



# NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 180

## **An Act to amend the Education Act and various legislative provisions**

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**Introduction**

**Introduced by  
Madam Pauline Marois  
Minister of Education**



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## EXPLANATORY NOTES

*This bill proposes a restructuring of the respective powers and responsibilities of and the relations between educational institutions, school boards, the Minister of Education and the Government.*

*Certain functions and powers presently exercised by school boards in connection with educational services, community services and the management of human, physical and financial resources will be transferred to individual educational institutions.*

*These functions and powers are to be exercised by the governing board established for each educational institution; the governing board will, in the case of schools, replace the existing orientation committee and school committee.*

*In addition, the bill provides for a new type of educational institution to be known as a vocational training centre. It will be responsible for providing vocational training to young and adult students under a new, separate basic regulation.*

*Consequential changes are made to the functions and powers of the principals of educational institutions, the school boards, the Minister and the Government, and to the role of school board parents' committees. In the latter case, the committee will henceforth be composed of parents who are members of school governing boards and of one parent representing the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.*

*Certain powers and functions relating to school transportation are transferred to the Minister of Education.*

*The bill also provides for the establishment of a programs council, a teaching resource evaluation committee, a teacher training program evaluation committee and a teacher training policy committee whose mission is to advise the Minister on the matters within their purview.*

*Under the bill, various changes are made to provisions dealing with the collection of school taxes.*

*Lastly, the bill introduces consequential amendments and transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47).



## **Bill 180**

### **AN ACT TO AMEND THE EDUCATION ACT AND VARIOUS LEGISLATIVE PROVISIONS**

**THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

**1.** Section 1 of the Education Act (R.S.Q., chapter I-13.3) is amended

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

(2) by inserting the words “referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448” after the word “regulation” in the third line of the second paragraph.

**2.** Section 2 of the said Act is amended by replacing the words “school regulation for adult education made” in the second and third lines by the words “regulations established”.

**3.** Section 3 of the said Act is amended

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

“**3.** The educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 shall be provided free to every resident of Québec entitled thereto under section 1.”;

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

“The educational services prescribed by the basic vocational training regulation shall be provided free to every resident of Québec, subject, however, to the conditions determined in the basic regulation if the person is 18 years of age or older, or 21 years of age or older in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1).”

**4.** Section 4 of the said Act is amended by replacing the first two paragraphs by the following paragraphs:

**4.** Every student, or the student's parents if the student is not of full age, shall have the right to choose, every year, the school that best reflects their preferences from among the schools of the school board whose jurisdiction the student comes under that provide services to which the student is entitled.

The exercise of the right to choose a school is subordinate to the enrollment rule set out in the second paragraph of section 239 where the number of applications for enrollment in a school exceeds the school's capacity, and, in the case of a school with a special project or a school having a regional or provincial role, subordinate to the enrollment criteria established by the school board pursuant to section 240 or 468."

**5.** Section 5 of the said Act, amended by section 52 of chapter 47 of the statutes of 1997, is again amended by inserting the words "vocational training or" after the words "enrolled in" in the first line of the first paragraph.

**6.** Section 6 of the said Act is amended by inserting the words "vocational training or" after the words "enrolled in" in the first lines of the first and second paragraphs.

**7.** Section 7 of the said Act is amended by adding, at the end of the first paragraph, the words "until the last day of the school calendar of the school year in which they reach 18 years of age, or 21 years of age in the case of handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1)."

**8.** Section 9 of the said Act is amended by inserting the words "or the governing board" after the word "committee" in the second line.

**9.** Section 15 of the said Act, amended by section 70 of chapter 21 of the statutes of 1996, is again amended by adding, after the second paragraph, the following paragraph:

"A child is also excused from attending public school if the child attends a vocational training centre or receives instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1)."

**10.** Section 22 of the said Act is amended by inserting, after paragraph 6, the following paragraph:

"(6.1) collaborate in the training of future teachers and in the mentoring of newly qualified teachers;"

**11.** Section 23 of the said Act is amended

(1) by replacing the word "Every" in the first line of the first paragraph by the words "To provide preschool education services or to teach at the elementary or secondary level, a";

(2) by inserting, after subparagraph 1 of the second paragraph, the following subparagraph:

“(1.1) a person who provides instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1);”;

(3) by replacing the words “or training issued by a school board pursuant to section 223 or 246” at the end of subparagraph 3 of the second paragraph by the words “issued by a school board pursuant to section 223 or 246.1”.

**12.** Section 25 of the said Act is amended by replacing the word “teachers” in the second line by the words “preschool education providers or elementary or secondary-level teachers”.

**13.** Chapters III and IV of the said Act are replaced by the following chapters:

### **“CHAPTER III**

#### **“SCHOOLS**

#### **“DIVISION I**

##### **“ESTABLISHMENT**

**“36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community.

The mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.

A school shall pursue its mission within the framework of an educational project defined, implemented and periodically evaluated in collaboration with the students, the parents, the principal, the teachers and other school staff, representatives of the community and the school board.

**“37.** A school’s educational project shall set out the specific aims and objectives of the school, and the means by which the educational project is to be implemented and evaluated.

The aims and objectives of the project, and the means by which it is to be implemented, shall be designed to ensure that the provincial educational project defined by law, the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched to reflect the needs of the students and the priorities of the school.

**“38.** At the request of the school board, a school shall provide a general education program to students enrolled in a vocational training program provided by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education ( chapter E-9.1).

**“39.** Schools shall be established by the school board.

The deed of establishment shall state the name and address of the school, indicate the premises or immovables placed at the school's disposal and specify the level of instruction the school is to provide.

**“40.** A school board may, after consulting with the governing board or at its request, amend or revoke the deed of establishment of a school in keeping with the three-year plan of allocation and destination of the school board immovables.

**“41.** Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person's functions.

The persons appointed shall perform their functions under the authority of the principal.

## **“DIVISION II**

### **“GOVERNING BOARD**

#### **“§1. — *Composition***

**“42.** A governing board shall be established for each school.

The governing board, which shall have not more than 20 members, shall include the following persons :

(1) parents of students attending the school who are not members of the school staff, elected by their peers ;

(2) at least four members of the school staff, including at least two teachers, elected by their peers ;

(3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level ;

(4) in the case of a school where childcare is organized for children at the preschool or elementary school level, a member of the staff assigned to childcare, elected by his or her peers ;



(5) two representatives of the community who are not members of the school staff, appointed by the governing board.

The community representatives on the governing board are not entitled to vote.

**"43.** The school board shall determine the number of parents' representatives and staff representatives on the governing board after consulting with each group concerned.

The total number of seats for staff representatives referred to in subparagraphs 2 and 4 of the second paragraph of section 42 must be equal to the total number of seats for representatives of other groups on the governing board who are entitled to vote.

**"44.** Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a school under the authority of the school board.

However, a commissioner, if so authorized by the governing board, may take part in meetings of the governing board but is not entitled to vote.

**"45.** The principal of the school shall take part in the meetings of the governing board but is not entitled to vote.

**"§2. — Formation**

**"46.** During the month of September each year, the chair of the governing board or, if there is none, the principal shall, by written notice, call a meeting of the parents of the students who attend the school to elect parents' representatives to the governing board. The notice shall be sent at least four days before the meeting is to be held.

At the meeting, the parents shall elect a representative to the parents' committee established under section 189 from among their representatives on the governing board.

At the meeting, a second parents' representative on the governing board may be designated as a substitute to attend and vote at meetings of the parents' committee when the representative elected for that purpose is unable to do so.

**"47.** During the month of September each year, the teachers of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in their collective agreement or, failing that, according to the procedure determined by the principal after consulting with the teachers.

**"48.** During the month of September each year, the persons, other than teachers, who provide student services or special educational services to the

students of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in the collective agreement of the non-teaching professional staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

**“49.** During the month of September each year, the members of the school support staff and the members of the school staff assigned to childcare for children at the preschool or elementary school level, if any, shall hold meetings to elect their representatives to the governing board according to the procedure set out in the collective agreement of the support staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

**“50.** During the month of September each year, the principal of a school providing education to students in the second cycle of the secondary level shall preside over the election of students’ representatives to the governing board in accordance with the rules established by the principal after consulting with the students enrolled at the secondary level or the association representing them, if any.

**“51.** Where the meeting of parents called pursuant to section 46 fails to elect the required number of parents’ representatives, the principal shall exercise the functions and powers of the governing board.

The fact that the representatives of any other group fall short of the required number shall not prevent the formation of the governing board.

**“52.** The members of the governing board shall take office as soon as all its members are elected or appointed or not later than 30 September, whichever occurs first.

**“53.** The term of office of parents’ representatives on the governing board is two years and the term of office of the representatives of other groups is one year.

However, the term of office of half of the first parents’ representatives, elected by the meeting of parents, is one year.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

**“54.** A parents’ representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 46.

A vacancy resulting from the departure of a parents’ representative shall be filled, for the unexpired portion of the representative’s term, by a parent designated by the other parents’ representatives on the governing board.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

**“§3. — Operation**

**“55.** The governing board shall choose its chair from among the parents’ representatives on the governing board who are not members of the personnel of the school board.

**“56.** The principal shall preside over the governing board until the chair is elected.

**“57.** The term of office of the chair is one year.

**“58.** The chair of the governing board shall preside at meetings of the governing board.

**“59.** If the chair is absent or unable to act, the governing board shall designate a person from among the members who are eligible for the office of chair to exercise the functions and powers of the chair.

**“60.** A majority of the members of the governing board who are in office, including at least half of the parents’ representatives, is a quorum of the governing board.

**“61.** If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school board may order that the functions and powers of the governing board be suspended for the period determined by the school board and that they be exercised by the principal.

**“62.** The decisions of the governing board are made by a majority vote of the members present and entitled to vote.

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

**“63.** The governing board may hold its meetings on the school premises.

The governing board may also use the school’s administrative support services and facilities free of charge, subject to the conditions determined by the principal.

**“64.** The governing board shall adopt and oversee the administration of its annual operating budget and render an account thereof to the school board.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the governing board by the school board and the governing board's own revenues, on the other.

**"65.** The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff.

**"66.** The meetings of the governing board are open to the public.

However, the governing board may order that a meeting be closed to the public if it considers that the proceedings could adversely affect a person's reputation or that the matter should be dealt with confidentially in the public interest.

**"67.** The minutes of the proceedings of the governing board shall be recorded in a register kept for that purpose by the principal or by a person specially designated by the principal. The register is open to the public.

The minutes, after being read and approved at the beginning of the following meeting, shall be signed by the person presiding over the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

The reading of the minutes is not required provided that a copy of the minutes was delivered to each member present at least six hours before the beginning of the meeting at which the minutes are to be approved.

A copy of an extract from the register may be obtained on payment of a reasonable fee fixed by the governing board.

**"68.** Every member of the governing board who has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school must, on pain of forfeiture of office, disclose the interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first meeting of the governing board

(1) after a person having such an interest becomes a member of the governing board;

(2) after a member of the board acquires such an interest;

(3) during which the matter is dealt with.

**“69.** The members of the governing board must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community.

**“70.** The members of a governing board may not be prosecuted for an act performed in good faith in the exercise of governing board functions.

**“71.** The school board shall assume the defence of any member of the governing board who is prosecuted by a third person for an act done in the exercise of governing board functions.

In the case of penal or criminal proceedings, the school board may recover the defence expenses from the member, unless the member had reasonable grounds to believe that the act was in conformity with the law, the proceedings were withdrawn or dismissed or the member was discharged or acquitted.

As well, the school board may recover the defence expenses from the member if the member was found liable for damage caused by an act done in bad faith in the exercise of governing board functions.

**“§4. — Functions and powers**

**“1. General functions and powers**

**“72.** The governing board shall adopt, oversee the implementation of and evaluate the school’s educational project.

In exercising such functions, the governing board shall seek the collaboration of persons having an interest in the school.

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other school staff members and community representatives, and their collaboration in helping students to achieve academic success.

**“73.** The governing board is responsible for approving the student supervision policy proposed by the principal.

The policy shall include measures relating to the use of non-teaching and non-scheduled time for instructional or educational purposes, the organization of extracurricular activities and the development of approaches to foster academic success.

**“74.** The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

The rules and measures may include for disciplinary sanctions other than expulsion from school or corporal punishment; the rules and measures shall be transmitted to all students at the school and their parents.

**“75.** The proposals made under sections 73 and 74 shall be developed in collaboration with the school staff.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

**“76.** The governing board shall advise the school board concerning

(1) any matter the school board is required to submit to the governing board;

(2) any matter likely to facilitate the operation of the school;

(3) any matter likely to improve the organization of the services provided by the school board.

**“77.** The school board must consult with the governing board concerning

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

(2) the selection criteria for the appointment of the principal;

(3) the recognition of the confessional status of the school.

**“78.** The governing board may, within the scope of its powers, enter into an agreement with another educational institution of the school board concerning the pooling of goods and services or the holding of joint activities.

**“79.** The governing board shall furnish to the school board, on the date and in the form specified by the school board, any information required by the school board for the exercise of its functions.

**“80.** The governing board shall prepare and adopt an annual activity report and shall transmit a copy of the report to the school board.

**“81.** The governing board shall inform the community served by the school of the services provided by the school and report on the level of quality of such services.

**“2.** Functions and powers relating to educational services

**“82.** The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation.

**“83.** The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

**“84.** The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself

(1) that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;

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

(3) that the rules governing the certification of studies prescribed by the basic school regulation are complied with.

**“85.** The governing board is responsible for approving the programming of educational activities, proposed by the principal, which entail changes in the students’ regular time of arrival and departure or which require the students to leave school premises.

**“86.** The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board.

**“87.** Proposals under sections 82, 85 and 86 shall be developed in collaboration with the school staff; proposals under sections 83 and 84 shall be developed in collaboration with the teachers.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

### **“3. Functions and powers relating to community services**

**“88.** The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

It may also allow other persons or organizations to organize such services on school premises.

**“89.** For the purposes of section 88, the governing board may, in the name of the school board and within the scope of the school’s budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

**“90.** Revenues derived from the provision of goods and services under section 88 shall be credited to the appropriations allocated to the school.

**“4. Functions and powers relating to physical and financial resources**

**“91.** The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services.

**“92.** The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization to assist in the realization of the school’s educational project.

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached.

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund.

**“93.** The governing board is responsible for adopting the school’s annual budget proposed by the principal, and shall submit the budget to the school board for approval.



### **“DIVISION III**

#### **“PARENT PARTICIPATION ORGANIZATION**

**“94.** The meeting of parents called pursuant to section 46 shall decide whether or not to form a parent participation organization.

If the meeting decides to form a parent participation organization, it shall determine the name, composition and operating rules of the organization and shall elect its members.

**“95.** Where under the deed of establishment of the school more than one immovable is placed at the disposal of the school or where the school provides both elementary and secondary instruction, the meeting of parents may establish a parent participation organization for each immovable or each level of instruction, instead of only one.

**“96.** The purpose of a parent participation organization is to encourage the collaboration of parents in developing, implementing and periodically evaluating the school’s educational project and their participation in their child’s schooling.

**“96.1.** A parent participation organization may advise the parents’ representatives on the governing board regarding any matter of concern to parents or any matter concerning which the organization is consulted by the parents’ representatives on the governing board.

**“96.2.** A parent participation organization may hold its meetings on the school premises.

The organization may also use the school’s administrative support services and facilities free of charge, subject to the conditions determined by the principal after consulting with the governing board.

### **“DIVISION IV**

#### **“ PRINCIPAL**

**“§1. — *Appointment***

**“96.3.** The principal of a school shall be appointed by the school board in accordance with the selection criteria established by the school board after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

**“96.4.** The school board may appoint one or more vice principals after consulting with the principal.

**“96.5.** A vice principal shall assist the principal in the exercise of the principal’s functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the principal’s functions and powers if the principal is absent or unable to act.

**“96.6.** The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal’s personal interest in conflict with the interest of the school.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

**“§2. — Functions and powers**

**“96.7.** The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the school meet the proper standards of quality.

The principal is the academic and administrative director of the school and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school.

**“96.8.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the development, implementation and periodical evaluation of the school’s educational project;

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;

(3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering academic success.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

**“96.9.** In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student’s parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board’s policy concerning the organization of services for handicapped students and students with learning disabilities

and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis.

**"96.10.** The principal is responsible for approving, on the proposal of the teachers or, in the case of matters referred to in subparagraph 5, of the members of the staff,

(1) in accordance with the policies determined by the governing board, the local programs of studies developed to meet the special needs of students ;

(2) the criteria for the introduction of new instructional methods ;

(3) in accordance with this Act and in keeping with the school budget, the textbooks and instructional material required for the teaching of programs of studies ;

(4) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic school regulation and subject to the examinations that may be imposed by the Minister or the school board ;

(5) the rules governing the placement of students and their promotion from one cycle to the other at the elementary level, subject to the rules prescribed by the basic school regulation.

The proposals of the teachers or the staff members under this section shall be made according to the procedure determined by the teachers or the staff members at general meetings called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers or the staff members concerning a subject referred to in this section must be made within 15 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers or the staff members, the principal shall give reasons, in writing, for the decision.

**"96.11.** With the authorization of the Minister, a greater number of credits may be assigned to a local program of studies than the number of credits prescribed by the basic school regulation.

Local programs of studies for Catholic or Protestant moral and religious instruction shall be submitted to the Catholic committee or Protestant committee for approval in accordance with section 22 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60).

**“96.12.** Following a request, with reasons, from the parents of a child who has not achieved the objectives of preschool education, the principal may admit the child, as prescribed by regulation of the Minister, to preschool education for the school year in which he would be eligible for admission to elementary school education, if there are reasonable grounds to believe that such measure will enable the child to join a regular class at the elementary level.

**“96.13.** Following a request, with reasons, from the parents of a student who has not achieved the objectives or mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for mandatory promotion to secondary school, the principal may admit the student, as prescribed by regulation of the Minister, to elementary school education for an additional school year, if there are reasonable grounds to believe that such measure will enable the child to join a regular class at the secondary level.

**“96.14.** Each year, the principal shall submit a report to the school board on the number of students admitted under each of sections 96.12 and 96.13, on the date determined and in the form specified by the school board.

**“96.15.** After consulting with the governing board, the principal shall inform the school board, on the date and in the form determined by the school board, of the needs of the school in respect of each staff category and of the professional development needs of the staff.

**“96.16.** The principal is responsible for the management of the staff of the school and shall determine the duties and responsibilities of each staff member in accordance with the provisions of the applicable collective agreements or regulations of the Minister and, where applicable, with the agreements between the school board and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers.

The principal shall ensure that every teacher assigned to Catholic or Protestant moral and religious instruction has the qualifications required by the Catholic or the Protestant committee established by the Act respecting the Conseil supérieur de l'éducation (chapter C-60).

The principal shall see to the organization of such professional development activities for the school staff as agreed with the staff, in accordance with the provisions of the applicable collective agreements.

**“96.17.** After consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services, and of any required improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school.

**“96.18.** The principal is responsible for the maintenance of the property placed at the disposal of the school and must render an account thereof to the school board.

**“96.19.** The principal shall prepare the annual budget of the school, submit it to the governing board for approval, administer the budget and render an account thereof to the governing board.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school's own revenues, on the other.

The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.

If a school closes, the school's surpluses and funds shall be transferred to the school board.

**“96.20.** The principal shall participate in defining the policies and by-laws of the school board.

**“96.21.** The principal shall also exercise the functions and powers delegated by the council of commissioners.

The principal shall, at the request of the school board, exercise functions other than the functions of a principal.

## **“CHAPTER IV**

### **“VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES**

#### **“DIVISION I**

##### **“ESTABLISHMENT**

**“97.** Vocational training centres are educational institutions whose mission is to provide the educational services prescribed by the basic vocational training regulation established by the Government under section 448.

Adult education centres are educational institutions whose mission is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic adult education regulation established by the Government under section 448.

It is also the mission of centres to contribute to the social and cultural development of the community.

**“98.** At the request of the school board, an adult education centre shall provide a general education program to students in a vocational training program offered by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).

**“99.** For the purposes of section 72 of the Charter of the French language (chapter C-11), a vocational training centre shall be considered to be a school as far as persons entitled to educational services under section 1 are concerned.

**“100.** Centres shall be established by the school board.

The deed of establishment of a centre shall state the name and address of the centre and indicate the premises or immovables placed at the disposal of the centre. The deed shall also specify whether the centre is a vocational training centre or an adult education centre.

Where the deed of establishment of the centre places more than one immovable at the disposal of the centre, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person's functions.

The persons appointed shall perform their functions under the authority of the principal.

**“101.** A school board may, after consulting with the governing board or at its request, amend the deed of establishment of a centre in keeping with the three-year plan of allocation and destination of the school board immovables.

## **“DIVISION II**

### **“GOVERNING BOARD**

#### **“§1. — *Composition and formation***

**“102.** A governing board shall be established for each centre.

The governing board, which shall have not more than 20 members, shall include the following persons, who shall become members of the board upon their appointment or election:

(1) students attending the centre, elected by their peers according to the procedure determined by the principal after consulting with the students or the students' association, if any;

(2) at least four members of the staff of the centre, including at least two teachers, elected by their peers according to the procedure set out in their respective collective agreements or, failing that, according to the procedure determined by the principal after consulting with the persons concerned;

(3) at least two persons appointed by the school board after consulting with the socio-economic and community groups in the territory principally served by the centre;

(4) in the case of a vocational training centre, at least two parents of students attending the centre who are not members of the staff of the centre, elected by their peers according to the procedure determined by the principal;

(5) in the case of a vocational training centre, at least two persons appointed by the school board from within enterprises of the region operating in economic sectors corresponding to the vocational education programs offered by the centre.

The term of office of members of the governing board is two years.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

**“103.** The school board shall determine the number of representatives of each group on the governing board after consulting with each group.

The total number of seats for staff representatives must not exceed the total number of seats for representatives of other groups.

**“104.** Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a centre under the authority of the school board.

However, a commissioner, if so authorized by the governing board, may take part in meetings of the governing board but is not entitled to vote.

**“105.** The principal shall take part in meetings of the governing board but is not entitled to vote.

**“106.** The fact that the representatives of a group fall short of the required number shall not prevent the formation of the governing board.

## **“§2. — Operation**

**“107.** The governing board shall choose its chair from among the members appointed or elected under subparagraphs 3 to 5 of the second paragraph of section 102 who are not members of the personnel of the school board.

**“108.** Sections 56 to 71, adapted as required, apply to the operation of the governing board of a centre.

**“§3. — Functions and powers**

**“109.** The governing board shall determine, oversee the implementation of and evaluate periodically the policies and action plan of the centre.

In exercising those functions, the governing board shall seek the collaboration of persons having an interest in the centre.

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other staff members and community representatives.

**“110.** The governing board shall advise the school board concerning

- (1) any matter the school board is required to submit to the governing board;
- (2) any matter likely to facilitate the operation of the centre;
- (3) any matter likely to improve the organization of the services provided by the school board.

**“110.1.** The school board must consult the governing board concerning

- (1) the amendment or revocation of the deed of establishment of the centre;
- (2) the selection criteria for the appointment of the principal.

**“110.2.** The functions of the governing board include approving the proposals of the principal on the following matters:

- (1) the approach for the implementation of the basic regulation;
- (2) the implementation of the programs of studies;
- (3) the implementation of the programs relating to student services and popular education prescribed by the basic regulation which are determined by the school board or provided for in an agreement made by the school board;
- (4) the operating rules of the centre.

Proposals under this section shall be developed in collaboration with the staff members concerned or, in the case of proposals under subparagraph 2 of the first paragraph, in collaboration with the teachers.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.



**“110.3.** The governing board may organize social, cultural or sports services or allow other persons or organizations to organize such services on the premises of the centre.

For the purposes of this section, the governing board may, in the name of the school board and in keeping with the budget of the centre, contract with a person or organization for the provision of goods and services. In addition, the governing board may require a financial contribution from users of such goods and services.

Revenues derived from the provision of such goods and services shall be credited to the appropriations allocated to the centre.

**“110.4.** Sections 78 to 81 and 91 to 93, adapted as required, apply to the governing board of a centre.

### **“DIVISION III**

#### **“PRINCIPAL**

##### **“§1. — *Appointment***

**“110.5.** The principal of a centre shall be appointed by the school board in accordance with the criteria established by the Government after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

**“110.6.** The school board may appoint one or more vice principals after consulting with the principal.

**“110.7.** A vice principal shall assist the principal in the exercise of his functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the functions and powers of the principal if the principal is absent or unable to act.

**“110.8.** The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal's personal interest in conflict with the interest of the centre.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

*“§2. — Functions and powers*

**“110.9.** The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the centre meet the proper standards of quality.

The principal is the academic and administrative director of the centre and shall see to the implementation of the decisions of the governing board and of the other provisions governing the centre.

**“110.10.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the development, implementation and periodical evaluation of the centre’s action plan ;

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

**“110.11.** The principal is also responsible for approving, on the proposal of the teachers,

(1) the criteria for the introduction of new instructional methods ;

(2) in keeping with the budget of the centre, the textbooks and instructional material required for the teaching of programs of studies ;

(3) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic regulation and subject to the examinations that may be imposed by the Minister or the school board.

The proposals of the teachers under this section shall be made according to the procedure determined by the teachers at a meeting called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers concerning a subject referred to in this section must be made within 15 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers, the principal shall give reasons, in writing, for the decision.

**“110.12.** Sections 96.15 to 96.21, except the second paragraph of section 96.16, adapted as required, apply to the principal of a centre.”

**14.** Section 113 of the said Act is amended by replacing the words “public legal person having the necessary powers to carry out the functions conferred on it by law” in the first and second lines by the words “legal person established in the public interest”.

**15.** Section 118.1 of the said Act is amended by adding, at the end, the following paragraph:

“However, the Minister may limit the number of members from each school board; the members shall, in such a case, be designated by their respective councils.”

**16.** Section 120 of the said Act is amended by replacing the word “Government” in the fourth line of the third paragraph by the word “Minister”.

**17.** Section 143 of the said Act, amended by section 5 of chapter 47 of the statutes of 1997, is again amended by replacing paragraph 2 by the following paragraph:

“(2) two commissioners representing the parents’ committee, one chosen from among the representatives of schools providing instruction at the elementary level and the other from among the representatives of schools providing instruction at the secondary level, elected pursuant to this Act.”

**18.** Section 145 of the said Act is amended

(1) by replacing the word “employees” in the fifth line of the first paragraph by the words “members of the personnel”;

(2) by striking out the words “, as the case may be” at the end of the first paragraph.

**19.** The said Act is amended by inserting, after section 145, the following section:

**“145.1.** Two other members who are not members of the personnel of the school board may be designated as substitutes by the members of the parents’ committee to attend and vote at sittings of the council of commissioners or the executive committee when the commissioners representing the parents’ committee are unable to do so.”

**20.** Section 147 of the said Act, amended by section 7 of chapter 47 of the statutes of 1997, is again amended by inserting, at the beginning, the following paragraph:

**“147.** A commissioner representing the parents’ committee whose child no longer attends a school of the school board may remain on the council of commissioners until the expiry of the commissioner’s term of office.”

**21.** Section 149 of the said Act, amended by section 9 of chapter 47 of the statutes of 1997, is again amended by inserting, after the first paragraph, the following paragraph:

“However, the Minister may limit the number of commissioners from each school board; the members shall, in such a case, be designated by their respective council of commissioners.”

**22.** Section 158 of the said Act is amended by inserting the words “absent or” after the word “is” in the first line.

**23.** Section 161 of the said Act is amended by replacing the words “votes of” in the second line of the first paragraph by the words “votes cast by”.

**24.** The said Act is amended by inserting, after section 168, the following section:

**“168.1.** A meeting of the council of commissioners may be held by any means which allow the provisions of sections 167 and 168 to be observed.”

**25.** Section 174 of the said Act is amended by replacing the words “a principal, a principal of an adult education” in the second and third lines of the first paragraph by the words “a school principal, the principal of a”.

**26.** The said Act is amended by inserting, after section 175.3, the following section:

**“175.4.** Any member of the council of commissioners who has a direct or indirect interest in any enterprise which places the member’s personal interest in conflict with the interest of the school board must, on pain of forfeiture of office, disclose the interest in writing to the director general of the school board, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a sitting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first sitting of the council

- (1) after a person having such an interest becomes a member of the council;
- (2) after a member of the council acquires such an interest;
- (3) during which the matter is dealt with.”

**27.** Section 176 of the said Act is amended

- (1) by replacing the figure “304” in the first line of the first paragraph by the figure “306”;

(2) by striking out the second paragraph.

**28.** The said Act is amended by inserting, after section 177, the following sections:

**“177.1.** The members of the council of commissioners must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school board and the population served by the school board.

**“177.2.** The school board shall assume the defence of any member of the council of commissioners who is prosecuted by a third person for an act done in the exercise of council functions.

In the case of penal or criminal proceedings, the school board may recover the defence expenses from the member, unless the member had reasonable grounds to believe that the act was in conformity with the law, the proceedings were withdrawn or dismissed or the member was discharged or acquitted.

As well, the school board may recover the defence expenses from the member if the member was found liable for damage caused by an act done in bad faith in the exercise of council functions.”

**29.** Section 178 of the said Act is amended by replacing the words “an orientation committee, of a school committee” in the first and second lines of the second paragraph by the words “a governing board”.

**30.** Section 179 of the said Act, amended by section 11 of chapter 47 of the statutes of 1997, is again amended by inserting, before the last paragraph, the following paragraph:

“The term of office of the members of the executive committee expires at the same time as their term of office as members of the council of commissioners.”

**31.** Section 183 of the said Act is amended

(1) by replacing the words “53 and 109” in the first line of the first paragraph by the words “96.20 and 110.12”;

(2) by inserting the words “the principals of vocational training centres,” after the words “school principals,” in the third line of the first paragraph;

(3) by striking out, in the French text, the words “d’éducation des adultes” in the first line of the second paragraph.

**32.** Section 184 of the said Act is amended by striking out the words “adult education” in the second line of the second paragraph.

**33.** Section 187 of the said Act is amended by replacing the word “norms” in the first line of subparagraph 1 of the first paragraph by the words “a policy”.

**34.** Section 189 of the said Act, amended by section 12 of chapter 47 of the statutes of 1997, is replaced by the following section :

**“189.** A parents’ committee composed of the following persons shall be established for each school board :

(1) one representative from each school, elected by the meeting of parents pursuant to the second paragraph of section 46;

(2) one representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

A representative from a school whose child no longer attends the school may remain on the parents’ committee.”

**35.** Section 191 of the said Act, amended by section 13 of chapter 47 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the words “ and a representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee”.

**36.** Section 192 of the said Act is amended by replacing paragraph 3 by the following paragraph :

“(3) to inform the school board of the needs of parents as identified by the school representatives and by the representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities;”.

**37.** Section 193 of the said Act, amended by section 14 of chapter 47 of the statutes of 1997, is again amended

(1) by striking out paragraph 4;

(2) by replacing paragraph 6 by the following paragraph :

“(6) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students at that school;”;

(3) by replacing paragraph 8 by the following paragraph :

“(8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level;”;

(4) by replacing paragraph 9 by the following paragraph :

“(9) the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees.”

**38.** Section 194 of the said Act is amended by inserting the words “, free of charge” after the word “use” in the first line of the second paragraph.

**39.** Section 195 of the said Act is amended by replacing the second paragraph by the following paragraph :

“A member may take part in and vote at a meeting of the committee by any means allowing all the participants to communicate with each other.”

**40.** Section 198 of the said Act, amended by section 15 of chapter 47 of the statutes of 1997, is again amended by replacing the word “Government” in the second line by the word “Minister”.

**41.** Section 199 of the said Act is amended by replacing the words “orientation committee of a school” in the second line by the words “governing board of a school or a centre”.

**42.** Section 200 of the said Act is replaced by the following section :

**“200.** The suspension or dismissal of the director general and the director general’s removal from office requires the vote of at least two-thirds of the voting members of the council of commissioners.”

**43.** Section 201 of the said Act is amended

(1) by replacing the words “day-to-day management of the activities and” in the first line of the second paragraph by the words “management of the”;

(2) by striking out the third paragraph.

**44.** The said Act is amended by inserting, after section 201, the following sections :

**“201.1.** The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively.

The director general may, however, hold an office or position or provide a service if no compensation or direct or indirect benefit is granted to the director general therefor.

Moreover, the director general may, with the authorization of the council of commissioners, hold an office or position or provide a service for which compensation or any direct or indirect benefit is granted.

**“201.2.** The director general may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise which places the director general’s personal interest in conflict with the interest of the school board.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the director general renounces or disposes of it promptly.”

**45.** Section 204 of the said Act is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the provisions of this division relating to vocational training or adult education, any person entitled and wishing to be enrolled in vocational training or adult education, whether or not resident in the territory of the school board, comes under the jurisdiction of a school board.”

**46.** Section 209 of the said Act, amended by section 18 of chapter 47 of the statutes of 1997, is again amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) organize educational services or, if the school board can establish that its resources are insufficient or if the school board agrees to grant the request of parents, entrust the organization of educational services to another school board, a body or a person with which or whom it has entered into an agreement pursuant to any of sections 213 to 215.1, while making sure the services are provided as near the students’ place of residence as possible;”;

(2) by striking out the words “467 or” in the third line of the second paragraph.

**47.** Section 210 of the said Act, replaced by section 19 of chapter 47 of the statutes of 1997, is amended

(1) by inserting the words “vocational training and” after the word “However,” in the first line of the second paragraph;

(2) by striking out the figure “, 467” in the fourth line of the second paragraph.

**48.** Section 211 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “The plan shall include the estimates in respect of the student population of



the school board and shall be sent to each local municipality and each regional county municipality whose territory coincides wholly or partly with the territory of the school board.”;

(2) by inserting the words “vocational training and” before the word “adult” in the second line of the second paragraph;

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

“Where two or more educational institutions are established in the same premises or immovables, the school board shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.”

**49.** Section 212 of the said Act is replaced by the following section:

“**212.** After consulting the parents’ committee and subject to the guidelines, if any, established by the Minister, the school board shall adopt a policy concerning the maintenance or closure of schools.”

**50.** Section 213 of the said Act, amended by section 20 of chapter 47 of the statutes of 1997, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“**213.** A school board may enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school board or an educational institution governed by the Act respecting private education (chapter E-9.1), or an educational body in Canada which provides educational services equivalent to those referred to in this Act.

A school board may enter into an agreement with another school board, a body or a person for the provision of student services and special educational services, literacy services or popular education services or for any purposes other than the provision of services referred to in the first paragraph.”;

(2) by adding, at the end of the third paragraph, the following sentence: “In the case of a handicapped student or a student with a social maladjustment or a learning disability, the school board shall consult the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.”;

(3) by adding, at the end of the fourth paragraph, the words “; it may also organize on-the-job training and apprenticeship programs”.

**51.** The said Act is amended by inserting, after section 215, the following section:

**“215.1.** A school board may, with the authorization of and subject to the conditions determined by the Minister, enter into a contract of association with a general and vocational college.

A general and vocational college that enters into a contract of association with a school board in accordance with the first paragraph may provide educational services provided for by this Act and prescribed by the basic regulations established by the Government under sections 447 and 448; the college is entitled to such benefits granted by this Act to schools, vocational training centres or adult education centres as are determined by the Minister.

Likewise, a school board that enters into a contract of association with a general and vocational college may provide college studies programs established by the Minister under the General and Vocational Colleges Act (chapter C-29); the school board is entitled to such benefits granted by the General and Vocational Colleges Act to general and vocational colleges as are determined by the Minister.”

**52.** Section 216 of the said Act is amended by inserting the words “vocational training or” after the words “enrolled in” in the third line of the second paragraph.

**53.** Section 217 of the said Act is amended by replacing the words “orientation committees, the school committees” in the first and second lines by the words “governing boards”.

**54.** Section 218 of the said Act, amended by section 21 of chapter 47 of the statutes of 1997, is again amended

(1) by striking out the part of the first paragraph following the words “each school”;

(2) by replacing the words “orientation committee and the school committee” in the third line of the second paragraph by the words “governing board”;

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

“After consulting with the parents of the students attending the school in accordance with the regulation of the Minister, at the request of the governing board, the school board must apply for such a withdrawal where the governing board so requests.”

**55.** The said Act is amended by inserting, after section 218, the following sections:

**“218.1.** The school board may require from its educational institutions any information or document it considers necessary for the exercise of its functions and powers, on the date and in the form it specifies.

**“218.2.** If a school, a vocational training centre or an adult education centre fails or refuses to comply with this Act or with a regulation of the Government, the Minister or the school board, the school board shall give the institution formal notice to comply therewith; failing that, the school board shall take appropriate action to ensure compliance with this Act and the regulations, such as substituting its decisions for the decisions of the institution.”

**56.** Section 221 of the said Act is amended by inserting the words “vocational training or” after the words “apply to” in the first line of the first paragraph.

**57.** Section 222 of the said Act is replaced by the following section:

**“222.** Every school board shall ensure that the basic school regulation established by the Government is implemented in accordance with the gradual implementation procedure established by the Minister under section 459.

For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the school principal, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.

The school board may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project applicable to a group of students may be carried out. In the case of a departure from the list of subjects, the school board must obtain the authorization of the Minister in accordance with section 459.”

**58.** The said Act is amended by inserting, after section 222, the following section:

**“222.1.** Every school board shall ensure that the programs of studies established by the Minister under section 461 are implemented.

However, a school board may, at the request of a school principal, after consulting with the student’s parents and subject to the rules governing certification of studies prescribed by the basic school regulation and to the by-laws of the Catholic committee or Protestant committee, exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation; no exemption may be granted, however, in respect of those programs.

As well, a school board may, with the authorization of and subject to the conditions determined by the Minister, allow a school to replace a program of studies established by the Minister by a local program of studies designed for a student or a category of students who are unable to benefit from the

programs of studies established by the Minister. Every local program of studies must be submitted by the school board to the Minister for approval.”

**59.** Section 223 of the said Act is replaced by the following section:

**“223.** A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic school regulation does not apply to a program of studies referred to in the first paragraph.”

**60.** Section 224 of the said Act is amended by striking out the words “and on the mode of administration of the programs” in the third and fourth lines of the second paragraph.

**61.** Section 225 of the said Act is amended by inserting the words “ensure that schools” after the word “shall” in the first line of the first paragraph.

**62.** Section 226 of the said Act is amended by inserting the words “ensure that schools” after the word “shall” in the first line.

**63.** Section 227 of the said Act is amended by inserting the words “Every school board shall ensure that” before the words “Catholic or” in the first line.

**64.** Section 228 of the said Act, amended by section 52 of chapter 47 of the statutes of 1997, is again amended by replacing the words “after consultation with the orientation committee and the school committee” in the first and second lines of the first paragraph by the words “at the request of a governing board”.

**65.** Section 229 of the said Act is repealed.

**66.** Section 230 of the said Act is amended

(1) by inserting the words “by schools” after the word “used” in the fifth line of the first paragraph and in the third line of the second paragraph;

(2) by replacing the word “and” in the first line of the first paragraph by a comma;

(3) by replacing the words “In accordance with section 7, it shall place at the disposal of the students, free of charge, the textbooks and instructional material used for the teaching of the programs of studies, and shall” in the first, second and third lines of the third paragraph by the words “It shall also ensure that schools, in accordance with section 7, place at the disposal of the

students, free of charge, the textbooks and instructional material used for the teaching of the programs of studies, and”.

**67.** Section 231 of the said Act is replaced by the following section:

**“231.** Every school board shall ensure that each school evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects it determines at the end of each cycle of the elementary level and at the end of the first cycle of the secondary level.”

**68.** Section 233 of the said Act, amended by section 22 of chapter 47 of the statutes of 1997, is replaced by the following section:

**“233.** After consulting with the parents’ committee, every school board shall establish rules governing promotion from elementary school to secondary school and from the first cycle to the second cycle of the secondary level, subject to the rules prescribed by the basic school regulation.”

**69.** Section 234 of the said Act is replaced by the following section:

**“234.** Every school board shall, subject to sections 222 and 222.1, adapt the educational services provided to a handicapped student or a student with a social maladjustment or a learning disability according to the student’s needs and in keeping with the student’s abilities as evaluated by the school board.”

**70.** Section 235 of the said Act is amended

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

**“235.** Every school board shall adopt, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, a policy concerning the organization of educational services for such students which is conducive to their integration into regular classes or groups and into regular school activities whenever possible, beneficial to the students and likely to facilitate their learning and their social integration.”;

(2) by replacing the words “Matters prescribed in the by-law” in the first line of the second paragraph by the words “The policy”;

(3) by inserting the words “; such procedures shall provide for the participation of the parents of the students and of the students themselves, unless they are unable to do so” after the word “disabilities” in the second line of subparagraph 1 of the second paragraph.

**71.** Section 237 of the said Act is repealed.

**72.** Section 239 of the said Act is replaced by the following section:

**“239.** Each year, every school board shall enroll students in its schools according to the choice of each student’s parents or the choice of the student, if of full age.

However, where the number of applications for enrollment in a school exceeds the capacity of the school, the school board shall give priority to students who come under its jurisdiction and whose place of residence is nearest to the school premises.”

**73.** Section 240 of the said Act is replaced by the following section:

**“240.** By way of exception, at the request of a group of parents and after consulting with the parents’ committee, a school board may, with the Minister’s approval, establish a school for the purposes of a specific project, subject to the conditions and for the period determined by the Minister.

The school board may determine the criteria for the enrollment of the students in that school.”

**74.** Sections 241.2 and 241.3 of the said Act are repealed.

**75.** Section 241.4 of the said Act is amended by replacing “241.1 to 241.3” in the third line by “96.12, 96.13 and 241.1”.

**76.** Section 244 of the said Act is amended

(1) by striking out “229,” in the first paragraph;

(2) by replacing “233 to 240” in the first paragraph by “233 to 238, 240”.

**77.** The heading of subdivision 4 of Division VI of Chapter V of the said Act is amended by inserting the words “*vocational training centres and*” after the words “*provided in*”.

**78.** Section 245 of the said Act is amended

(1) by inserting the words “vocational training and” after the words “only to” in the first paragraph;

(2) by replacing the words “school regulation is a reference to the basic school” in the first line of the second paragraph by the words “regulation is a reference to a basic”.

**79.** Section 246 of the said Act is amended

(1) by replacing the words “school regulation” in the first and second lines of the first paragraph by the word “regulations”;

(2) by replacing the words “terms and conditions” in the second and third lines of the first paragraph by the words “gradual implementation approach”;

(3) by replacing the second paragraph by the following paragraph:

“For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the principal of the centre, exempt the student from the application of a provision of the basic regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.”

**80.** The said Act is amended by inserting, after section 246, the following section:

**“246.1.** A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic regulations do not apply to a program of studies referred to in the first paragraph.”

**81.** Section 248 of the said Act is repealed.

**82.** Section 249 of the said Act is replaced by the following section:

**“249.** Every school board shall ensure that each centre evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects in which no examination is imposed by the Minister and for which credits are compulsory for the issue of a secondary school diploma or a vocational training diploma.”

**83.** Section 250 of the said Act is amended

(1) by inserting the words “vocational training or” after the words “relating to” in the second line of the first paragraph;

(2) by inserting the words “vocational training or” after the words “enrolled in” in the second line of the second paragraph.

**84.** Section 251 of the said Act is amended by inserting the words “vocational training or” after the word “its” in the second line.

**85.** Section 252 of the said Act is amended by inserting the words “vocational training and” after the word “its” in the first line.

**86.** Section 255 of the said Act is replaced by the following section :

**“255.** A school board may

(1) through manpower training, technical assistance to enterprises and informational activities, contribute to the development and realization of technological innovation projects, to the implementation and dissemination of new technology and to regional development ;

(2) provide cultural, social, sports or scientific services ;

(3) take part, in keeping with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and implementation of external cooperation programs in the fields under its jurisdiction.

The main object of the exercise of such powers shall not be the operation of a commercial enterprise.”

**87.** Section 255.1 of the said Act is amended by inserting the words “subparagraphs 2 and 3 of the first paragraph of” before the word “section” in the third line.

**88.** Section 256 of the said Act, amended by section 66 of chapter 16 of the statutes of 1996 and replaced by section 49 of chapter 58 of the statutes of 1997, is again replaced by the following section :

**“256.** At the request of the governing board of a school, a school board must organize, in the manner agreed with the governing board, childcare on school premises for preschool and elementary school students.”

**89.** Section 256.1 of the said Act is repealed.

**90.** Section 258 of the said Act, amended by section 50 of chapter 58 of the statutes of 1997, is replaced by the following section :

**“258.** The school board may hire staff and enter into agreements for the purposes of sections 255 to 257. In addition, it may require a financial contribution from users of the services it provides.”

**91.** Section 259 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the second line of the first paragraph ;

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



**92.** Section 260 of the said Act is amended

(1) by replacing the word “an” in the second line of the second paragraph by the words “a vocational training or”;

(2) by replacing the words “director of the adult education” in the third and fourth lines of the second paragraph by the words “principal of the”.

**93.** Section 261 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the first line of the first paragraph;

(2) by replacing the words “directors of the adult education” in the third line of the first paragraph by the words “principals of the”;

(3) by replacing the words “as a teacher” in the first line of the second paragraph by the words “to provide preschool education services or to teach at the elementary or secondary level”.

**94.** The said Act is amended by inserting, after section 261, the following section:

**“261.1.** A school board may enter into an agreement with any educational institution at the university level concerning the training of future teachers and the mentoring of teacher trainees or newly qualified teachers.”

**95.** Section 262 of the said Act, amended by section 23 of chapter 47 of the statutes of 1997, is replaced by the following section:

**“262.** Every school board shall appoint a person to be responsible for administrative support to schools recognized as Catholic schools and schools recognized as Protestant schools and to the moral and religious instruction and pastoral or religious care and guidance services provided in those schools; the person’s time shall be devoted primarily to the exercise of such functions.

The appointment of the person must be approved by the bishop of the Catholic diocese in which the head office of the school board is situated and by a committee formed by the Protestant churches within the territory of the school board.

The person appointed shall consult and inform, on a regular basis, the parents of Catholic students and the parents of Protestant students, and the religious authorities, both Catholic and Protestant, having jurisdiction within the territory of the school board, concerning the matters under the person’s responsibility. The person shall, once a year, report to the director general on the status and needs of the schools and the services under the person’s responsibility; a copy of the report shall be sent without delay to the council of commissioners.”

**96.** Section 263 of the said Act, amended by section 24 of chapter 47 of the statutes of 1997, is replaced by the following section :

**“263.** A school board, if it considers it expedient, may, instead of appointing the person referred to in section 262, appoint a person responsible for administrative support to schools recognized as Catholic schools and to Catholic services and a person responsible for administrative support to schools recognized as Protestant schools and to Protestant services.

The provisions of section 262 apply to each person so appointed.”

**97.** Section 266 of the said Act is amended

(1) by inserting the words “, in conformity with an intergovernmental agreement on trade liberalization,” after the word “are” in the first line of the first paragraph ;

(2) by inserting the words “and the activities of its educational institutions” after the word “activities” in the second line of subparagraph 1 of the first paragraph ;

(3) by inserting the words “, subject to the right of its educational institutions to use the property placed at their disposal” after the word “it” in subparagraph 3 of the first paragraph ;

(4) by inserting the words “, subject to the right of its educational institutions to use the property placed at their disposal” after the word “property” in subparagraph 4 of the first paragraph.

**98.** The said Act is amended by inserting, after section 266, the following section :

**“266.1.** Every school board shall ensure that the property placed at the disposal of its educational institutions is kept in good repair and may take appropriate action to remedy any failure on the part of an educational institution.”

**99.** Section 267 of the said Act is amended

(1) by inserting the words “public libraries, administrative,” after the word “improve” in the third line of the first paragraph ;

(2) by inserting, after the first paragraph, the following paragraph :

“The school board may also, with the authorization of and subject to the conditions determined by the Minister, enter into an agreement with another school board, a general and vocational college, a private educational institution governed by the Act respecting private education (chapter E-9.1) or an enterprise that meets the conditions determined by the Minister in a regulation

under paragraph 7 of section 111 of that Act and offers a vocational training program to jointly establish, maintain or improve a school, a vocational training centre, an adult education centre or a college-level educational institution.”

**100.** Section 271 of the said Act is repealed.

**101.** Section 275 of the said Act is replaced by the following section :

**“275.** Every school board shall allocate among its schools, vocational training centres and adult education centres, in an equitable manner and in consideration of social and economic disparities and of the needs expressed by the institutions, the operating subsidies granted by the Minister, including equalization grants, if any, school tax proceeds and income derived from the investment of all or part of those proceeds, reserving the amount determined by the school board to be necessary for its own needs and the needs of its committees.

The allocation shall include resources for the operation of governing boards.

The school board shall make public the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among its educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount reserved for its own needs and the needs of its committees.”

**102.** Section 276 of the said Act is amended

(1) by inserting the words “, vocational training centres” after the word “schools” in the first line;

(2) by replacing the words “shall approve” in the first line by the words “is responsible for approving” and by striking out the words “, with or without amendments” in the second line;

(3) by adding, at the end, the following paragraph :

“The budget of an educational institution shall be without effect until it is approved by the school board. However, the school board may, subject to the conditions it determines, authorize an institution to incur expenses that have not been approved.”

**103.** Section 277 of the said Act is amended by adding, after the second paragraph, the following paragraph :

“The budgets of the educational institutions of the school board shall constitute separate appropriations within the school board’s budget.”

**104.** Section 283 of the said Act is replaced by the following section :

**“283.** The school board shall appoint a person to exercise the following functions :

(1) keep the books of account of the school board, the schools, the vocational training centres and the adult education centres in such manner and form as may be determined by the Minister ;

(2) record the financial commitments chargeable to the appropriations of the bodies referred to in subparagraph 1 ;

(3) ensure that the financial commitments referred to in subparagraph 2 and the payments arising therefrom do not exceed and are consistent with the available appropriations.

The person appointed shall provide to each of the educational institutions, periodically or on request, a statement of the revenues, commitments and expenditures of the institution.”

**105.** Section 287 of the said Act is amended

(1) by inserting, after the second paragraph, the following paragraph :

“A school board must, if any of its institutions receives a sum of money by way of a gift, legacy, subsidy or other voluntary contribution from any person or any public or private body wishing to assist in the carrying out of the mission of the institution, disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money was granted.” ;

(2) by inserting the words “paragraphs 2 and 3 of” before the word “section” in the second line of the third paragraph.

**106.** Section 291 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the first and second paragraphs.

**107.** Section 292 of the said Act is amended by inserting the words “in the manner agreed upon with the governing boards and” after the word “ensure,” in the second line of the third paragraph.

**108.** Section 297 of the said Act is amended by striking out the words “of Transport” in the second line of the second paragraph.

**109.** Section 300 of the said Act is amended

(1) by striking out the words “of Transport” wherever they appear ;

(2) by striking out the words “, after consultation with the Minister of Education,” in the first and second lines of the first paragraph.

**110.** Section 301 of the said Act is amended by striking out the words “of Transport” in the first line.

**111.** Section 313 of the said Act is amended by adding, after the second paragraph, the following paragraph:

“However, in the case of a tax levied on an immovable owned by a partnership or an immovable held in undivided co-ownership, the tax may be claimed and recovered in its entirety from any member of the partnership or from any co-owner.”

**112.** The said Act is amended by inserting, after section 313, the following section:

**“313.1.** Any person, other than the debtor, who pays a school tax owed by another person is subrogated by operation of law in the prior claims and legal hypothecs of the school board on the immovables of the debtor and may recover from the debtor the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt which the school board is required to issue states that the payment was made by a third party for the debtor.

The name of such third party shall be recorded in the books of the school board.”

**113.** Section 314 of the said Act, amended by section 698 of chapter 2 of the statutes of 1996, is replaced by the following sections:

**“314.** Once the school tax is levied, the director general of the school board shall prepare without delay, jointly with the director general of any school board having jurisdiction in the territory of the school board, a collection roll in respect of the tax levied by the school board and shall deposit the collection roll at the head office of the school board.

**“314.1.** The director general shall, not later than five days after the deposit of the collection roll, issue a public notice indicating that the collection roll has been deposited and specifying where it may be examined.

**“314.2.** A request for payment of school taxes must be sent within ten days after the issue of the notice of deposit of the collection roll to the owner of every immovable which is taxable by the school board.

**“314.3.** For the purposes of this subdivision, an urban community is considered to be a municipality.”

**114.** Section 315 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“315.** School taxes are payable on the forty-fifth day after publication of the notice of deposit of the collection roll.”

**115.** Section 316 of the said Act is replaced by the following section:

**“316.** Interest is payable on school taxes at the rate fixed by the school board.

The last rate fixed applies to any tax unpaid at the time it is fixed, from the date on which the tax became due.

Every tax bill shall set out clearly the rate of interest in force at the time the bill is sent and the fact that the interest rate may be changed without prior notice.”

**116.** The said Act is amended by inserting, after section 317, the following sections:

**“317.1.** In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code of Québec, the school tax is secured by a legal hypothec on the immovable subject to the tax.

Registration by the school board of a legal immovable hypothec does not prevent it from exercising its prior claim.

**“317.2.** A creditor who takes proceedings in execution or who, as holder of an immovable hypothec, has registered a prior notice of his intention to exercise his hypothecary rights, may request the school board to declare the amount of its prior claim. The request must be registered and proof of its notification must be filed at the registry office.

Within 30 days following the notification, the school board must declare the amount of its claim and enter it in the land register; such a declaration does not have the effect of limiting the priority of the school board’s claim to the amount entered.

An application for registration, in the land register, of the request for declaration and of the declaration shall be made in the form of a notice. In addition to the provisions of this section and the requirements of the regulation made under Book IX of the Civil Code of Québec, the notice shall indicate the legislative provision under which it is given, the name of the debtor and the name of the school board; the notice does not require attestation and may be presented in single copy.”

**117.** Section 392 of the said Act is amended by replacing the words “orientation committee or, in the case contemplated in section 62, to the school committee” in the first and second lines of the second paragraph by the words “governing board”.

**118.** Section 393 of the said Act is amended by replacing the words “orientation committee or, in the case contemplated in section 62, to the school committee” in the first and second lines of the second paragraph by the words “governing board”.

**119.** Section 395 of the said Act is amended by replacing the words “orientation committee, to each school committee” in the second and third lines by the words “governing board”.

**120.** Section 397 of the said Act is amended by striking out the words “adult education” in the first and second lines.

**121.** Section 400 of the said Act is amended by replacing the words “public legal person having the powers necessary for the discharge of its functions under the law” in the first and second lines by the words “legal person established in the public interest”.

**122.** Section 420 of the said Act is amended by replacing the words “Section 200, adapted as required, applies” in the first line of the second paragraph by the words “Sections 200, 201.1 and 201.2, adapted as required, apply”.

**123.** Section 421 of the said Act is amended by replacing the words “day-to-day management of business” in the first and second lines of the first paragraph by the words “the management of the resources”.

**124.** Section 424 of the said Act is amended

(1) by replacing “1989” in the third line of the first paragraph by “1998”;

(2) by replacing “30 June 1989” in the third line of the second paragraph by “1 July 1998”.

**125.** Section 425 of the said Act is amended

(1) by replacing “1989” in the second line of the first paragraph by “1998”;

(2) by replacing “30 June 1989” in the second line of the second paragraph by “1 July 1998”.

**126.** Section 432 of the said Act is amended

(1) by replacing the words “vocational education” in subparagraph 1 of the second paragraph by the words “vocational training”;

(2) by striking out the words “of Education or the Minister of Transport” in subparagraph 5 of the second paragraph.

**127.** Section 445 of the said Act is amended by adding the following paragraph:

“The Council shall keep its books of account in such manner and form as may be determined by the Minister.”

**128.** Section 446 of the said Act is amended by replacing “268 to 274 and 278 to 287” by “270, 272 to 274, 278 to 282 and 284 to 286 and the first, second and fourth paragraphs of section 287”.

**129.** Section 447 of the said Act is amended

(1) by replacing the words “development and cognitive learning services” in the second line of subparagraph 1 of the second paragraph by the words “preschool education”;

(2) by striking out subparagraphs 9 and 9.1 of the third paragraph.

**130.** Section 448 of the said Act is amended

(1) by replacing the words “school regulation for adult education” in the first and second lines of the first paragraph by the words “vocational training regulation and a basic adult education regulation”;

(2) by replacing the words “school regulation shall relate to the nature and objectives of educational services for adults, including” in the first and second lines of the second paragraph by the words “regulations shall relate to the nature and objectives of vocational training, adult education,”;

(3) by replacing, in the French text, the words “Il détermine” in the third line of the second paragraph by the words “Ils déterminent”;

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

(5) by inserting the words “vocational training or” after the word “to” in the second line of subparagraph 6 of the third paragraph;

(6) by striking subparagraph 7 of the third paragraph.

**131.** Section 451 of the said Act is amended by replacing the word “Government” in the first line by the word “Minister”.

**132.** Section 453 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the second paragraph.

**133.** Section 457.1 of the said Act is amended



(1) by replacing "241.1 to 241.3" in paragraph 2 by "96.12, 96.13 and 241.1";

(2) by replacing "241.1 to 241.3" in paragraph 3 by "96.12, 96.13 and 241.1".

**134.** Section 459 of the said Act is amended

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

"In order to exercise that function, the Minister may establish an approach for gradual implementation of the provisions of the basic regulations relating to the list of subjects and to the rules governing the evaluation of learning achievement and the certification of studies.";

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

"Moreover, following a request, with reasons, made by a school board, the Minister may permit, on the conditions and to the extent determined by the Minister, a departure from provisions of a basic regulation relating to the list of subjects so that a special school project applicable to a group of students may be carried out."

**135.** Section 460 of the said Act is amended by inserting the words "any student or" after the word "exempt" in the first line.

**136.** Section 461 of the said Act is amended by striking out the words "of developmental and cognitive learning activities" in the first and second lines of the first paragraph.

**137.** Section 462 of the said Act is amended

(1) by replacing the word "and" in the first line of the first paragraph by a comma;

(2) by inserting the words "vocational training or" after the word "to" in the second paragraph.

**138.** Section 463 of the said Act is amended by replacing the words " , upon request, authorize a school board" in the first line of the second paragraph by the words "authorize a school, following a request sent by the school board,".

**139.** Section 464 of the said Act is replaced by the following section:

**"464.** The Minister shall ensure that every school board, governing board, school principal, principal of a centre and teacher, the Conseil supérieur de l'éducation, the Catholic committee and the Protestant committee have access, free of charge, to the programs and lists established by the Minister."

**140.** Section 467 of the said Act is amended

(1) by striking out the words “to persons coming under its jurisdiction or, to the extent indicated therein, under the jurisdiction of any other school board” in the first paragraph;

(2) by striking out the third paragraph.

**141.** Section 468 of the said Act is replaced by the following section:

**“468.** The Minister may, pursuant to an agreement with one or more school boards, establish a school, a vocational training centre or an adult education centre having a regional or provincial role.

The agreement shall state the name and address of the institution, indicate the premises or immovables placed at its disposal, specify the educational services to be provided by the institution, the enrollment criteria, the territory to be served as well as the mode of administration and operation of the institution.

In addition, the agreement may entrust the management of any or all of the services provided by the institution to a committee or body established by the agreement and determine the distribution of the functions and powers between the institution, the school board and the committee or body.

Neither Chapter III nor Chapter IV applies to the institution.”

**142.** Section 469 of the said Act is amended by inserting the words “vocational training or” after the word “in” in the third line of the second paragraph.

**143.** Section 472 of the said Act is amended

(1) by replacing the words “, with regard to the allocation of subsidies applicable to the operating expenses of school boards, an apportionment proportionate to the number of students enrolled in the schools” in the sixth, seventh and eighth lines of the first paragraph by the words “an equitable apportionment with regard to the allocation of subsidies applicable to the operating expenses of school boards”;

(2) by inserting the words “vocational training programs or” after the word “organize” in the second line of the second paragraph;

(3) by striking out the words “or under an agreement contemplated in the third paragraph of section 467” in the fifth and sixth lines of the second paragraph.

**144.** Section 473 of the said Act is amended

(1) by inserting the words “vocational training or” after the word “in” in the third line of paragraph 2;

(2) by inserting the words “vocational training or” after the word “to” in the second line of paragraph 3.

**145.** The said Act is amended by inserting, after section 477.1, the following:

**“DIVISION II.1**

**“COUNCIL AND COMMITTEES OF THE MINISTER**

**“§1. — *Commission des programmes d'études***

**“1. Establishment**

**“477.2.** A programs council is hereby established under the name “Commission des programmes d'études”.

**“477.3.** The council shall be composed of eleven members, including the chair of the council, appointed by the Minister as follows:

- (1) five teachers at the elementary and secondary levels;
- (2) an education-sector professional;
- (3) a principal of an elementary or secondary school or a director general of a school board;
- (4) a representative of the college education sector;
- (5) two representatives of the university education sector;
- (6) a parent of a student attending an elementary or secondary school.

At least two members of the council must represent the English-language education sector.

**“2. Mission and functions**

**“477.4.** The mission of the council is to advise the Minister on any matter relating to programs of studies established by the Minister pursuant to section 461.

The council, in the pursuit of its mission, shall make recommendations to the Minister on

(1) the general guidelines and framework for the establishment of programs of studies;

(2) the timetable for the development, implementation and review of programs of studies;

(3) the approval of programs of studies;

(4) the ongoing adaptation of programs of studies.

**“477.5.** The council shall advise the Minister on any matter submitted to it by the Minister concerning programs of studies.

**“477.6.** The council may

(1) refer any matter relating to programs of studies to the Minister;

(2) solicit and receive observations and suggestions from individuals or groups on any matter relating to programs of studies.

**“477.7.** The council may, in exercising its powers and functions,

(1) form advisory committees and determine their powers and functions as well as their operating rules;

(2) hire the services of experts.

**“§2. — Comité d'évaluation des ressources didactiques**

**“1. Establishment**

**“477.8.** A teaching resource evaluation committee is hereby established under the name “Comité d'évaluation des ressources didactiques”.

**“477.9.** The committee shall be composed of eleven members, including the chair of the committee, appointed by the Minister as follows:

(1) six members chosen from among persons exercising educational functions, including three persons from the French language school boards, one person from the English language school boards, one person from a private educational institution providing instruction in French at the elementary or secondary level and one person from such an institution providing instruction in English at the elementary or secondary level;

(2) three members chosen from among the members of the managerial staff of educational bodies, including one person from a body providing instruction in English;

(3) a representative from a book publishers' association;

- (4) a parent of a student attending an elementary or secondary school.

## **“2. Mission and functions**

**“477.10.** The mission of the committee is to advise the Minister on any matter relating to textbooks, instructional material or classes of instructional material.

The committee, in the pursuit of its mission, shall make recommendations to the Minister concerning

- (1) criteria for the approval of instructional resources;
- (2) the approval of instructional resources.

**“477.11.** The committee shall advise the Minister on any matter submitted by the Minister in relation to the evaluation, approval, implementation and review of instructional resources.

**“477.12.** The committee may

- (1) refer any matter relating to instructional resources to the Minister;
- (2) solicit and receive observations and suggestions from individuals or groups on any matter relating to instructional resources.

## **“§3. — *Comité d’agrément des programmes de formation à l’enseignement***

### **“1. Establishment**

**“477.13.** A teacher training program accreditation committee is hereby established under the name “Comité d’agrément des programmes de formation à l’enseignement”.

**“477.14.** The committee shall be composed of nine members appointed by the Minister after consultation with the interested bodies, as follows:

- (1) the chair shall be, alternately, an education sector professional and a person from university education sector;
- (2) three elementary or secondary-level teachers;
- (3) a teaching sector professional;
- (4) three university-level teachers;
- (5) a representative of the university education sector with experience at the preschool, elementary or secondary level.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l'Éducation, the other from among the managerial staff of the school boards.

Associate members are not entitled to vote.

## **"2. Mission and functions**

**"477.15.** The mission of the committee is to advise the Minister on any matter relating to the accreditation of teacher training programs for the elementary and secondary levels.

The committee shall, in the pursuit of its mission,

(1) examine and approve training teacher programs for the preschool, elementary and secondary levels;

(2) make recommendations to the Minister concerning teacher training programs required for the issue of teaching licences;

(3) advise the Minister on the determination of the qualifications required of teachers at the elementary and secondary levels.

## **"§4. — *Comité d'orientation de la formation du personnel enseignant***

**"477.16.** A teacher training policy committee is hereby established under the name "*Comité d'orientation de la formation du personnel enseignant*".

**"477.17.** The committee shall be composed of fifteen members appointed by the Minister as follows:

(1) a committee chair;

(2) six persons holding a pedagogical position at the elementary and secondary levels;

(3) three members chosen from among the commissioners and the members of the managerial staff of the school boards;

(4) two representatives of the university education sector;

(5) a member chosen from among the parents, students or enterprise executives;

(6) an employee of the Ministère de l'Éducation.

The chair of the *Comité d'agrément des programmes de formation à l'enseignement* shall also be a member of the committee.

## **"2. Mission and functions**

**"477.18.** The mission of the committee is to advise the Minister on any matter relating to the teacher training policy for the elementary and secondary levels.

At the Minister's request or on its own initiative, the committee may propose guidelines and make recommendations to the Minister concerning

- (1) the identification of teacher training priorities;
- (2) draft regulations relating to teacher training;
- (3) teacher training and professional development;
- (4) any aspect of the teaching profession having a connection with teacher training.

## **"§5. — Operation**

**"477.19.** Members of the council or of the committees shall be appointed for three years.

However, the Minister may appoint one-third of the first members designated by the Minister for one year and another third of the members designated by the Minister for two years.

**"477.20.** At the expiry of their terms, the members shall remain in office until reappointed or replaced.

The total duration of successive terms of a member and of any period in which the member remained in office between terms shall not exceed six years. At the end of such a six-year period, a member shall remain in office until replaced.

**"477.21.** Any vacancy during a term of office shall be filled, in the manner prescribed for the member's appointment, for the unexpired portion of the term.

**"477.22.** Members of the council or of the committees shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.

**"477.23.** The chair shall preside at the meetings of the council or committee and manage its operations.

The Minister shall designate a member of the council or committee to replace the chair if the chair is absent or unable to act.

**"477.24.** The quorum at meetings of the council or a committee is the majority of its members.

**"477.25.** The council and the committees may hold their meetings anywhere in Québec.

**"477.26.** The Minister shall place at the disposal of the council and the committees the department personnel and physical resources they need for the exercise of their missions.

**"§6. — Annual report**

**"477.27.** The council and each of the committees shall submit to the Minister, not later than 15 November each year, a report of its activities for the school year ending on the preceding 30 June.

**"477.28.** The Minister shall table the reports in the National Assembly within 30 days after receiving them if the Assembly is in session or, if it is not sitting, within 30 days of resumption."

**146.** Section 478 of the said Act is replaced by the following sections:

**"478.** The Minister may designate a person generally or specially to ascertain whether the provisions of this Act and the statutory instruments are being complied with.

The person designated may

(1) enter, at any reasonable time, the premises or immovables of a school board, including the premises or immovables that are placed at the disposal of the educational institutions of the school board, or of the Conseil scolaire de l'Île de Montréal;

(2) examine and make copies of any register or document relating to the activities of a school board or of any of the school board's educational institutions or of the Conseil scolaire de l'Île de Montréal;

(3) require any information or document relating to the application of this Act.

**"478.1.** On request, the person designated by the Minister must identify himself or herself and show a certificate of capacity, signed by the Minister.

**"478.2.** The person designated by the Minister may not be prosecuted for acts done in good faith in the exercise of official functions.

**"478.3.** The Minister may designate a person to inquire into any matter relating to the quality of educational services or to the administration, organization or operation of any school board or of any of a school board's educational institutions or of the Conseil scolaire de l'Île de Montréal.



The person so designated shall be vested, for the purposes of an inquiry, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

**"478.4.** The Minister, the Deputy Minister and the Associate Deputy Ministers have *ex officio* the right and power to make verifications or conduct inquiries."

**147.** Section 508 of the said Act, replaced by section 28 of chapter 47 of the statutes of 1997, is amended by striking out the second paragraph.

**148.** Section 508.1 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the words "orientation committee, the school committee" in the second line of the second paragraph by the words "governing board".

**149.** Section 508.4 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is replaced by the following section:

**"508.4.** The principal of a school placed under the supervision of a confessional council must send to the confessional council, not less than 30 days before its adoption, any proposal concerning any of the following matters:

(1) the enrichment and adaptation of the programs of studies established by the Minister;

(2) the development of local programs of studies;

(3) the selection of textbooks and instructional material required for the teaching of programs of studies.

The confessional council may, within the time provided for in the first paragraph, express its disagreement on the ground that the proposal is incompatible with the confessional nature of the school; otherwise, the proposal may be approved.

The proposal may be amended at the request of the confessional council."

**150.** Section 508.5 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing paragraph 1 by the following paragraph:

"(1) the rules of conduct and safety rules, referred to in section 74, adopted by the governing board of a school placed under the supervision of the confessional council;"

**151.** Section 508.6 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the words "first paragraph of

section 223” in the first and second lines of the first paragraph by the words “provisions of sections 83, 96.10 and 96.11”.

**152.** Section 508.8 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the second paragraph by the following paragraph:

“The school board may refer to the Minister any dispute between the confessional council and a school concerning a matter referred to in any of subparagraphs 1 to 3 of the first paragraph of section 508.4.”

**153.** Section 508.23 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended by replacing the word “Government” in the fourth line of the third paragraph by the word “Minister”.

**154.** Section 508.37 of the said Act, enacted by section 28 of chapter 47 of the statutes of 1997, is amended

(1) by inserting the words “vocational training and” after the word “However,” in the third line of the first paragraph;

(2) by striking out the figure “, 467” in the sixth line of the first paragraph.

**155.** Section 520 of the said Act, amended by section 36 of chapter 47 of the statutes of 1997, is again amended

(1) by adding, at the end of the first paragraph, the following: “; the plan shall include staffing estimates for the new school board and shall be sent to each local municipality and each regional county municipality whose territory coincides wholly or partly with that of the school board”;

(2) by inserting the words “, vocational training centres” after the word “schools” in the first line of the second paragraph.

**156.** Section 521 of the said Act, amended by section 37 of chapter 47 of the statutes of 1997, is again amended by adding the following paragraph:

“However, the bonded debt of the Commission des écoles catholiques de Montréal and that of the Protestant School Board of Greater Montréal shall be disregarded.”

**157.** Section 523 of the said Act, amended by sections 39 and 52 of chapter 47 of the statutes of 1997, is again amended

(1) by inserting the words “the vocational training centres and” after the word “among” in the second line of subparagraph 2 of the first paragraph;

(2) by adding, at the end of subparagraph 4 of the first paragraph, the words “and, where applicable, the vocational training centres and the adult education centres”;

(3) by inserting the words “, the vocational training centres” after the word “schools” in subparagraph 5 of the first paragraph;

(4) by striking out the words “and submit it for the Minister’s approval” at the end of subparagraph 6 of the first paragraph.

**158.** Section 524 of the said Act, amended by section 41 of chapter 47 of the statutes of 1997, is again amended by adding, at the end, the following paragraph:

“This section does not apply to a loan in respect of which a subsidy is granted by the Minister pursuant to section 476.”

**159.** Section 533 of the said Act, amended by section 22 of chapter 78 of the statutes of 1990 and by section 47 of chapter 47 of the statutes of 1997, is again amended by replacing the words “Government, enacted pursuant to section 451,” in the fifth line of the first paragraph by the word “Minister”.

**160.** Section 538 of the said Act is amended

(1) by inserting the words “, except the bonded debt of the Commission des écoles catholiques de Montréal and that of the Protestant School Board of Greater Montréal,” after the word “board” in the first line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“The bonded debt of the Commission des écoles catholiques de Montréal and that of the Protestant School Board of Greater Montréal become the bonded debt of the Conseil scolaire de l’Île de Montréal.”

**161.** Section 725 of the said Act is amended by striking out the part which follows the word “Act”.

**162.** The English text of the said Act is amended

(1) by replacing the words “basic school regulations” wherever they appear in sections 23, 214, 449, 465 and 471 by the words “basic regulations”;

(2) by replacing the words “basic school regulation” wherever they appear in sections 247, 252 and 253 and in subparagraph 8 of the second paragraph of section 448 by the words “basic regulation”.

#### OTHER LEGISLATIVE AMENDMENTS

**163.** Section 24 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended by replacing the words “in a secondary school or in” in the second line of subparagraph 1 of the second paragraph by the words “at a secondary school, a vocational training centre or”.

**164.** Section 7 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1), amended by section 70 of chapter 21 of the statutes of 1996, is again amended by replacing the words “schools and adult education centres” in the first line of paragraph 1 by the words “vocational training centres”.

**165.** Section 1 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by replacing the words “developmental and cognitive learning” in paragraph 1 by the word “education”;

(2) by striking out paragraph 6;

(3) by striking out “, 6” in the fourth line of paragraph 9.

**166.** Section 23 of the said Act is amended by replacing the words “developmental and cognitive learning” in the first line by the word “education”

**167.** Section 25 of the said Act is amended by replacing the words “in the manner” in the first line of the second paragraph by the words “according to the approach for progressive implementation”.

**168.** Section 30 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**30.** For humanitarian reasons or to avoid serious harm to a student, the institution may, following a request, with reasons, made by the parents of the student or by the student, if of full age, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460 of the Education Act (chapter I-13.3), the institution must apply therefor to the Minister.

The institution may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project applicable to a group of students may be carried out. In the case of a departure from the list of subjects, the institution must obtain the authorization of the Minister in accordance with section 459 of the Education Act.”

**169.** Section 31 of the said Act is amended by replacing the words “developmental and cognitive learning” in the first line by the word “education”

**170.** Section 35 of the said Act is amended by replacing the word “and” in the second line by a comma.

**171.** Section 40 of the said Act is amended by replacing the words “in the manner” in the first line of the second paragraph by the words “according to the approach for progressive implementation”.

**172.** The said Act is amended by inserting, after section 40, the following section:

**“40.1.** For humanitarian reasons or to avoid serious harm to a student, the institution may, following a request, with reasons, made by the parents of the student or by the student, if of full age, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460 of the Education Act (chapter I-13.3), the institution must obtain the authorization of the Minister.”

**173.** Section 41 of the said Act is amended by striking out the second paragraph.

**174.** Section 49 of the said Act is amended by striking out “,6” in the fifth line of the second paragraph.

**175.** Section 50 of the said Act is amended by replacing the words “developmental and cognitive learning” in the second line of the first paragraph by the word “education”.

**176.** Section 62 of the said Act is amended by striking out the words “of Transport” in the first and second lines of the second paragraph.

**177.** Section 62.1 of the said Act, enacted by section 42 of chapter 58 of the statutes of 1997, is amended by replacing the words “developmental and cognitive learning” by the word “education”.

**178.** Section 91 of the said Act is amended

(1) by striking out the words “of Transport” wherever they appear;

(2) by striking out the words “, after consulting the Minister of Education,” in the fifth line of the first paragraph.

**179.** Section 92 of the said Act is amended by striking out the words “of Transport” in the first line.

**180.** Section 127 of the said Act is amended by striking out the words “of Transport” in the first line.

**181.** Section 174 of the said Act is replaced by the following section:

**“174.** The Minister of Education is responsible for the administration of this Act.”

**182.** Section 59 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is repealed.

**183.** Section 174 of the said Act, amended by section 36 of chapter 67 of the statutes of 1996 and by section 285 of chapter 43 of the statutes of 1997, is again amended by striking out paragraph 15.

**184.** Section 177 of the said Act is amended by striking out paragraph 6.

**185.** Section 195 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by striking out the words "of Transport given after consultation with the Minister" in the first and second lines.

**186.** Section 431.2 of the said Act is amended by striking out the words "of Transport" in the third line.

**187.** Section 431.4 of the said Act is amended by striking out the words "of Transport" in the third line of the second paragraph.

**188.** Section 431.9 of the said Act is amended by striking out the words "of Transport after consultation with the Minister," in the fourth line.

**189.** Section 504 of the said Act, amended by section 729 of chapter 2 of the statutes of 1996, is again amended by striking out the words "of Transport" in the second line of the last paragraph.

**190.** Section 6 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01), amended by section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words ", vocational training centres" after the word "schools" in the first line of the first paragraph.

**191.** Section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1) amended by section 791 of chapter 2 and by section 70 of chapter 21 of the statutes of 1996, is again amended by replacing the word "schools" in paragraph c by the words "educational institutions".

**192.** Sections 18, 23 and 24 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, chapter 47) are repealed.

## TRANSITIONAL AND FINAL PROVISIONS

**193.** The provisions of section 177.2 of the Education Act (R.S.Q., chapter I-13.3), enacted by section 28 of this Act, do not apply to cases pending or *(insert here the date of assent to this Act)*.

**194.** The responsibilities of regional school boards under paragraph 2 of section 209 of the Education Act, as it stood before being replaced by section 46 of this Act, shall continue to be exercised by regional school boards until 1 July 1998.

**195.** Regulations made by the Government under section 451 of the Education Act are deemed to have been made by the Minister of Education.

Any regulation made by the Minister before 1 July 1998 under section 451 of the said Act is, for the purposes of sections 42 and 101 of the said Act as they stood before they were replaced by section 13 of this Act, deemed to have been made by the Government.

**196.** Every school board shall establish, after consulting with the governing boards, the approach applicable to the 1998-99 and 1999-2000 school years for the gradual implementation of the functions and powers resulting from sections 82 to 87, 96.10, 96.11, 110.2 and 110.11 of the Education Act enacted by section 13 of this Act and from sections 57 to 60, 65 to 68, 71, 76 and 79 to 82 of this Act.

**197.** The provisions of this Act come into force on 1 July 1998, except

(1) the provisions of sections 9 and 10, paragraphs 1 and 2 of section 11, sections 12, 14, 16, 20, 22 to 24, 28 and 38 to 40, paragraph 2 of section 91, sections 94, 99, 100, 111 to 116, 121, 131, 145, 146, 158, 159, 182 to 184 and 192 to 195, which come into force on *(insert here the date of assent to this Act)*;

(2) the provisions of sections 1 to 7, 45, 46 and 49, paragraphs 1 and 2 of section 50, sections 51, 72 and 73, paragraph 1 of section 91, sections 92, 93, 95, 96, 101, 136, 140, 141, 143, 144, 155 to 157, 160, 165, 166, 174, 175 and 177, which come into force on *(insert here the date of assent to this Act)* but apply only from the school year 1998-99; and

(3) the provisions of sections 106 and 108 to 110, paragraph 2 of section 126, sections 132, 161, 176, 178 to 181 and 185 to 189, which come into force on the date or dates to be fixed by the Government.