 and 6 of the first paragraph of section 413 and sections 427 and 428.

In the case described in subparagraph 1 of the first paragraph, the Minister is subrogated to the rights of the school board or the Conseil scolaire de l'île de Montréal against the third person responsible.

435. The Minister shall, in the budgetary rules contemplated in section 432, provide for the payment of equalization grants to school boards. These equalization grants shall be paid according to the difference between the standardized assessment of taxable property per non-adult pupil of a school board, and that per non-adult pupil of the aggregate of the school boards, taking into account the size of their revenue from school taxes.

436. The Minister may, on the terms and conditions he determines, grant on behalf of the Government a subsidy to any school board or the Conseil scolaire de l'île de Montréal for the payment, in whole or in part, out of the funds voted annually for such purpose by the Parliament, of the principal and interest of any loan contracted or to be contracted by the school board or the Conseil scolaire de l'île de Montréal.

The school board shall apply the proceeds of the loan referred to in the first paragraph to the capital expenditures and debt service referred to in section 432, to the repayment of loans contracted for the purposes of such capital expenditures and debt service or to the payment of the costs and expenses related to the loan.

The Minister may entrust to the Minister of Finance, to be managed by him, any amount intended for the payment in principal of a loan contracted by the school board to establish a sinking-fund for the purposes of paying, out of those amounts and on the maturity dates provided for the loan, the principal of the loan and, out of the proceeds or revenues of the fund, the loans contracted by any school board.

437. The Minister may withhold or cancel any grant or subsidy, other than a grant or subsidy for the transportation of pupils, intended for a school board or the Conseil scolaire de l'île de Montréal if it refuses or neglects to comply with this Act and the regulations, or he may reduce the amount thereof where the service for which a grant or subsidy is made is not provided, or the conditions for obtaining the subsidy or grant are not complied with.

In no case, however, may the Minister withhold, cancel or reduce a subsidy granted under section 436 for the payment in principal and interest of any duly authorized loan of a school board or the Conseil scolaire de l'île de Montréal.

DIVISION III

TRUSTEESHIP

438. The Minister may request any person he designates to verify whether a school board or the Conseil scolaire de l'île de Montréal is complying with the provisions of this Act and the regulations or to investigate any matter respecting the quality and organization of the educational services as well as the management, organization and operation of a school board or the Conseil scolaire de l'île de Montréal.

The person so designated has, for the purposes of a verification or an investigation, the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to impose imprisonment.

The Minister, Deputy Minister and Associate Deputy Ministers shall have, *ex officio*, the authority and powers to make any verification or investigation.

439. The Minister may, during the verification or investigation, require the school board to suspend the taking or enforcement of any decision for the period he determines.

440. The Government may, during or after the verification or investigation, order the powers of a school board or the Conseil scolaire de l'île de Montréal suspended for a period not exceeding six months and appoint an administrator to exercise the powers of the council of commissioners or the Conseil scolaire de l'île de Montréal.

The administrator appointed by the Government may annul any decision made by the school board or the Conseil scolaire de l'île de Montréal, subject to the rights of third persons in good faith.

The Government may extend the suspension and the term of office of the administrator for a period not exceeding six months.

CHAPTER VII

OFFENCES AND PENALTIES

441. A commissioner, director general, secretary general or any other person who, after ceasing to hold office at the school board or the Conseil scolaire de l'île de Montréal and on receiving notice from the Minister, the school board or the Conseil, does not surrender any money, document or other object that he has in his possession and that belongs to the school board or the Conseil, is guilty of an offence.

Service of the notice upon such person must be made at his domicile by a bailiff, who must then make a return of service to the Minister.

442. A commissioner, director general, secretary general or any other person who issues a false certificate or makes a false statement by which he fraudulently obtains or seeks to obtain money appropriated for educational purposes under any provision of this Act, is guilty of an offence.

443. Every person who

- (1) votes more than once at the same referendum;
 - (2) authorizes a person to vote whose name is not entered on the list of electors;
 - (3) votes without being entitled thereto;
 - (4) votes or attempts to vote by fraudulently using the name and capacity of an elector or by using the name of a fictitious or deceased person;
 - (5) knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper;
 - (6) modifies or imitates the initials of the deputy returning officer;
 - (7) acts as the representative within the meaning of section 322 when his power of attorney is false;
 - (8) is a deputy returning officer and remits a ballot paper to a person refusing to take the required oath or solemn affirmation;
 - (9) is a deputy returning officer and admits a person to vote with the knowledge that he has already voted,
- is guilty of an offence.

444. Every person who

- (1) falsifies the poll book or the return of the poll;
 - (2) knowingly destroys a ballot paper before the end of the period for the contestation of the referendum;
 - (3) is a returning officer and makes an announcement of the results of the referendum with the knowledge that it does not correspond to the actual results,
- is guilty of an offence.

445. Every person who is the returning officer or an election officer and fraudulently neglects or refuses to act, or acts against any provision of sections 318 to 326 or against any provision of the Act respecting school elections applicable in the case of a referendum under section 318 of this Act, is guilty of an offence.

446. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to

vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the referendum, is guilty of an offence.

447. Every employer who

(1) during a referendum, contravenes section 193 of the Act respecting school elections;

(2) uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that position after having accepted it,

is guilty of an offence.

448. Every person who contravenes section 13 is liable, in addition to costs, to a fine of not less than \$50 nor more than \$200.

449. Every person who is guilty of an offence described in section 441, in any one of paragraphs 1 to 3, 6, 8 or 10 of section 443 or in section 447 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

450. Every person who is guilty of an offence described in section 442, in any one of paragraphs 4, 5, 7 or 9 of section 443, or in any one of sections 444 to 446 is liable, in addition to costs, to a fine of not less than \$500 nor more than \$5 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$15 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$30 000.

451. Every person who, by his act or omission, aids another person to commit an offence may be found guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

452. Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence may be found guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he

had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

453. Proceedings under this chapter are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General, by any person generally or specially authorized by him for such purposes, by the school board concerned, by the Conseil scolaire de l'île de Montréal, if it is concerned, or by any elector or ratepayer of the school board.

Where an offence has been committed against section 13, proceedings are instituted by the Attorney General, by any person generally or specially authorized by him for such purposes, or by the school board concerned before a judge of the Youth Court having jurisdiction over the territory where the school is situated.

454. Where proceedings are instituted by the school board or the Conseil scolaire de l'île de Montréal, the fine imposed must be paid into the general fund of the school board or of the Conseil.

CHAPTER VIII

INTERIM ADMINISTRATION

DIVISION I

APPLICATION

455. This chapter only applies during the transitional period beginning 1 July 1989 and ending 30 June of the year following the year of publication of the order respecting territorial division made pursuant to section 97.

DIVISION II

PROVISIONAL SCHOOL BOARDS

456. This division does not apply to confessional school boards nor to dissentient school boards.

457. During the transitional period every school board and regional school board, whether for Catholics or for Protestants, existing on 30 June 1989 is continued under this Act in its territory and under its name, subject to any modification the Government may order under the provisions of this Act, such as a change of name, the division, annexation or amalgamation of territories, the constitution of school boards as

regional school boards, the integration of a school board into a regional school board, or its exclusion therefrom, or the discontinuance of a regional school board.

458. Every existing school board and regional school board as well as those resulting from any modification contemplated in section 457 is a public legal person having the necessary powers to carry out the duties and functions conferred on it under this Act.

459. For the purposes of Division VI of Chapter IV, any person who is not a member of the religious faith, whether Catholic or Protestant, of the school board is not under the jurisdiction of that school board.

460. The provisions of Chapters I to VII, including sections 99 to 106 and 328 to 345, apply, adapted as required, to such school boards and their territory; for this purpose, the words “school board” or “regional school board” mean a school board or a regional school board whether for Catholics or for Protestants, as the case may be.

DIVISION III

GENERAL PROVISIONS

461. This division applies to all school boards, including the confessional school boards, except a dissentient school board.

462. Where a school board provides instruction for a majority of pupils who are eligible to receive instruction in the English language under the law, the secretary general shall, before the third Sunday in November each year, call a general meeting of the parents of the pupils attending the schools operated by the school board or the regional school board and who are not eligible to receive instruction in the English language for the purpose of electing a parents' representative chosen from among them, if the number of pupils who are not eligible to receive instruction in the English language is not less than 200 or corresponds to at least 5% of the school enrolment within the school board.

Where a school board provides instruction for a majority of pupils who, under the law, are not eligible to receive instruction in the English language, the secretary general of the school board shall, before the third Sunday in November each year, call a general meeting of the parents of the pupils attending the schools operated by the school board and who are eligible to receive instruction in the English language, for the purpose of electing a parents' representative chosen from among them, if the number of pupils eligible to receive instruction in the English

language is not less than 200 or corresponds to at least 5 % of the school enrolment within the school board.

463. A person may be elected under section 462 if

(1) he has been domiciled in the territory of the school board for the past six months or is deemed to have a second residence there, within the meaning of the second paragraph of section 22 of the Act respecting school elections, for the past six months;

(2) he is not under any legal disqualification set forth in section 22 of the Act respecting school elections.

Any person who is disqualified within the meaning of section 23 of the Act respecting school elections cannot be elected.

464. The office of representative contemplated in section 462 becomes vacant in the same cases as those determined for elected commissioners in section 181 of the Act respecting school elections.

It is filled according to the procedure prescribed in section 462, but only for the unexpired portion of the term.

465. Any parent elected pursuant to section 462 shall be a commissioner- member of the council of commissioners of the school board and shall have the rights, powers and duties of a commissioner elected or appointed in accordance with the Act respecting school elections.

Notwithstanding the foregoing, he may not be a member of the council of commissioners of the regional school board of which the school board is a member.

466. On any amalgamation, total annexation or division of a school board or a regional school board, integration of a school board into a regional school board, or exclusion therefrom, or formation of a new regional school board, the secretary general of the school board or regional school board resulting from such alterations provides for the election of the person contemplated in section 462 within 30 days from their coming into force.

The person so elected shall remain in office until the date prescribed for his replacement before the third Sunday in November.

467. The school board shall see that moral and religious values instruction, whether Catholic or Protestant, or moral values instruction

is provided in each school according to the choice of the pupil or his parents.

The provision of Catholic or Protestant moral and religious values instruction and moral values instruction must enable each pupil to achieve the objectives and acquire the content defined in the official program of studies.

CHAPTER IX

ORGANIZATION OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL BOARDS

DIVISION I

DEFINITIONS

468. In this chapter,

(1) “existing school board” means any confessional school board and any school board or regional school board, whether for Catholics or for Protestants, as it exists on the date of publication of the order respecting territorial division made pursuant to section 97;

(2) “new school board” means any French language or English language school board or regional school board established by the order respecting territorial division.

DIVISION II

PROVISIONAL COUNCIL

§ 1.—*Establishment and composition*

469. Existing school boards, except regional school boards, whose territory is wholly or partially within that of a new school board shall, within 45 days from the date of publication of the order respecting territorial division, agree upon the establishment and composition of a provisional council for the new school board.

The commissioners shall be notified by the person appointed in writing by the Minister, or by his delegate, by means of a public notice served in accordance with sections 370 and 371 not less than seven clear days before the day of the meeting to establish a provisional council.

Copy of the public notice is sent by registered or certified mail to every commissioner of the school boards contemplated in the first paragraph.

470. Every provisional council shall be composed of commissioners elected by universal suffrage and at least two commissioners representing the parents' committee of every existing school board other than a regional school board.

471. The composition of a provisional council is also subject to the following rules:

(1) every existing school board must be represented by at least two commissioners;

(2) the commissioners must be of the religious faith, whether Catholic or Protestant, in proportion to the number of Catholic or Protestant pupils who, on 30 September in the year preceding the year of publication of the order respecting territorial division, attend public schools at which the language of instruction is that of the new school board and which are situated in the territory of the new school board.

472. If the existing school boards fail to establish or to complete the establishment of a provisional council within the time prescribed in section 469, the Minister of Education shall provide therefor, within 30 days, under the rules established in this division.

473. The provisional council is a public legal person having the powers necessary for the discharge of the functions vested in it under this chapter.

§ 2.—*Functions*

474. The provisional council is responsible for taking the preliminary measures leading to the operation of the new school board in its territory from 1 July in the year following the year of publication of the order respecting territorial division and the measures necessary for organizing the first school year commencing after that date.

For this purpose, the provisional council shall exercise the duties and powers of the new school board as if it were the council of commissioners thereof.

475. The provisional council may, for its purposes, requisition staff from the existing school boards, but only after obtaining their authorization.

The provisional council shall appoint the director general of the new school board.

The director general shall take office upon his appointment and shall remain in office until a person is appointed by the council of commissioners of the new school board to hold that office.

476. The provisional council may assign the exercise of the powers it determines to the director general in writing, on the conditions it determines.

477. The provisional council, in co-operation with the other provisional councils concerned, shall decide as to the allocation of the rights of ownership in the immovables of the existing school boards.

478. The provisional council shall establish a three-year plan of allocation and destination of immovables distributed to the new school board in accordance with the criteria it establishes by by-law.

The provisional council shall then establish the list of schools operated by the new school board and issue deeds of establishment to them.

The deeds of establishment have effect from 1 July in the year following the year of publication of the order respecting territorial division.

479. The provisional council, in co-operation with the other provisional councils concerned, shall decide as to the allocation of rights and obligations of the existing school boards situated wholly or partly within the territory of the new school board, according to the criteria set forth in section 105.

Registration of the transfer of ownership of the immovables is made in accordance with the provisions of section 106.

480. The provisional council, in co-operation with the other provisional councils concerned, shall establish a plan of reassignment of personnel of the existing school boards to the new school boards in accordance with the applicable terms and conditions of transfer and reassignment; the plan of reassignment is subject to the approval of the Minister of Education.

481. In addition, the provisional council shall

(1) see to the establishment of the advisory committees of the new school board;

(2) allocate the educational services among the schools and, as the case may be, among the adult education centres;

(3) establish criteria for the enrolment of pupils and provide for the enrolment for the school year following the year of publication of the order respecting territorial division;

(4) allocate financial resources among the schools;

(5) approve the budget of the schools;

(6) adopt the budget of the new school board for the school year commencing in the year following that of the publication of the order respecting territorial division and submit it for the Minister's approval;

(7) fix the school tax rate for that school year, for which purpose sections 273 to 326 apply, adapted as required, to the provisional council; in the case of school boards of the Island of Montréal and the Conseil scolaire de l'île de Montréal, sections 401 to 410 apply, adapted as required.

DIVISION III

EXISTING SCHOOL BOARDS

482. No existing school board may, from the establishment of a provisional council, validly contract an obligation extending beyond 30 June in the year following the year of the coming into force of the order respecting territorial division or having effect after that date, except with the authorization of the provisional council of the new school board.

During the period contemplated in the first paragraph, every existing school board must, in each case where it is required to obtain the authorization of the Minister of Education, forward to the provisional council of the new school board a copy of the application regarding which the provisional council may make any recommendation it deems expedient to the Minister relating to the matter.

483. Every existing school board shall ensure a notice is mailed to every owner of a taxable immovable who is a natural person and who is not enrolled or who has no child enrolled in a school board within the territory where the immovable is situated, requesting him to inform it of the name of the school board to which he elects to pay school taxes for the following year.

The notice shall specify that if the owner fails to so elect, he will be taxed proportionately by the interested school boards, according to law.

The owner shall return the notice duly completed. If he fails to do so, he shall be taxed in accordance with section 280.

When the owner gives notice of his election, the school board shall inform the municipality, within the meaning of the Act respecting municipal taxation, of that election and the municipality shall assure its entry on the assessment roll for the municipal fiscal year contemplated.

Where the notice prescribed in this section is mailed along with the school tax bill by the municipal corporation or the municipality collecting the school tax, the existing school board shall bear the additional costs incurred by the mailing of that notice.

484. Every existing school board shall

(1) make an inventory of its rights and obligations and transmit it to the provisional council of the new school board in its territory within the time and in the manner prescribed by the provisional council;

(2) furnish to the provisional council of the new school board in its territory any information or document it may require for the performance of its functions;

(3) fulfil the obligations prescribed in this chapter with respect to the provisional council of each interested new school board, where it is situated in the territory of more than one new school board.

485. All existing school boards, except the confessional school boards, cease to exist on 1 July in the year following the year of publication of the order respecting territorial division.

DIVISION IV

ELECTION OF THE FIRST COMMISSIONERS

486. The Act respecting school elections applies to the election of the first commissioners of the new school board.

487. The provisional council shall divide the territory of the new school board into electoral divisions in accordance with the rules prescribed in the Act respecting school elections.

The Government shall prescribe, by order, the polling date and the dates of the various steps leading to the polling. The order comes into force on the date of its publication in the *Gazette officielle du Québec*.

488. The first commissioners shall take office on 1 July in the year following that of the publication of the order respecting territorial division and shall alone exercise the duties and functions of the council of commissioners until the representatives of the parents' committee are elected.

They shall remain in office until the date prescribed for the next general election.

DIVISION V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

489. The sums required for the application of this chapter are taken out of the sums that the existing school boards are required to pay to the provisional council; the sums are determined by the provisional council with the approval of the Minister of Education and must be taken out of the revenues provided for in the budget of each existing school board, according to the terms and conditions determined by the Minister of Education.

490. The Minister shall see that the provisional councils of the new school boards receive the information and assistance necessary for the carrying into effect of this chapter in their territory.

491. The Minister shall rule on any dispute between the provisional councils and the existing school boards except disputes respecting the transfer and reassignment of personnel who are members of a certified association within the meaning of the Labour Code.

Where the dispute is between a confessional school board and a new school board, the Minister shall ensure that the confessional school board has the property necessary for its orderly operation.

492. The provisional council of every existing school board ceases to exist on 30 June in the year following the year of publication of the order respecting territorial division.

On that date, the rights and obligations of the provisional council become the rights and obligations of the new school board, and any act performed by the provisional council is binding upon the new school board as if it itself had performed it.

493. On 1 July in the year following the year of publication of the order respecting territorial division, the rights and obligations of any existing school board become the rights and obligations of the new

school boards having jurisdiction in its territory, in accordance with the allocation of rights and obligations determined under section 477.

494. On 1 July in the year following the year of publication of the order respecting territorial division, the persons in the employ of existing school boards become employees of the new school boards, in accordance with the transfer and reassignment plan devised for that purpose by the provisional council, subject to the rights and obligations of the existing school boards and their employees and, as regards employees within the meaning of the Labour Code and the certified associations representing them, subject to the provisions of the Labour Code.

495. Any deficit accumulated on 30 June 1980 by an existing school board or resulting from a court judgment or an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the existing school board that incurred the deficit.

Notwithstanding sections 281 and 406, the special tax is not subject to the approval of the electors.

496. Any bonded debt of an existing school board becomes the bonded debt of the new school board in accordance with the allocation under section 479.

The school tax levied by the existing school boards to discharge the bonded debt contracted before 1 July 1980 becomes, in accordance with the rules referred to in the first paragraph, a special tax of the new school board. The special tax is levied in the whole territory of the new school board according to the initial conditions and, notwithstanding sections 281 and 406, is not subject to the approval of the electors.

497. Every regulation, by-law, resolution, order or ordinance passed, every agreement or deed signed and every commitment made by an existing school board remain in force, to the extent they are consistent with this Act and as long as their object has not been carried out or until they are replaced or repealed by the new school board succeeding to the existing school board.

For the purposes of the first paragraph, the new school board is subrogated in the rights and obligations of the existing school board.

498. The Government may, by regulation, adopt any other transitional provision to remedy any omission in order to ensure the carrying out of this Act in the territory of a new school board on 1 July in the year following the year of publication of the order respecting territorial division.

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. A regulation may, however, once published and if it so provides, apply from any date not prior to the date of publication of the order respecting territorial division.

CHAPTER X

CONCORDANCE PROVISIONS

499. Section 79 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the figure “450” in the second paragraph by the figure “196”.

500. Section 6.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

“6.1 A college may make an agreement, with a school board that provides for pupil transportation under section 265 of the Education Act (1988, chapter *insert here the chapter number of this Act*), for the bussing or transportation of persons who attend the college and claim from them payment of the cost incurred by the college under section 267 of that Act.”

501. Section 6.3 of the said Act is replaced by the following section:

“6.3 Sections 262, 268, 269 and 417 of the Education Act apply, adapted as required, to every college that itself organizes the bussing or transportation of persons who attend the college.”

502. Section 14 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37) is amended by replacing the words “the school inspectors” in the sixth and seventh lines of the first paragraph by the words “associate deputy ministers appointed under the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15)”.

503. Section 28 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by adding, after the first paragraph, the following paragraph:

“Nothing in this Act shall prevent a member of a professional corporation of accountants referred to in the Professional Code (R.S.Q., chapter C-26) or a person who has obtained, in accordance with section 85 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), a prior authorization in writing granted by the Commission municipale du Québec under that section, except if the authorization has been withdrawn, to audit the accounts of school boards.”

504. Section 30 of the Act respecting the Conseil supérieur de l’éducation (R.S.Q., chapter C-60) is amended by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, the matters referred to in this section and governed by the Education Act (1988, chapter *insert here the chapter number of this Act*) are subject to examination by the Council in accordance with that Act.”

505. The title of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is replaced by the following title:

“An Act respecting municipal debts and loans”.

506. Section 15 of the said Act is replaced by the following section:

“15. When a municipal corporation, howsoever incorporated and by whatever Act governed, wishes to contract a loan from a money market other than the Canadian market or which is to be repaid in whole or in part in foreign currency, such corporation must previously be authorized to do so by the Minister of Finance and the Minister of Municipal Affairs. Furthermore, the execution of any registration formality allowing access to a money market other than the Canadian market and any negotiation in respect of a loan contemplated in this paragraph must previously be authorized by the Minister of Finance and the Minister of Municipal Affairs.

Whenever such authorization has been given and the municipal corporation has contracted a loan by complying with the legislative provisions governing it in that respect and that the Act, by-law or resolution authorizing the loan limits the amount thereof, such amount shall be deemed to be the nominal value of the bonds or other securities issued in connection with such loan, regardless of any premium that may be payable on redemption and regardless of the fact that such bonds or other securities may be sold at a premium or discount; and the loan shall be deemed to have been authorized in both foreign and Canadian currency, notwithstanding any difference in value existing between them at the time of the loan or after the same has been effected.”

507. Section 15.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

“15.1 The Government may, by regulation, determine the nature and the form of the information to be given to the Minister of Finance and to the Minister of Municipal Affairs, for the purposes of the carrying out of the first paragraph of section 15, as well as the time when the information must be given.”

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

“16. In this division, the words “municipal corporation” include any body entrusted with the administration of a territory for municipal purposes in Québec.”

509. Section 17 of the said Act is amended by striking out the words “or school” in the first line.

510. Section 20 of the said Act is amended by striking out the second paragraph.

511. Section 21 of the said Act is replaced by the following section:

“21. In this division:

(1) The word “municipality” means any municipal corporation whatsoever, whether formed or governed by a general law or special Act;

(2) The word “officer” means any member of a municipal council, and likewise includes every officer or employee of a municipality within the meaning of paragraph 1 of this section.”

512. Section 23 of the said Act is replaced by the following section:

“23. Every municipal corporation shall keep a register for the registration of the debentures issued for borrowing purposes.”

513. Section 26 of the said Act is amended by striking out the words “or school” in the first line of the first paragraph.

514. Section 26.1 of the said Act is repealed.

515. Section 36 of the said Act is amended by replacing the first paragraph by the following paragraph:

“36. A municipal corporation which has effected a loan for which a sinking fund must be created under the laws governing the same, or which has issued bonds, shall, within the thirty days immediately

following the completion of the loan, or the delivery of the bonds, make to the Minister of Finance a report, under the oath of office of the mayor and that of the secretary-treasurer or clerk.”

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

“**42.** The mayor, secretary-treasurer or clerk of a municipality who refuses or neglects to comply with the provisions of section 36, or with the regulations made under section 41, or who gives false or obviously insufficient information, shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars.”

517. Section 44 of the said Act is repealed.

518. Section 9 of the Act respecting school elections (1988, chapter *insert here the chapter number of the Act*) is repealed.

519. Section 15 of the said Act is amended by striking out the second paragraph.

520. The Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1) is repealed.

521. Section 1 of the Act respecting private education (R.S.Q., chapter E-9) is amended by replacing subparagraphs *a* and *h* by the following subparagraphs:

“(a) “general education”: preschool education and elementary and secondary education within the meaning of the Education Act (1988, chapter *insert here the chapter number of this Act*) and the regulations thereunder, and all education at the college level, within the meaning of the regulations contemplated in section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), of which the immediate object is not preparation for the practice of a vocation or trade and which enables the pupils to pursue studies at a higher level;

“(h) “official curriculum or program”: a curriculum or program governed by the regulations contemplated in section 18 of the General and Vocational Colleges Act;”.

522. Section 14.1 of the said Act is amended by striking out the words “the Conseil scolaire de l’Île de Montréal” in the second paragraph.

523. Section 17.1 of the said Act is amended by striking out the words “the Conseil scolaire de l’Île de Montréal” in the second paragraph.

524. Section 31 of the said Act is replaced by the following section:

“31. Every institution of general education shall:

(a) comply with the provisions of the Education Act and the regulations thereunder or with those under the General and Vocational Colleges Act respecting the conditions for admission of pupils to studies at the level of education that it gives;

(b) employ teachers having the required qualifications within the meaning of the regulations contemplated in section 415 of the Education Act or in section 18 of the General and Vocational Colleges Act;

(c) present its pupils for the uniform examinations of the levels concerned, held by the Minister or under his authority.”

525. Section 34 of the said Act is replaced by the following section:

“34. Every institution of general education at the secondary level shall offer, in conformity with the Education Act, the full range of compulsory and elective subjects prescribed by the basic school regulations or determined by the Minister and provide the official curriculum or program of that level established by the Minister.

After obtaining the advice of the Commission, the Minister may, nevertheless, authorize an institution of general education at the secondary level to give a part only of the official curriculum or program.”

526. Section 38 of the said Act is replaced by the following section:

“38. An educational institution for handicapped children shall comply with the official curriculum or program established by the Minister under the Education Act and employ teachers having the required qualifications within the meaning of the regulations contemplated in section 415 of the Education Act.”

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

“42. The permit shall oblige the institution holding it

(a) to provide the official curriculum or program determined by the Minister under the Education Act in each area of vocational training contemplated in the permit or offer the curricula or programs adopted in accordance with the regulations contemplated in section 18 of the General and Vocational Colleges Act in each area of vocational training contemplated in the permit;

(b) to employ teachers having the required qualifications within the meaning of the regulations contemplated in section 415 of the Education Act or in section 18 of the General and Vocational Colleges Act;

(c) to present its pupils for the uniform examinations held by the Minister or under his authority, which certify the completion of such studies.”

528. Section 45 of the said Act is replaced by the following section:

“**45.** Notwithstanding sections 42, 43 and 44, an institution of vocational education which holds a permit may, in accordance with the regulations, provide intensive instruction comprising only the courses of vocational training contemplated in the official curriculum or program or in a curriculum or program recognized under section 43 or approved under section 44, as the case may be, provided that it admits thereto only pupils who have, where necessary, met the requirements of section 11 of the Education Act.”

529. Section 46 of the said Act is amended by replacing the figures “256” and “257” by the figures “11” and “12”.

530. Section 48 of the said Act is replaced by the following section:

“**48.** No person, in his publicity or advertising, or when giving information, shall advertise or lead to the belief that a self-improvement institution prepares its pupils for the practice of a vocation or trade or leads to a uniform examination, certificate or diploma of the Minister of Education or the Minister of Higher Education and Science.”

531. Section 59 of the said Act is amended by replacing the figures “431.1” and “440.1” by the figures “265” and “267”.

532. Section 59.2 of the said Act is replaced by the following section:

“**59.2** Sections 262, 268, 269 and 417 of the Education Act, adapted as required, apply to every institution that, itself, provides transportation for the persons attending the institution.”

533. Section 177 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing paragraph 6 by the following paragraph:

“(6) that contemplated in paragraph 15 of that section has effect from the next school fiscal period.”

534. Section 501 of the said Act is repealed.

535. The title of the Education Act (R.S.Q., chapter I-14) is replaced by the following title:

“The Education Act for Cree, Inuit and Naskapi Native Persons”.

536. Section 568 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) “Crees” mean Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1);”;

(2) by replacing paragraph *c* by the following paragraph:

“(c) “Cree Native party” means the Cree Regional Authority created under the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) or any successive authority;”.

537. Section 569 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**569.** The Government may constitute a school municipality under the name of the “Cree school municipality”, comprising the Category I lands of the Cree communities of Great Whale River (Whapmagoostoo), Fort George (Chisasibi), Nouveau Comptoir (Wemindji), Eastmain, Fort Rupert (Waskaganish), Nemiscau, Waswanipi, Mistassini, and the Category I lands of every Cree community that may in future be constituted as a local government under section 12 of the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1983-84, chapter 18).”

538. Section 571 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The oaths or solemn declarations contemplated in section 4 may also be administered or received by the chief of a band incorporated under the Cree-Naskapi (of Quebec) Act.”

539. Section 572 of the said Act is replaced by the following section:

“**572.** To the exclusion of all other school boards, the school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education

(a) within the territorial limits of the school municipality, in respect to Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1) and in respect to all persons who are ordinarily resident therein or within Category III lands surrounded by Category I lands except for the Inuit population of Great Whale River; and

(b) in Category II lands, in respect to Cree beneficiaries.”

540. Section 573 of the said Act is replaced by the following section:

“**573.** The school board shall not have jurisdiction over settlements that do not belong to Cree beneficiaries in Category II lands.”

541. Section 575 of the said Act is amended by replacing the words “Native persons” and “non-Native persons” in subparagraphs *e*, *f*, *g*, *h*, *k* and *l* by the words “Creeps” and “non-Creeps”.

542. Section 579 of the said Act is replaced by the following section:

“**579.** The school board shall be composed of members designated as follows:

(1) every Cree community contemplated in section 569 shall elect or designate one commissioner to represent it;

(2) the Cree Regional Authority shall designate one commissioner among its members.”

543. Section 580 of the said Act is amended by replacing the second paragraph by the following paragraph:

“To vote for or to be a school commissioner, a person must belong to a community of Creeps, be of full age and be unaffected by any legal incapacity; however, non-Creeps who are entitled to services from the school board and who are qualified electors within the meaning of the Act respecting school elections may vote for school commissioners.”

544. The said Act is amended by inserting, after section 582, the following sections:

“**582.1** The council of commissioners shall designate a chairman and vice-chairman among its members.

The term of office of the chairman and vice-chairman shall be of one year and may be renewed.

“582.2 The school board shall establish an executive committee of three members designated as follows:

- (1) the chairman and vice-chairman of the school board;
- (2) another member of the council of commissioners appointed every year by resolution of the council of commissioners.

The director general of the school board is a non-voting member of the executive committee.

“582.3 The executive committee, with the authorization of the council, may adopt a resolution concerning its administration and internal procedure.

“582.4 Two members constitute a quorum of the executive committee.

“582.5 Decisions of the executive committee are taken by a majority of the votes of the members present.

In case of a tie-vote, the chairman has a casting vote.

“582.6 The executive committee shall administer the business and activities of the school board and ensure that every order, ordinance, decision, resolution and contract be faithfully and impartially observed and carried out.

It shall also perform the functions delegated to it in writing by the council of commissioners.

“582.7 The chairman is entitled to the remuneration determined by the Government.

“582.8 The council shall, by resolution, fix the place of its sittings and those of the executive committee.

“582.9 With the consent of a majority of the commissioners physically present at a meeting of the council of commissioners, any commissioner may take part in the meeting and vote thereat by any means enabling all participants to communicate verbally, such as the telephone.

This consent can only be validly given if the commissioners physically present at the place where the meeting is held form a quorum and if the chairman is among those present.

The minutes of such a meeting shall indicate

(1) that the meeting was held with the means of communication specified;

(2) the name of every commissioner physically present at the meeting, and the names of those having agreed to proceed in such a way;

(3) the name of any commissioner who took part in the meeting by that means of communication.

Any commissioner participating in and voting at the meeting by such means of communication is deemed to be present at the place where the meeting is held.

“582.10 Section 582.9 applies, adapted as required, to the meetings of the executive committee.”

545. Section 585 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In the preceding paragraph “local government” means, in Category IA lands, one of the bands incorporated under the Cree-Naskapi (of Quebec) Act, and in Category IB lands, one of the land corporations established under the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1).”

546. Section 587 of the said Act is replaced by the following section:

“587. The functions of school committees shall be to give opinions on matters referred to them by the school board.

The school board shall consult the school committees with respect to the following questions:

(1) selection of teachers and principals;

(2) school calendar and year;

(3) changes in curriculum.

In addition, school committees shall perform the functions delegated to them in writing by the school board.”

547. Section 590 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The community education administrator contemplated in the first paragraph shall be a member of the executive staff of the school board and shall perform the duties delegated to him in writing by the school board.”

548. Section 599 of the said Act is replaced by the following section:

“**599.** The provisions of this Act respecting school taxation, school visitors, the orientation committee, the school committee, the parents’ committee and public notices do not apply to the school board.

Any public notice prescribed by this Act is given by posting it in a public place within the locality.

The notice shall explain its purpose and be posted within the time prescribed by this Act or, if not, as soon as possible.”

549. Section 603 of the said Act is amended by replacing the words “Fort George” in the first and second paragraphs by the word “Chisasibi”.

550. Section 605 of the said Act is replaced by the following section:

“**605.** The school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education.”

551. Section 686 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) “Naskapi local government” means the Naskapi Band of Québec incorporated under the Cree-Naskapi (of Quebec) Act;”;

(2) by replacing paragraph *e* by the following paragraph:

“(e) “Naskapi Native party” means the Naskapi Band of Québec incorporated under the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1983-84, chapter 18) or any successive band.”

552. Section 690 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“The oaths or solemn declarations contemplated in section 4 may also be administered or received by the chief of the Naskapi Band of Québec.”

553. Section 2 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following section:

“2. In the fields within his jurisdiction, the Minister shall be responsible for promoting education, for ensuring the progress of educational institutions and for overseeing the quality of educational services provided by the institutions.”

554. Section 8 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“Under the authority of the Minister and Deputy Minister, each associate deputy minister is responsible for ensuring that the confessional status of educational institutions recognized as Catholic or Protestant is respected and for securing the exercise of confessional rights by Catholics and Protestants in the other educational institutions.

In the exercise of the responsibilities contemplated in the third paragraph, the powers of the associate deputy minister are those of the Minister, his orders must be carried out in the same manner as those of the Minister and his official signature gives force and authority to any document relating to any matter under his jurisdiction.

The associate deputy minister shall also exercise the powers of the Deputy Minister within the spheres determined by the Minister.”

555. The said Act is amended by inserting, after section 12, the following section:

“12.1 The Government may, by regulation, authorize the Deputy Minister of Education, an associate deputy minister, an assistant deputy minister or another officer to exercise any power conferred on the Minister under any Act which is under his responsibility or any duty entrusted to the Minister pursuant thereto but, in the case of an officer, only to the extent determined by regulation.

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

556. Section 32 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by striking out the second paragraph.

557. The Act respecting grants to school boards (R.S.Q., chapter S-36) is repealed.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

558. Every school commissioner in office on 30 June 1989 shall remain in office until the third Sunday of November 1990.

Where a seat becomes vacant in one of the cases provided for in section 181 of the Act respecting school elections, it shall be filled pursuant to sections 189 and 190 of that Act.

559. Every member of the Conseil scolaire de l'île de Montréal in office on 30 June 1989 shall remain in office until he is replaced by a person appointed within the 30 days following the coming into force of this Act.

560. Subject to any changes resulting from the application of sections 130, 131, 133 and 345 of this Act, the chairman and vice-chairman of a school board in office on 30 June 1989 shall remain in office until they are replaced by persons elected after the third Sunday of November 1989 under section 138 of this Act.

561. Subject to any changes resulting from the application of sections 130, 131, 133 and 345 of this Act, every representative of the parents' committee in office on 30 June 1989 shall remain in office until the third Sunday of November 1989.

For the purposes of this section, the fact of not having been designated as a delegate of a school committee does not prevent a person from being qualified for the office of representative of a parents' committee.

562. Every member of an orientation committee, a school committee or a parents' committee in office on 30 June 1989 shall remain in office until he is reappointed or replaced under this Act.

563. For the purposes of this Act, the persons contemplated in sections 558 to 562 are deemed to have been elected or appointed in accordance with the Act respecting school elections or with this Act, as the case may be.

564. Teaching permits and teaching certificates or diplomas issued under the Regulation respecting teaching permits and teaching diplomas (R.R.Q., chapter C-60, r. 7) are deemed to have been issued under this Act.

565. Any deficit accumulated on 30 June 1980 by a school board or by the Conseil scolaire de l'île de Montréal or resulting from a court judgment or an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the school board that incurred the deficit.

Notwithstanding sections 281, 406 and 410, the special tax contemplated in the first paragraph is not subject to the approval of the electors.

566. Any bonded debt contracted by a school board before 1 July 1980 is taken out of the general fund of the school board and must be discharged by means of a special tax levied in the whole of the territory of the school board; notwithstanding section 281, the special tax is not subject to the approval of the electors.

567. Any election in respect of the payment of school taxes made under section 354.1.1 of the Education Act (R.S.Q., chapter I-14) is deemed to have been made under this Act.

568. The sections of the Act respecting municipal and school debts and loans amended by sections 505 to 517 continue to apply to an issue of bonds made before 1 July 1989 by a school board or the Conseil scolaire de l'île de Montréal to the extent that they were applicable before being amended.

569. In any Act, proclamation, regulation, order in council, order, ordinance, contract or other document, any reference to the Act respecting municipal and school debts and loans is a reference to the Act respecting municipal debts and loans.

570. Every regulation, by-law, resolution, order or ordinance passed, every agreement or deed signed and every commitment made by a school board remain in force, to the extent that they are consistent with this Act and as long as their object has not been carried out or until they are replaced or repealed.

571. This Act, except sections 536 to 551, does not apply to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The Cree School Board and the Kativik School Board are governed by the Education Act as it read on 8 June 1978 and as amended thereafter, to the extent that the amendments are applicable. They are also governed by the regulations made under that Act to the extent that they are applicable.

The Naskapi Education committee is governed by the Education Act as it read on 22 June 1979 and as amended thereafter, to the extent that the amendments are applicable. It is also governed by the regulations made under that Act, to the extent that they are applicable.

The Government may, however, by regulation, at the request of the Cree School Board, the Kativik School Board or the Naskapi Education Committee, render a provision or part of a provision of this Act applicable to such school board or committee, with the necessary adjustments of concordance, and indicate the provision of the Education Act applicable to Cree, Inuit and Naskapi Native persons it replaces.

Such regulation may specify what provision or part of a provision of a regulation made under this Act applies, or ceases to apply, to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The regulation shall be published in the *Gazette officielle du Québec* or comes into force on the date of its publication or on any later date indicated therein.

572. This Act replaces the Education Act (R.S.Q., chapter I-14), except as regards the Cree School Board, the Kativik School Board and the Naskapi Education Committee.

573. In any Act, regulation, order, ordinance, contract or other document, a reference to the Education Act (R.S.Q., chapter I-14) or to any of its provisions is a reference to this Act or to the equivalent provision of this Act.

With regard to the Cree School Board, the Kativik School Board and the Naskapi Education Committee contemplated in Parts X to XII of the Education Act for Cree, Inuit and Naskapi Native Persons, a reference to the Education Act is deemed to be a reference to the Education Act for Cree, Inuit and Naskapi Native Persons.

574. Every regulation and every decision made by the Government, the Minister of Education or the Minister of Transport under the Education Act (R.S.Q., chapter I-14) or under section 30 of the Act respecting the Conseil supérieur de l'éducation and applicable

to the persons or bodies contemplated in this Act remains applicable thereto, to the extent that it is consistent with this Act, unless otherwise provided under this Act.

The words "School bussing or transportation" used in any regulation, decision or contract mean "pupil transportation".

575. Every right, power or obligation conferred by law on the secretary-treasurer of a school board shall be exercised by the director general of the school board. The school board may, however, by by-law, allocate some of those rights, powers or obligations among the director general, the assistant director general, a school principal, a principal of an adult education centre and the members of the executive staff.

576. The Minister of Education is responsible for the administration of this Act, except sections 262 to 272, 357, 358, 417 and 419 which are under the responsibility of the Minister of Transport.

577. Notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12), this Act does not encroach upon freedom of conscience or freedom of religion or upon the right to full and equal recognition and exercise of freedom of conscience and freedom of religion by the sole reason that it grants rights and privileges to a religious denomination.

578. This Act shall operate notwithstanding the provisions of paragraph *a* of section 2 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom), and section 15 of that Act, to the extent that it grants rights and privileges to a religious denomination.

579. This Act comes into force on 1 July 1989, except sections 97, 98, 108, 115, 207, 327, 328, 468 to 498, 518 and 519, which come into force on a later date fixed by the Government.

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