

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 30**

**An Act to amend the Education Act**

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First reading .....

Second reading .....

Third reading .....

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M. JACQUES-YVAN MORIN

Ministre de l'éducation

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*The main object of this bill is to amend the Education Act*

*(a) to provide for the establishment of school committees and parents' committees for 1 May instead of 15 October; these committees are to be composed of the parents of the children who are already attending a school of the school board and who are registered for the following school year;*

*(b) to provide for the choice of a delegate to the parents' committee for each of the elementary and secondary levels;*

*(c) to provide for the election of representatives of the parents' committee to sit on the school board for one year;*

*(d) to provide for the election of other parents to the school committee between 1 and 15 October each year to enable parents whose children did not attend the school when these committees were established to participate in them;*

*(e) to provide that the representatives of a parents' committee are members of the school corporation and sit on the Council of Commissioners and the executive committee, without the right to vote;*

*(f) to confer the same rights, powers and obligations on the representatives of a parents' committee as on school commissioners and trustees, except*

*(1) the right to participate in the appointment of members to the executive committee,*

*(2) the right to participate in the appointment of the commissioners who are to sit on the regional board, and*

*(3) the right to be appointed or to be a member of the regional board of which the school board is a member;*

*(g) to add a new subdivision to the act, requiring the representative of a parents' committee both to have the same qualifications as school commissioners or trustees and to be a delegate of a school committee;*

(h) *to maintain the regime presently applicable to the Cree and Kativik school boards as regards their composition.*

*This bill contains other amendments to the Education Act aiming particularly at*

(a) *removing the obligation for school boards to have their buildings and furniture insured;*

(b) *enabling the Government to fix certain rules and conditions for the alienation of the moveable and immoveable property of school boards;*

(c) *enabling the Minister to define by regulation the scope of the mandate of the auditors of the accounts of school boards;*

(d) *enabling the Government to define the real value of property entered on the valuation rolls, but only for the year 1979/1980.*

Sec. 1. *The object of the proposed amendment is to fix new rules respecting the establishment of a school committee.*

*Section 66 of the act presently reads as follows:*

**66.** Before the 15th of October each year, the principal or the person responsible for each school administered by a school board or a regional board shall call a general meeting of the parents of the children who attend such school to establish therein a school committee, before such date.

The principal or the person responsible for the school and one representative designated by the teachers of the school shall be members of the school committee but shall not be entitled to vote thereon or be appointed chairman thereof.

The school commissioners or trustees of the school board or of the regional board which administers such school cannot, however, be members of such school committee."

## Bill 30

### An Act to amend the Education Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** Section 66 of the Education Act (Revised Statutes, 1964, chapter 235), enacted by section 18 of chapter 67 of the statutes of 1971, is replaced by the following sections:

**“66.** Before 1 May each year, the principal or the person responsible for each school administered by a school board or a regional board shall call a general meeting of the parents of the children who attend such school and are registered for the following school year, to establish a school committee therein.

Before that date, the members of the school committee shall hold their first meeting and choose one delegate to the parents' committee contemplated in section 68 for each of the elementary and secondary levels, where that is the case.

The principal or the person responsible for the school and one representative designated by the teachers of the school are members of the school committee but they are not entitled to vote or be appointed chairman or delegate to the parent's committee.

The school commissioners or trustees of the school board or of the regional board which administers that school cannot, however, be members of that school committee.

No parent may continue to act as a member of the school committee or as a delegate to the parents' committee if his child ceases to attend that school.

**“66a.** Between 1 and 15 October each year, the chairman of a school committee must call a general meeting of the parents of the children who attend the school to elect at least two other

Sec. 2. *The object of the proposed amendment is to enact that a parents' committee is no longer composed of the chairmen of school committees but rather of the delegates of each school committee.*

Sec. 3. *The object of the proposed amendment is to provide for the appointment of the chairman of a parents' committee. It also provides for the appointment of one or two representatives of the parents' committee to the school board.*

Sec. 4. *The proposed amendment provides concordance with section 1 of the bill.*

*Section 70 of the act presently reads as follows:*

**"70.** For the purposes of sections 66 to 69, the word "parent" means the father, mother or, failing them, the guardian of a child enrolled in a school on the preceding 30th of September, and the word "school" means one or more groups of children and teachers under one principal or one person responsible, if there is no principal."

Sec. 5. *The proposed amendment enacts that the representative or representatives of a parents' committee are, in each municipality, with the school commissioners and trustees, a school corporation.*

members to sit on the school committee until the holding of the next general meeting of the parents provided for in section 66.”

**2.** Section 68 of the said act, enacted by section 18 of chapter 67 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

“**68.** A parents’ committee is established for each school board or regional board; it consists of the delegates from each school committee.”

**3.** The said act is amended by inserting after section 68 the following sections:

“**68a.** Before 1 June each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the corporation of trustees shall call the members of the parents’ committee to elect the chairman of that committee.

After the election of the chairman, the parents’ committee shall immediately elect one representative contemplated in section 90 for each of the elementary and secondary levels, where that is the case. That representative is elected by secret ballot by the majority vote of the members present.

“**68b.** The representative of the parents’ committee so elected remains in office until 1 June of the year following that of his election.

Where the office of a representative of the parents’ committee becomes vacant for one of the causes indicated in the first paragraph of section 184, the parents’ committee must, within the ensuing thirty days, elect a person to replace him. The term of the latter ceases at the time when the term of the person he replaces would have expired.”

**4.** Section 70 of the said act, enacted by section 18 of chapter 67 of the statutes of 1971, is replaced by the following section:

“**70.** For the purposes of sections 66 to 69, the word “parent” means the father, mother or, failing them, the guardian of a child, and the word “school” means one or more groups of children and teachers under one principal or one person responsible, if there is no principal.”

**5.** Section 90 of the said act, replaced by section 22 of chapter 67 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

*Sec. 6. The proposed amendment enacts that the representatives of a parents' committee are also members of the Council of Commissioners and of the executive committee of the corporation of school commissioners.*

*Sec. 7. The proposed amendment introduces entirely new legislation. It enacts, in particular, that the representative of a parents' committee does not have the right to vote in the school corporation.*

*Sec. 8. The second paragraph of section 95 of the act presently reads as follows:*

*"No person may be elected as school commissioner or trustee or hold such office on a school board of which his spouse is a member."*

**“90.** The school commissioners, the trustees and the representative or representatives of the parents’ committee in each municipality are a corporation having perpetual succession, which may sue and be sued and do all the acts which a corporation may do with regard to the purposes for which it was constituted.”

**6.** Section 91 of the said act, replaced by section 22 of chapter 67 of the statutes of 1971, is amended by replacing the first and second paragraphs by the following paragraphs:

**“91.** Each corporation of school commissioners is subject to the authority of a Council of Commissioners composed of all the school commissioners of the corporation and of the representative or representatives of the parents’ committee.

An executive committee, consisting of five commissioners including the chairman of the school board, appointed annually by the Council of Commissioners at the session contemplated in section 189, is also constituted for each corporation; however, the executive committee consists of three commissioners including the chairman of the school board if the Council of Commissioners comprises only nine commissioners. Every representative of the parents’ committee is also a member of the executive committee but he does not have the right to vote.”

**7.** The said act is amended by adding after section 91 the following section:

**“91 a.** Unless otherwise provided in this act, the representative of a parents’ committee has the same rights, powers and obligations as school commissioners and trustees.

However, he cannot vote on any motion submitted to the school commissioners or trustees or participate in the appointment of members to the executive committee, or of commissioners to membership on the Council of Commissioners of the regional board.

Futhermore, no representative of the parents’ committee of any school board which is a member of a regional board may be appointed to or be a member of that regional board in conformity with sections 480, 480a, 480b and 481.”

**8.** Section 95 of the said act, amended by section 25 of chapter 67 of the statutes of 1971, is again amended by replacing the second paragraph by the following paragraph:

“No person may be elected as school commissioner or trustee or hold such office on a school board of which his spouse is a member or is the representative of the parents’ committee.”

Sec. 9. *The proposed amendment introduces entirely new legislation.*

*Sections 96, 97 and 98 of the act enact that the causes of ineligibility and disqualification as school commissioners and trustees are applicable to the representative of a parents' committee.*

Sec. 10. *The object of the proposed amendment is to strike out paragraph 5 of the first paragraph of section 224 of the act, which requires school commissioners and trustees to have the buildings and furniture belonging to their school corporation insured for the greater of the two following amounts:*

- (a) *the amount of the bonded debt;*
- (b) *the amount representing one-half of the value of such buildings and furniture.*

*The second paragraph of section 224 of the act presently reads as follows:*

*"But if it necessitates a loan, no acquisition, leasing, construction or repair mentioned in paragraph 2 or 3 of this section may be carried out unless the school corporation has previously obtained the authorization of the Minister and has complied with the formalities of the law with respect to loans, and has negotiated the loan which it was authorized to make for such purposes."*

Sec. 11. *Section 225 of the act presently reads as follows:*

**"225.** *With the exception of those situated wholly or in part in the city of Quebec or Montreal, no school corporation may give out work for construction or improvement or pass a contract to that effect, unless the resolution authorizing the contract or ordering the work has provided for the appropriation of the moneys required for paying the cost of the same.*

*If the corporation have not in its general funds, not otherwise appropriated, the amounts required for this purpose, the resolution must provide for the imposing of a special tax upon the whole municipality or upon the property-owners liable for the cost of such works, as the case may be, or for a loan, and in such case the resolution must comply with all the conditions and formalities required by law regarding school loans.*

**9.** The said act is amended by inserting after section 102 the following:

“ § 3.—*Qualifications required to be a representative of a parents’ committee*

“**103.** To be a representative of a parents’ committee, it is necessary

- (a) to be a delagate of a school committee;
- (b) to have been domiciled in the school municipality for at least six months;
- (c) not to be affected by any legal incapacity.

No person may be elected as representative of a parents’ committee in a school board on which his spouse is a school commissioner or trustee or a representative of the parents’ committee.

“**104.** Sections 96, 97 and 98 apply, *mutatis mutandis*, to the representative of a parents’ committee.”

**10.** Section 224 of the said act, amended by section 4 of chapter 61 of the statutes of 1966/1967, is again amended by striking out paragraph 5 of the first paragraph and by replacing the second paragraph by the following paragraph:

“But if the school corporation does not have, in its general funds not otherwise allocated, the amounts required, no acquisition, leasing, construction or repair mentioned in paragraph 2 or 3 of this section may be carried out except with the prior authorization of the Minister.”

**11.** Section 225 of the said act is repealed.

Nevertheless when the corporation is bound by law to obey an order rendered under the authority of the Public Health Act (Chap. 161), requiring certain work to be done within a specified delay, it may carry out such order and borrow the necessary moneys without observing the prescriptions of this section; and as a rule this section shall not apply in special cases otherwise provided for by law.

Contracts entered into contrary to the foregoing provisions shall be void and shall not bind the corporation, and any ratepayer may obtain a writ of injunction against the corporation and the contractor to prevent the execution of the work.

Any infringement of the provisions of this section shall render each member of the school board, at fault, personally responsible for the payment of the total cost of the work, and, in addition, liable to a fine of not more than five hundred dollars.

In case of urgency, however, the Minister, may allow a school corporation to derogate from the provisions of this section."

Sec. 12. *Section 228 of the act presently reads as follows:*

**"228.** No school corporation shall, without the approval of the Minister, hypothecate, sell, lease, exchange or alienate in any manner the property belonging to it or borrow money thereon, if the market value of such property exceeds one thousand dollars or if the term of the lease exceeds one year or if the annual rent exceeds one thousand two hundred dollars, as the case may be.

All sales of school property authorized by this section shall be made after a call for tenders made by a public notice, unless the Minister has permitted such sale to be made by private agreement for a fixed sum, in such manner and after such notices as he may deem proper."

Sec. 13. *The proposed amendment introduces entirely new legislation. It aims at enabling the Minister to define the scope of the mandate of the auditors of a school board.*

Sec. 14. *The last paragraph of section 373 of the act presently reads as follows:*

"For the purposes of this section, the Lieutenant-Governor in Council may define, for the year 1978/1979, the real value of the property entered in the valuation rolls in force in the local municipality or municipalities of their territory."

Sec. 15. *The proposed amendment provides concordance with section 6 of the bill and deals with the composition of the executive committee of a regional board.*

**12.** Section 228 of the said act, replaced by section 5 of chapter 61 of the statutes of 1966/1967, is amended by replacing the second paragraph by the following paragraphs:

“The Lieutenant-Governor in Council, by regulation, may determine rules and conditions for the alienation of moveable or immoveable property of a school board.

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 indicated therein.”

**13.** Section 350 of the said act, amended by section 64 of chapter 67 of the statutes of 1971, is again amended by adding at the end the following paragraph:

“The Minister may, by regulation, define the scope of the mandate of the auditor or auditors.”

**14.** Section 373 of the said act, replaced by section 2 of chapter 79 of the statutes of 1975, amended by section 1 of chapter 65 of the statutes of 1977 and by section 1 of chapter 79 of the statutes of 1978, is again amended by replacing the last paragraph by the following paragraph:

“For the purposes of this section, the Lieutenant-Governor in Council may define, for the year 1978/1979 and for the year 1979/1980, the real value of the property entered in the valuation rolls in force in the local municipality or municipalities of their territory.”

**15.** Section 474a of the said act, enacted by section 76 of chapter 67 of the statutes of 1971, is amended by adding at the end the following paragraph:

Sec. 16. *The proposed amendment provides concordance with section 6 of the bill.*

*The first paragraph of section 480 of the act presently reads as follows:*

**“480.** The Council of Commissioners contemplated in section 91 shall, in the case of every regional board, consist of all the commissioners or trustees of the school boards which are members of it.”

Sec. 17. *Section 486 of the act presently reads as follows:*

**“486.** The regional board shall appoint, each year, one or more auditors to audit its accounts.”

Sec. 18. *The proposed amendment provides concordance with section 5 of the bill as regards a school board of the Island of Montreal.*

Sec. 19. *The proposed amendment provides concordance with section 3 of the bill.*

*Section 619 of the act presently reads as follows:*

**“619.** When a school board establishes administrative regions or districts, the parents' committee contemplated in section 68 shall be replaced for the same purposes by the following committees:

(a) a regional parents' committee at the level of each administrative region or district;

(b) a central parents' committee consisting of representatives of regional parents' committees, at the school board.

The Lieutenant-Governor in Council shall determine by regulation the composition, distribution of duties and the terms and conditions of the operating and financing of the above-mentioned committees.

Every regulation made under the preceding paragraph shall be published in the *Québec Official Gazette*; it shall come into force on the date of its publication or on any later date fixed therein.”

“The director-general and the assistant director-general contemplated in section 204 and the representative of the parents’ committee are also members of the executive committee but they do not have the right to vote.”

**16.** Section 480 of the said act, replaced by section 78 of chapter 67 of the statutes of 1971 and amended by section 3 of chapter 68 of the statutes of 1971, is again amended by replacing the first paragraph by the following paragraph:

“**480.** The Council of Commissioners contemplated in section 91 consists, in the case of every regional board, of all the commissioners or trustees of the school boards which are members of it and of the representative of the parents’ committee of that regional board.”

**17.** Section 486 of the said act, replaced by section 83 of chapter 67 of the statutes of 1971, is again replaced by the following section:

“**486.** The provisions of this act and of the regulations respecting the auditor of a school board and his report apply, *mutatis mutandis*, to the regional board.”

**18.** Section 616 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is amended by adding at the end of the first paragraph the following: “In addition, each school board consists of one representative elected for each of the elementary and secondary levels in accordance with section 68*a* or the second paragraph of section 619.”

**19.** Section 619 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is amended:

(*a*) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(*b*) a central parents’ committee consisting of delegates of regional parents’ committees, at the school board.”;

(*b*) by inserting after the first paragraph the following paragraphs:

“Notwithstanding section 68*a*, the secretary-general of the school board, before 1 June each year, shall call the members of the central parents’ committee to elect the chairman of that committee. After the chairman is elected, the central parents’ committee shall immediately elect two representatives contemplated in section 616, one for each of the elementary and secondary levels, to sit on the Council of Commissioners and the executive

*Sec. 20. The proposed amendment provides concordance with section 12 of the bill.*

*Sec. 21. The object of the proposed amendment is to replace the clerk of a municipal corporation by the secretary of the Montreal division of the Bureau de révision de l'évaluation foncière du Québec for receiving a complaint respecting an entry on the valuation roll.*

*Sec. 22. The object of the proposed amendment is to enact that the provisions of the act respecting the representative of the parents' committee do not apply to the Cree school board.*

*Sec. 23. The object of the proposed amendment is to enact that the provisions of the act respecting the representative of a parents' committee do not apply to the Kativik school board.*

committee. These representatives are elected by secret ballot by the majority vote of the members present.

Section 68*b* applies, *mutatis mutandis*, to a central parents' committee and its representatives."

**20.** Section 620 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972 and amended by section 4 of chapter 39 of the statutes of 1976, is again amended by inserting after the fourth paragraph the following paragraphs:

"The Lieutenant-Governor in Council may, by regulation, determine rules and conditions for the alienation of moveable or immoveable property of a school board.

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."

**21.** Section 629 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is replaced by the following section:

**629.** The secretary of the Montreal division of the Bureau de révision de l'évaluation foncière du Québec shall, if he receives, in accordance with section 66 of the Real Estate Assessment Act, a complaint respecting an entry contemplated in the preceding section, make a copy of the complaint and deliver or mail it forthwith to the Council, which may then intervene in the dispute. The notice of hearing contemplated in section 69 of the Real Estate Assessment Act must also be sent to the Council."

**22.** Section 675 of the said act, enacted by section 1 of chapter 78 of the statutes of 1978, is replaced by the following section:

**675.** The provisions of this act respecting elections, school taxes and valuation of property, school and parents' committees and those respecting the representative of the parents' committee do not apply to the school board."

**23.** Section 733 of the said act, enacted by section 1 of chapter 78 of the statutes of 1978, is amended by replacing the last paragraph by the following paragraph:

"The education committees shall be consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board. Sections 66 to 70 and the provisions respecting the representative of the parents' committee do not apply."

Sec. 24. *The proposed amendment is transitional.*

**24.** For the school year beginning 1 July 1979, the dates 1 May and 1 June mentioned in sections 1, 3 and 19 of this act are replaced by the dates 15 October and 1 November, respectively.

For the school year referred to in the first paragraph, parents whose children attend a school and are registered therein may be members of the school committee, delegates and representatives. Their term of office ends on the day of the election of the person replacing them before 1 May and 1 June 1980.

**25.** This act comes into force on the day of its sanction, except section 66a enacted by section 1 and section 4 of this act, which will come into force on 1 March 1980.