



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Draft Bill

An Act to amend the Education Act

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

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EXPLANATORY NOTES

This draft bill proposes a restructuring of the powers and responsibilities of and relations between the educational institution, the school board, the Minister of Education and the Government.

For that purpose, the draft bill proposes to transfer to each educational institution functions and powers presently exercised by the school board as regards educational services, community services and the management of human, material and financial resources.

Those functions and powers are to be exercised by a governing board that is to replace, in the case of schools, the orientation committee and the school committee.

In addition, the draft bill proposes the establishment of vocational training centres, a new type of educational institution to be charged with providing vocational training to young persons and adults pursuant to a specially designed basic school regulation.

The draft bill proposes consequential changes to the functions and powers of the principal of an educational institution, the school board, the Minister, the Government and the parents' committee. It is proposed that the parents' committee be composed of parents who are members of the governing boards of schools.

Draft Bill

AN ACT TO AMEND THE EDUCATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Education Act (R.S.Q., chapter I-13.3) is amended by inserting the words “referred to in the first paragraph and to the educational services prescribed by the basic school regulation for vocational training 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 “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 in this Act and in 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 provided for in the basic school regulation for vocational training shall be provided free to every resident of Québec, subject, however, to the conditions determined in the basic school 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 5 of the said Act is amended by inserting the words “in vocational training or” after the word “enrolled” in the first line of the first paragraph.

5. Section 6 of the said Act is amended by inserting the words “in vocational training or” after the word “enrolled” in the first lines of the first and second paragraphs.

6. Section 7 of the said Act is amended by inserting the words “in vocational training or” after the word “enrolled” in the first line of the first paragraph.

7. Section 9 of the said Act is amended by inserting the words “or the governing board” after the word “committee” in the second line.

8. Section 15 of the said Act, amended by section 70 of chapter 21 of the statutes of 1996, is again amended by adding, after subparagraph 4 of the first paragraph, the following subparagraph:

“(5) a student who attends a vocational training centre or who receives instruction in an enterprise that meets the conditions determined by the Minister pursuant to the regulation made under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).”

9. Section 19 of the said Act is amended by inserting the words “the rules of conduct and the safety measures adopted by the governing board and to” after the word “to” in the first line of the first paragraph.

10. Section 23 of the said Act is amended 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 pursuant to the regulation made under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1);”.

11. 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 in this Act and prescribed by the basic school regulation established by the Government under section 447.

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

The school shall carry out its mandate within the framework of an educational project defined, implemented and periodically evaluated in collaboration with the students, the parents, the teachers, other school staff, representatives of the community and the school board.

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

“38. 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 its disposal and specify the level of instruction it is to provide.

“39. A school board, after consulting the governing board or on its request, may amend or revoke the deed of establishment of a school according to the three-year plan of allocation and destination of its immovables.

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

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

“DIVISION II

“GOVERNING BOARD

“§ 1. — *Composition*

“41. A governing board is hereby established in each school.

The governing board shall be composed of not more than 14 members, and shall consist of the following persons :

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

(2) two or more of the teachers of the school, elected by their peers ;

(3) a person, other than a teacher, who provides student services or special educational services to the students of the school, elected by his peers ;

(4) a member of the support staff assigned to the school, elected by his peers ;

(5) 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 students enrolled at the secondary level ;

(6) in the case of a school that provides day care services for children at the preschool or elementary school level, a member of the staff assigned to the provision of such services, elected by his peers ;

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

“42. The school board shall determine the number of representatives of parents and teachers on the governing board after consulting with each group concerned.

The number of seats for representatives of the parents and of the community must be at least equal to the total number of seats for representatives of the other groups.

“43. The principal takes part in meetings of the governing board but is not entitled to vote.

From among the commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3), only the commissioner who represents the electoral division in which the premises placed at the disposal of the school are located may take part in meetings of the governing board but is not entitled to vote.

“§ 2. — *Establishment*

“44. Before 30 September each year, the principal shall, in writing, call a meeting of the parents of the students who attend the school to elect the parents’ representatives on the governing board. The notice of the meeting shall be sent at least seven days before the meeting is to be held.

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

The meeting may designate another of its representatives on the governing board as a substitute to sit and vote in the representative’s stead when the latter is unable to take part in a meeting of the parents’ committee.

“45. Before 30 September each year, the teachers of the school shall hold a meeting for the election of their representatives on the governing board in the manner set out in their collective agreement or, if not, in the manner determined by the principal after consulting the teachers.

“46. Before 30 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 for the election of their representative on the governing board in the manner set out in the collective agreement of the non-teaching professional staff or, if not, in the manner set out by the principal after consulting the persons concerned.

“47. Before 30 September each year, the members of the support staff assigned to the school and the members of the staff assigned to day care services for children at the preschool or elementary school level, shall hold meetings to elect their respective representatives on the governing board in the manner set out in the collective agreement of the support staff or, if not, in the manner set out by the principal after consulting the persons concerned.

“48. Before 30 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 the representatives of the students on the governing board in accordance with the rules established by the principal after consulting the students enrolled at the secondary level or the association representing them, if any.

“49. Where the meeting called pursuant to section 44 fails to appoint the required number of representatives of parents, the principal shall exercise the functions and powers of the governing board.

Failure by any other group to appoint the required number of representatives does not prevent the formation of the governing board.

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

“51. The term of office of the representatives of the parents and of the representatives of the community is two years; the term of office of the representatives of other groups is one year.

However, the term of office of half of the first representatives of the parents, and the term of office of half of the first representatives of the community designated by the groups concerned is one year.

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

“52. A representative of the parents remains a member of the governing board, even if he loses parent status.

A vacancy as a result of the departure of a representative of the parents is filled, for the unexpired portion of the representative's term, by a parent designated by the other parents who are members of the governing board.

A vacancy as a result of the departure or disqualification of any other member of the governing board is filled according to the prescribed mode of appointment of the member to be replaced, but only for the unexpired portion of his term.

“§ 3. — Operation

“53. The governing board shall choose its president from among the representatives of parents or of the community who are not employees of the school board.

“54. The principal shall preside over the governing board until the president is elected.

“55. The term of office of the president is one year.

“56. The president of the governing board shall preside the meetings of the governing board.

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

“58. A majority of the members of the governing board who are in office is a quorum of the governing board.

“59. If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices of meetings, the school board may order that the functions and powers of the governing board be suspended for the period it determines and that they be exercised by the principal.

“60. The decisions of the governing board are taken by a majority of the votes cast by the members present.

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

“61. 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 subject to the conditions determined by the principal after consulting the governing board.

“62. The governing board shall adopt its annual operating budget, see to its administration and render an account thereof to the school board.

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

“63. The governing board shall establish rules of internal management. The rules shall provide for at least three meetings every school year.

“64. The meetings of the governing board are public.

However, the governing board may order that the meetings be closed to the public if it considers that the proceedings could adversely affect the reputation of a person or that the public interest requires that the matter be dealt with confidentially.

“65. 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 designated by the principal for that purpose. 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 the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

Any person may obtain a copy of an extract from the register on payment of a reasonable fee fixed by the governing board.

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

“§ 4. — *Functions and powers*

“1. General functions and powers

“67. The governing board shall determine the orientations and plan of action of the school, see that they are implemented and evaluate them.

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

To that end, the governing board shall encourage the communication of information, exchanges and concerted action between students, parents, teachers and other school staff members and representatives of the community and promote the participation of parents in the life of the school and the education of their children.

“68. The governing board shall advise the school board

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

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

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

“69. The governing board must be consulted by the school board on the following matters:

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

(2) the criteria for selection of the principal;

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

“70. The governing board may, within the scope of its powers, enter into an agreement with any other educational institution for the procurement of goods and services or for the sharing of an activity.

“71. The governing board shall provide any information required by the school board for the exercise of its functions, on the date and in the form indicated by the school board.

“72. The governing board may delegate to the school board, for the period it determines in concert with the school board, all or some of its functions and powers.

“73. The governing board shall prepare and adopt an annual report containing a statement of its activities and shall transmit a copy of the report to the school board.

“74. The governing board shall inform the community served by the school of the services it provides and report on the level of quality of such services.

“2. Functions and powers relating to educational services

“75. The governing board shall approve the modes of implementation of the basic school regulation proposed by the principal.

“76. The governing board shall approve the overall orientation 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 special needs of students.

With the authorization of the Minister, a governing board may assign a greater number of credits to a local program of studies than that 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).

“77. The governing board shall approve the allotment of time for each compulsory or elective subjects proposed by the principal and ensure

(1) that the compulsory objectives of the programs of studies established by the Minister are achieved and their compulsory contents are 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 on the certification of studies prescribed by the basic school regulation are complied with.

“78. The governing board shall approve the program proposed by the principal for educational activities which entail changes in the hours of students’ arrival and departure, or which cause students to travel to places outside the premises of the school.

“79. The governing board shall establish the programs of student services and special educational services prescribed by the basic school regulation, determined by the school board or provided for in an agreement entered into with the school board.

“80. The governing board shall approve the student supervision policy proposed by the principal.

The policy shall include measures for 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.

“81. The governing board shall adopt the rules of conduct and the safety measures proposed by the principal.

The rules of conduct and the safety measures may provide for disciplinary sanctions, except expulsion from school or corporal punishment; the rules and measures shall be transmitted to each student of the school and to his parents.

“82. Proposals under this subdivision shall be developed in collaboration with the school staff or, in the case of proposals under section 76 or 77, in collaboration with the teachers.

The collaboration procedure shall be that established by the interested persons at general meetings called for that purpose by the principal.

“3. Functions and powers relating to community services

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

It may also allow other persons or bodies to organize such services on the premises of the school.

“84. The governing board may organize day care services for preschool children and students in elementary school, in accordance with the Act respecting child day care (chapter S-4.1).

It may also allow other persons or bodies to organize such services on the premises of the school.

“85. The governing board may, in the name of the school board, within the scope of its budget estimates and, where applicable, in accordance with the employment standards of the school board, contract with a person or body for the provision of goods or services under this subdivision.

It may require a financial contribution from the user of the services it provides or, in the case of day care services, from the person having parental authority or from any other person determined by regulation under the Act respecting child day care (chapter S-4.1).

“86. Revenues derived from the provision of goods or services referred to in sections 83 and 84 shall be included in the appropriations allotted to the school.

“4. Functions and powers relating to human, material and financial resources

“87. The governing board 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.

“88. The governing board shall inform the school board of the needs of the school for goods and services, and of the needs for the improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school.

“89. The governing board shall approve 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 electoral purposes and to agreements for the use thereof entered into by the school board before the issue of the deed of establishment of the school.

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

The governing board shall approve the organization by the school board, on the school premises, of services provided by the school board for cultural, social, sports, scientific or community activities.

“90. The governing board shall adopt the school’s annual budget estimates proposed by the principal, and shall submit them to the school board for approval.

“DIVISION III

“PRINCIPAL

“§ 1. — *Appointment*

“91. The principal of a school shall be appointed by the school board in accordance with the selection criteria it establishes after consulting the governing board.

The school board may designate a person to occupy temporarily the position of principal.

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

“93. 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 unable to act.

“§ 2. — *Functions and powers*

“94. 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 level of quality.

The principal is responsible for the educational and administrative activities of the school and for the implementation of the provisions which govern the school.

“95. 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 of the educational project of the school ;
- (2) ensure that the proposals referred to in this chapter are prepared and submitted to the governing board for approval ;
- (3) encourage concerted action between the parents, the students and the staff and their participation in the life of the school.

“96. 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 norms prescribed by the school board and in

keeping with the strengths, weaknesses and needs of the student as evaluated by the school board before the student's enrollment at the school.

The principal shall see to the implementation and periodical evaluation of the education plan.

“97. Upon the recommendation of the teachers, the principal shall also

- (1) adopt the instructional methods ;
- (2) choose, in accordance with this Act, the textbooks and instructional material required for the teaching of the programs of studies ;
- (3) establish standards and procedures for the evaluation of student achievement that are consistent with those prescribed by the basic school regulation, subject to the examinations that may be imposed by the Minister or the school board ;
- (4) establish rules governing the placement of students and their promotion from one grade to a higher one, subject to the rules prescribed by the basic school regulation.

The recommendations of the teachers under this section shall be made in the manner determined by the teachers at a meeting called for that purpose by the principal or, failing that, in the manner determined by the principal.

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

“98. In the case of a child who has not achieved the objectives of preschool education, the principal may, following a request, with reasons, from the parents of the child and subject to the conditions determined by regulation of the Minister, admit the child 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.

“99. In the case 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 for the mandatory promotion to secondary school, the principal may, following a request, with reasons, from the parents of the child and subject to the conditions determined by regulation of the Minister, admit the child 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.

“100. The principal is responsible for the management of the staff of the school and he shall determine the duties and responsibilities of each member

of the staff in accordance with the provisions of the applicable collective agreements.

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 continuing education activities for the school staff as agreed with the staff.

“101. 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 governing board and to the school board.

“102. 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 estimates must maintain a balance between expenditures and the financial resources allocated to the school by the school board and the school's own revenues.

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

If a school is closed, any surplus or deficit shall become the surplus or deficit of the school board.

“103. The principal shall participate in defining the policies of the school board.

“104. The principal shall also exercise the functions and powers delegated to him by the council of commissioners.

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

“CHAPTER IV

“VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES

“DIVISION I

“ESTABLISHMENT

“105. A vocational training centre is an educational institution whose object is to provide the educational services prescribed by the basic school

regulation for vocational training established by the Government under section 448.

An adult education centre is an educational institution whose object is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic school regulation for adult education established by the Government under section 448.

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

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

“107. 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.

“108. Centres shall be established by the school board.

The deed of establishment shall state the name and address of the centre, indicate the premises or immovables placed at the disposal of the centre and specify the nature of the services it is to provide.

“109. A school board may amend the deed of establishment of a centre according to the three-year plan of allocation and destination of its immovables.

“DIVISION II

“GOVERNING BOARD

“§ 1. — *Composition and establishment*

“110. A governing board is hereby established in each centre, and shall consist of the following persons who become members of the governing board upon their appointment or election

(1) four students attending the centre, elected by their peers in the manner determined by the principal;

(2) two teachers, one member of the non-teaching professional staff and one member of the support staff, elected respectively by their peers in the manner provided in their respective collective agreements or, failing that, in the manner determined by the principal;

(3) two persons appointed by the school board, chosen after consulting with the socio-economic groups of the area mainly served by the centre;

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

(5) in the case of a vocational training centre, two persons appointed by the school board, chosen from among enterprises of the region specializing in fields of economic activity corresponding to the vocational education programs offered at the centre.

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

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

A vacancy as a result of the departure or disqualification of any member of the governing board is filled according to the prescribed mode of appointment of the member to be replaced, but only for the unexpired portion of his term.

“110.1. The principal takes part in meetings of the governing board but is not entitled to vote.

From among the commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3), only the commissioner who represents the electoral division in which the premises placed at the disposal of the centre are situated may take part in meetings of the governing board but is not entitled to vote.

“§ 2. — Operation

“110.2. The governing board shall choose its president from among the members referred to in subparagraphs 3 to 5 of the first paragraph of section 110.

“110.3. Sections 54 to 66, adapted as required, apply to the operation of the governing board of a centre.

“§ 3. — Functions and powers

“110.4. The functions of the governing board are

(1) to encourage the participation of students, parents, staff members, socio-economic groups and enterprises of the region in the activities of the centre;

(2) to promote the communication of information, exchanges and concerted action between persons having an interest in the centre;

(3) to participate in the development and implementation of the plan pertaining to the services provided by the centre;

(4) to advise the principal on any matter concerning the services provided by the centre.

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

(1) the modes of implementation of the basic school regulation;

(2) the operating rules of the centre.

“110.6. Sections 70 to 74 and 87 to 90, adapted as required, apply to the governing board of a centre.

“DIVISION III

“PRINCIPAL

“§ 1. — *Appointment*

“110.7. The principal of a centre shall be appointed by the school board in accordance with the criteria it establishes after consulting the governing board.

The school board may designate a person to occupy temporarily the position of principal.

“110.8. The school board may appoint one or more vice principals to the centre after consulting the principal.

“110.9. 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 unable to act.

“§ 2. — *Functions and powers*

“110.10. The principal of the centre, under the authority of the director general of the school board, shall ensure that the services provided at the centre meet the proper level of quality.

The principal is responsible for the educational and administrative activities of the centre and for the implementation of the provisions which govern the centre, and shall ensure that the proposals referred to in this chapter are prepared and submitted to the governing board for approval.

“110.11. Upon the recommendation of the teachers, the principal of the centre shall also

(1) determine the rules governing the organization of services, subject to the rules prescribed by the basic school regulation ;

(2) adopt instructional methods ;

(3) establish standards and procedures for the evaluation of student achievement that are consistent with those prescribed by the basic school regulation, subject to the examinations that may be imposed by the Minister or the school board.

The recommendations of the teachers under this section shall be made in the manner determined by the teachers at a meeting called for that purpose by the principal of the centre or, failing that, in the manner determined by the principal.

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

“110.12. The principal is responsible for the management of the staff of the centre and shall determine the duties and responsibilities of each member of the staff in accordance with the provisions of the applicable collective agreements.

He shall see to the organization of such continuing education activities for the staff of the centre as agreed with the staff.

“110.13. The principal is responsible for the maintenance of the property placed at the disposal of the centre and shall render an account thereof to the school board.

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

The budget estimates shall maintain a balance between expenditures and the financial resources allocated to the centre by the school board and the centre's own revenues.

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

If a centre is closed, any surplus or deficit shall become the surplus or deficit of the school board.

“110.15. The principal shall participate in defining the policies of the school board.

“110.16. The principal shall also exercise the functions and powers delegated to him by the council of commissioners.

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

12. Section 147 of the said Act is amended by inserting, at the beginning, the following paragraph:

“147. A commissioner representing the parents’ committee or representing the parents of the student minority referred to in section 146 shall continue to be a member of the council of commissioners until the expiry of his term of office even if he loses parent status.”

13. Section 162 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

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

“The resolution comes into force on the date of publication of a public notice of its adoption or on any later date fixed therein.”

14. Section 171 of the said Act is replaced by the following section:

“171. Whenever a decision of the council of commissioners is amended, replaced or repealed, mention shall be made thereof in the margin of the Minutes of Proceedings, opposite such decision, together with the date of its amendment, replacement or repeal.”

15. Section 172 of the said Act is amended by striking out the words “by-law of” in the sixth line of the first paragraph.

16. Section 174 of the said Act is amended

(1) by striking out the words “, by by-law,” in the first line of the first paragraph;

(2) by replacing the words “a principal, a principal of an adult education centre or” in the second and third lines of the first paragraph by the words “the principal of a school, the principal of a”;

(3) by adding, after the first paragraph, the following paragraph:

“The delegation comes into force on the date of publication of a public notice of its adoption or on any later date fixed therein.”

17. 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”.

18. Section 181 of the said Act is amended

- (1) by striking out the words “by-law of” in the second line;
- (2) by adding, at the end, the following paragraph:

“The delegation takes effect on the date of publication of a public notice of its adoption or on any later date fixed therein.”

19. 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 “103 and 110.15”;

(2) by inserting the words “the principals of vocational training centres, of” 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.

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

21. Section 189 of the said Act is amended by replacing the word “school” in paragraph 1 by the words “elected by the meeting of parents in accordance with the second paragraph of section 44”.

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

“(3) to impart to the school board the needs of parents identified by the representatives of the schools;”.

23. Section 193 of the said Act is amended

- (1) by striking out paragraph 4;
- (2) by replacing paragraph 8 by the following paragraphs:

“(8) the rules governing promotion from one cycle to another or from elementary school to secondary school;

“(8.1) the objectives and principles governing the allocation of financial resources among the educational institutions of the school board as well as the criteria pertaining thereto;”;

(3) by striking out the words “the rules governing” in the first line of paragraph 9.

24. Section 199 of the said Act is amended by replacing the words “orientation committee” in the second line by the words “governing board”.

25. Section 204 of the said Act, amended by section 17 of chapter 23 of the statutes of 1994, is again 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, every person entitled to such services who wishes to be enrolled for such services comes under the jurisdiction of a school board whether or not he resides in its territory.”

26. Section 209 of the said Act is amended

(1) by replacing the figure “215” in the fourth line of subparagraph 2 of the first paragraph by the figure “215.1”;

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

27. Section 210 of the said Act is amended by striking out the figure “, 467” in the third line of the first paragraph.

28. Section 211 of the said Act is amended

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

(2) 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.”

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

“212. After consulting the parents’ committee and subject to the criteria that may be established by the Minister, the school board shall adopt a policy concerning the maintenance or closure of its schools.”

30. Section 213 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“213. A school board may enter into an agreement, for the provision of developmental and learning services at the preschool level, of instructional services at the elementary or secondary level, of vocational training services or of adult education services, with another school board or an educational institution governed by the Act respecting private education (chapter E-9.1), or a school 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, or any body or person, for the provision of student services and special educational services, literacy services, popular education services, specific vocational training services or practical training for adult education services, or for purposes other than the provision of services referred to in the first paragraph.”

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

“215.1. A school board may, with the authorization of the Minister and subject to the conditions he determines, 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 by the basic school regulations established by the Government under sections 447 and 448; the college is entitled to the benefits granted by this Act to the schools, vocational training centres or adult education centres 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 the benefits granted by the General and Vocational Colleges Act to the general and vocational colleges determined by the Minister.”

32. Section 216 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.

33. 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”.

34. Section 218 of the said Act is amended

(1) by striking out the words “; for that purpose, it may delegate, by by-law, certain of the functions and powers conferred on it to the orientation

committee of the school” in the second, third and fourth lines of the first paragraph;

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

35. 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 determines.

“218.2. Where 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 or the Minister, the school board shall give the institution notice to comply therewith; failing that, the school board shall take appropriate measures to ensure compliance with this Act and the regulations, in particular by substituting its decisions for decisions of the institution.”

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

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

“222. Every school board shall ensure compliance with the basic school regulation established by the Government 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, on a request, with reasons, by the parents of the student, by the student if he is of full age or by the school principal, exempt the student from the application of a provision of the basic school regulation.

The school board may also, subject to the rules governing certification of studies prescribed by the basic school regulation, allow that an exception be made to a provision of the basic school regulation to favour, in the subjects prescribed by the regulation, the carrying out of a special school project applicable to a group of students.”

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

“222.1. The school board shall ensure compliance with the programs of studies established by the Minister under section 461.

However, a school board may, at the request of the principal of a school, after consulting the 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 from a subject prescribed by the basic school regulation a student who needs support in the programs relating to the language of instruction, a second language or mathematics ; the student cannot be exempted, however, from any of these programs.

In addition, a school board may, with the authorization of the Minister and on the conditions he determines, allow a school to replace a program of studies established by the Minister by a local program of studies where a student is or a category of students are unable to benefit from the programs of studies established by the Minister. Every local program of studies must be submitted to the Minister for approval.”

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

“223. Every school board may, with the authorization of the Minister and subject to the conditions he determines, develop and offer, in addition to the vocational education programs that it is authorized to offer, programs of studies leading to an occupation or a profession and for which it may deliver an attestation of qualification.

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

40. 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.

41. 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.

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

43. 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.

44. Section 228 of the said Act is 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 “on the request of a governing board”.

45. Section 229 of the said Act is repealed.

46. 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 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".

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

"231. Every school board shall see that schools evaluate student achievement and administer the single examinations imposed by the Minister:

It may impose single examinations in the programs relating to the language of instruction, a second language or mathematics at the end of the elementary level and of the first cycle of the secondary level."

48. Section 233 of the said Act is amended by replacing the first paragraph by the following paragraph:

"233. Every school board shall establish rules governing the promotion of students from a cycle to another and from elementary school to secondary school, subject to the rules prescribed by the basic school regulation."

49. 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 social maladjustments or learning disabilities according to the student's needs and in keeping with the strengths and weaknesses of the student as evaluated by the school board."

50. Section 235 of the said Act is amended

(1) by striking out the words ", by by-law" in the first line of the first paragraph;

(2) by replacing the words "Matters prescribed in the by-law" in the first line of the second paragraph by the words "The standards";

(3) by inserting the words "; such procedures shall provide for the participation of the parents of a student and of the student himself, unless he is unable to do so" after the word "disabilities" in the second line of subparagraph 1 of the second paragraph.

51. Section 237 of the said Act is repealed.

52. Section 239 of the said Act is amended by replacing the words “orientation committee” in the third line of the second paragraph by the words “governing board”.

53. Sections 241.2 to 241.4 of the said Act are repealed.

54. Section 244 of the said Act is amended by striking out the figure “229,” in the first line of the first paragraph.

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

56. Section 245 of the said Act is amended

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

(2) by replacing, in the French text, the word “celui” in the first line of the second paragraph by the words “un régime”.

57. Section 246 of the said Act is amended

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

(2) by inserting the words “of gradual implementation” after the word “conditions” in the third line of the first paragraph;

(3) by striking out the second paragraph.

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

“246.1. Every school board may, with the authorization of the Minister and subject to the conditions he determines, develop and offer, in addition to the vocational education programs that it is authorized to offer, programs of studies leading to an occupation or a profession and for which it may deliver an attestation of qualification.

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

59. Section 248 of the said Act is repealed.

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

“249. Every school board shall see that centres evaluate student achievement and administer the single examinations imposed by the Minister.

It may impose single examinations in programs that do not have a single examination imposed by the Minister and for which credits are compulsory for the issue of the secondary school diploma or the vocational training diploma.”

61. Section 250 of the said Act is amended

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

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

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

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

64. Sections 256 and 256.1 of the said Act are repealed.

65. Section 258 of the said Act, amended by section 46 of chapter 43 of the statutes of 1995, is replaced by the following section:

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

66. Section 259 of the said Act is amended by inserting the words “, vocational training centres” after the word “schools” in the second line of the first paragraph.

67. 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”.

68. 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 “school principals and the directors of the” in the third line of the first paragraph by the words “governing boards and the principals of vocational training centres and of”.

69. Section 266 of the said Act is amended

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

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

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

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

“266.1. Every school board shall see to the maintenance in good condition of property placed at the disposal of its educational institutions, and may take appropriate measures to remedy any failure on the part of an institution.”

71. 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 the Minister and subject to the conditions he determines, 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 pursuant to the regulation made 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.”

72. Section 271 of the said Act is repealed.

73. 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, equitably and without discrimination, according to the needs expressed by the institutions, the operating grants allotted by the Minister, including equalization grants, if any, proceeds from school taxes and investment income derived from part or all of those proceeds, after the amount determined by the school board for its own needs and the needs of the committees of the school board has been deducted.

Amounts allotted for the operation of governing boards shall be provided in the financial resources.

The school board shall make public the objectives and principles governing the allocation of grants, proceeds from school taxes and other revenues among its educational institutions as well as the criteria pertaining thereto."

74. 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 striking out the words ", with or without amendments" in the second line;

(3) by adding 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 authorize an institution, subject to the conditions it determines, to incur expenses that have not been approved."

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

"The budget estimates of the educational institutions of the school board shall constitute separate appropriations within the school board's budget."

76. Section 283 of the said Act is amended by adding the following paragraphs:

"It shall be accountable for the financial transactions of its schools, vocational training centres and adult education centres, and shall see that the financial commitments chargeable to the appropriations of the educational institutions and the payments arising therefrom do not exceed the available appropriations and comply with them.

It shall provide to each of its educational institutions, periodically or at the request of an institution, a statement of the revenues, commitments and expenditures of the institution."

77. Section 288 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

"288. Notwithstanding any inconsistent legislative provision, a school board may, except if the Minister decides otherwise in light of the financial situation of the school board, borrow money by any method recognized by law.

However, the school board must, where the term of a loan exceeds one year, obtain prior authorization from the Minister and comply with the conditions fixed by him.”

78. Section 292 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Whether or not the school board provides transportation at noon to allow students to have their meal at home, the governing board is required to ensure, on the financial conditions it determines, supervision of the students who stay at school.”

79. Section 293 of the said Act is amended by inserting the words “in vocational training or” after the word “enrolled” in the first lines of the first and second paragraphs.

80. The heading of Division IX of Chapter V of the said Act is replaced by the following heading:

“PUBLIC NOTICES”.

81. The heading of subdivision 1 of Division IX of Chapter V of the said Act is struck out.

82. Section 392 of the said Act is repealed.

83. 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”.

84. Sections 394 to 396 of the said Act are repealed.

85. The heading of subdivision 2 of Division IX of Chapter V of the said Act is struck out.

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

87. Section 447 of the said Act is amended by striking out paragraphs 9 and 9.1.

88. Section 448 of the said Act is amended

(1) by inserting the words “for vocational training and a basic school regulation” after the word “regulation” in the second line of the first paragraph;

(2) by replacing the words “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 word "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.

89. Section 457.1 of the said Act is amended

(1) by replacing the words "sections 241.1 to 241.3" in the second line of paragraph 2 by the words "section 241.1";

(2) by replacing the words "sections 241.1 to 241.3" in the second line of paragraph 3 by the words "section 241.1".

90. Section 459 of the said Act is amended by replacing the second paragraph by the following paragraph:

"In order to carry out that function, the Minister may establish a procedure for gradual implementation of the provisions of the basic school regulations relating to the list of subjects and to the rules governing evaluation and certification of studies."

91. 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.

92. Section 463 of the said Act is amended by striking out the word "board" in the first line of the second paragraph.

93. Section 464 of the said Act is amended

(1) by replacing the words "orientation committee" in the second and third lines by the words "governing board";

(2) by replacing the words "any interested teacher," in the third and fourth lines by the words "principal of a vocational training centre and interested teacher and to".

94. 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 second, third and fourth lines of the first paragraph;

(2) by striking out the third paragraph.

95. Section 468 of the said Act is amended

(1) by inserting the words “, a vocational training centre or an adult education centre” after the word “school” in the second line of the first paragraph;

(2) by inserting the words “vocational training centre or adult education centre” after the word “school,” in the second line of the second paragraph.

96. 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.

97. Section 472 of the said Act is amended

(1) by replacing the words “an apportionment proportionate to the number of students enrolled in the schools” in the seventh and eighth lines of the first paragraph by the words “an equitable and non discriminatory apportionment”;

(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.

98. 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.

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

“478. The Minister may generally or specially designate a person to ascertain whether the provisions of this Act and the regulatory 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 its 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 and show a certificate, signed by the Minister, attesting his capacity.

"478.2. The person designated by the Minister may not be prosecuted for acts done in good faith in the exercise of his 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, 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 assistant deputy ministers have, *ex officio*, the right and power to carry out verifications or inquiries."

100. The provisions of this Act apply to the school year 1998-99 and to subsequent school years.

101. The provisions of this Act come into force on (*insert here the date of assent to this Act*).