

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1992, chapter 23  
**AN ACT TO AMEND THE EDUCATION ACT**

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**Bill 17**

Introduced by Mr Michel Pagé, Minister of Education

introduced 12 May 1992

Passage in principle 3 June 1992

Passage 22 June 1992

**Assented to 23 June 1992**

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**Coming into force: 23 June 1992**

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**Act amended:**

Education Act (R.S.Q., chapter I-13.3)



## CHAPTER 23

### An Act to amend the Education Act

[Assented to 23 June 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-13.3,  
ss. 241.1  
to 241.4,  
added

**1.** The Education Act (R.S.Q., chapter I-13.3) is amended by inserting, after section 241, the following sections:

Exceptions

**“241.1** For humanitarian reasons or to avoid a serious prejudice to a child who has not attained the age of admission, the school board may, following a request giving reasons therefor made by the parents, in cases determined by regulation of the Minister,

(1) admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age;

(2) admit to elementary school education a child admitted to preschool education who has attained 5 years of age.

Minister's  
order

In the event of refusal by the school board, the Minister may, at the request of the parents and if he considers it expedient on the grounds mentioned in the first paragraph, order the school board to admit the child, in the cases and subject to the conditions prescribed in the first paragraph.

Admission  
to pre-  
school  
education

**“241.2** In the case of a child who has not achieved the objectives of preschool education, the school board may, following a request giving reasons therefor made by the parents and subject to the terms and conditions determined by regulation of the Minister, admit him 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.

Admission  
to elemen-  
tary school  
education

**"241.3** In the case of a student who has not achieved the objectives and mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for the mandatory promotion to secondary school, the school board may, following a request giving reasons therefor made by his parents and subject to the terms and conditions determined by regulation of the Minister, admit him 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.

Report

**"241.4** The school board shall, each year and not later than 31 March, send to the Minister a report on the number of students admitted under each of sections 241.1 to 241.3."

c. I-13.3,  
s. 256.1,  
added

**2.** The said Act is amended by inserting, after section 256, the following section:

Instructio-  
nal and  
training  
services

**"256.1** The school board may provide, in addition to the services it is otherwise required to provide, instructional and training services outside the teaching periods during the school days of the school calendar or outside the school days."

c. I-13.3,  
s. 258, am.

**3.** Section 258 of the said Act is amended by replacing the first two lines by the following:

Financial  
contribu-  
tion

**"258.** The school board, for the purposes of sections 256 to 257, may hire staff and enter into agreements. In addition, it may, except as regards services provided between the first day and the last day of the school calendar pursuant to section 256.1, require a financial".

c. I-13.3,  
ss. 268  
and 269,  
repealed  
c. I-13.3,  
s. 271, am.

**4.** Sections 268 and 269 of the said Act are repealed.

**5.** Section 271 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Plans and  
specifica-  
tions

**"271.** No school board may perform or cause to be performed on an immovable any work requiring the preparation of plans and specifications before having obtained the Minister's advice on the project.

Obligation

Where the Minister fails to transmit his advice to the school board within 60 days after receiving the request therefor, the obligation of the school board ceases."

c. I-13.3,  
s. 277, am.

**6.** Section 277 of the said Act is amended

(1) by replacing the words “prepare its operating, investment and debt service budget for the following school year and submit it to the Minister for approval” in the first, second and third lines of the first paragraph by the words “adopt its operating, investment and debt service budget for the following school year and transmit it to the Minister”;

(2) by striking out the third paragraph.

c. I-13.3,  
s. 279,  
replaced

**7.** Section 279 of the said Act is replaced by the following section:

Expendi-  
tures

**“279.** Except with the authorization of the Minister and subject to the terms and conditions he determines, the budget may not provide for expenditures that exceed the revenues of the school board.”

c. I-13.3,  
s. 280, am.

**8.** Section 280 of the said Act is amended

(1) by replacing the word “may” in the first line of the first paragraph by the word “shall”;

(2) by replacing the words “Every school board shall” in the first line of the second paragraph by the words “In addition, the school board shall”.

c. I-13.3,  
s. 281,  
replaced

**9.** Section 281 of the said Act is replaced by the following section:

Expenses

**“281.** If, on 1 July, a school board has not adopted its budget, it is authorized to incur expenses for that month for an amount equal to one-twelfth of the amount of expenses of the preceding school year.

Expenses

The same applies for each month of the school year if, on the first day of the month, the budget has not been adopted.”

c. I-13.3,  
s. 308, am.

**10.** Section 308 of the said Act is amended by adding, at the end of the third paragraph, the following sentence: “In cases of amalgamation or total annexation of school board territories or of termination of a regional school board having occurred after 30 June 1990, the base amount of the amalgamated or annexing school board or of a school board that is a member of the regional school board shall, from the school year in which the change takes effect but only for the period determined by regulation, where that is the case, be established according to the rules prescribed therein.”

c. I-13.3,  
s. 312, am.

**11.** Section 312 of the said Act is amended

(1) by replacing the words “after the approval” in the second line of the first paragraph by the words “at the time of the adoption”;

(2) by striking out the second paragraph.

c. I-13.3,  
s. 435,  
replaced

**12.** Section 435 of the said Act is replaced by the following section:

School  
tax rate

**“435.** The Council shall, each year, fix the rate of the school tax.”

c. I-13.3,  
s. 445, am.

**13.** Section 445 of the said Act is amended by replacing the words “prepare its operating, capital and debt service budget for the next ensuing school year and submit it to the Minister for approval” in the first, second and third lines by the words “adopt its operating, capital and debt service budget for the following school year and transmit it to the Minister”.

c. I-13.3,  
s. 447, am.

**14.** Section 447 of the said Act, amended by section 46 of chapter 78 of the statutes of 1990, is again amended by inserting the words “other than the provision relating to the date for determining the age at which a person is eligible for admission to educational services or relating to mandatory promotion from elementary school to secondary school” after the word “regulations,” in the fourth line of subparagraph 9 of the third paragraph.

c. I-13.3,  
s. 455.1,  
am.

**15.** Section 455.1 of the said Act is amended

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

“(4) establish rules for the determination of the base amount in cases of amalgamation or total annexation of school board territories or of termination of a regional school board having occurred after 30 June 1990, which may vary according to the provisions of the regulation.”;

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

Base  
amount

“The Government may, in the same manner, for each case it indicates, determine a period in which the base amount must be established according to the rules prescribed pursuant to subparagraph 4 of the first paragraph.”

c. I-13.3,  
s. 457.1,  
added

**16.** The said Act is amended by inserting, after section 457, the following section:

Regulations

**“457.1** The Minister may determine by regulation

(1) the cases in which a school board may exercise the powers provided for in section 241.1 in respect of the admission of a child who has not attained the age of admission;

(2) the information which must be included in a request made under sections 241.1 to 241.3 as well as the documents which must be attached to a request;

(3) the evaluations, consultations, opinions or recommendations required for the purposes of sections 241.1 to 241.3.”

c. I-13.3,  
s. 473.1,  
added

**17.** The said Act is amended by inserting, after section 473, the following section:

Budgetary  
rules

**“473.1** The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school boards or to the Conseil scolaire de l’île de Montréal, in order to take into account special situations or to carry out certain projects or activities.

Subsidies

Such subsidies may

(1) be granted on the basis of general or special standards;

(2) be subject to general conditions applicable to every school board, or to special conditions applicable to one or some of them;

(3) be granted only to one or some of the school boards or to the Conseil scolaire de l’île de Montréal.

Authoriza-  
tion

For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l’Éducation to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15) does not apply to such an authorization.”

c. I-13.3,  
s. 475, am.

**18.** Section 475 of the said Act is amended

(1) by replacing the words “establishing that its” in the third line of the first paragraph by the word “whose”;

(2) by replacing the words “equal to the amount of the insufficiency, computed at the time of the adoption of the school board’s budget” in the fourth, fifth and sixth lines of the first paragraph by the words “fixed by the Minister after receipt of the school board’s budget”.

**19.** Any first regulation made for the purposes of subparagraph 4 of the first paragraph or of the second paragraph of section 455.1 of the Education Act may provide that it shall have effect from the school year 1992-93.

First  
regulation

**20.** Sections 1 and 14 are applicable to the school year 1993-94 and to subsequent school years.

Applicable  
provisions

Sections 6 to 13, 17 and 18 are applicable to the school year 1992-93 and to subsequent school years.

Applicable  
provisions

**21.** This Act comes into force on 23 June 1992.

Coming into  
force