

1988, chapter 84
EDUCATION ACT

Bill 107

Introduced by Mr Claude Ryan, Minister of Education

Introduced 15 December 1987

Passage in principle 2 November 1988

Passage 23 December 1988

Assented to 23 December 1988

Coming into force: 1 July 1989, except:

(1) sections 111, 112, 123, 124 and 131, the fifth paragraph of section 134, sections 137, 139, 205 to 207, 210, 262, 263, 354, 355, 402 and 509 to 540, which will come into force on the later dates fixed by the Government;

(2) sections 716 and 720, which come into force on 23 December 1988.

Acts amended:

Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1)

Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Archives Act (R.S.Q., chapter A-21.1)

Act respecting the National Assembly (R.S.Q., chapter A-23.1)

Act respecting insurance (R.S.Q., chapter A-32)

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Act respecting the Bureau de la statistique (R.S.Q., chapter B-8)

Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2)

Savings and Credit Unions Act (R.S.Q., chapter C-4)

(Cont'd on next page)



Acts amended (Cont'd):

Charter of the French language (R.S.Q., chapter C-11)
Act respecting the cinema (R.S.Q., chapter C-18)
Cities and Towns Act (R.S.Q., chapter C-19)
Code of Civil Procedure (R.S.Q., chapter C-25)
Professional Code (R.S.Q., chapter C-26)
Labour Code (R.S.Q., chapter C-27)
Municipal Code of Québec (R.S.Q., chapter C-27.1)
General and Vocational Colleges Act (R.S.Q., chapter C-29)
Act respecting the Commission municipale (R.S.Q., chapter C-35)
Act respecting public inquiry commissions (R.S.Q., chapter C-37)
Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1)
Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2)
Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3)
Chartered Accountants Act (R.S.Q., chapter C-48)
Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60)
Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1)
Act respecting security fund corporations (R.S.Q., chapter C-69.1)
Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)
Forestry Credit Act (R.S.Q., chapter C-78)
Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1)
Act respecting municipal and school debts and loans (R.S.Q., chapter D-7)
Act respecting private education (R.S.Q., chapter E-9)
Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)
Expropriation Act (R.S.Q., chapter E-24)
Act respecting municipal taxation (R.S.Q., chapter F-2.1)
Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)
Hydro-Québec Act (R.S.Q., chapter H-5)
Education Act (R.S.Q., chapter I-14)
Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15)
Act respecting the Ministère des Communications (R.S.Q., chapter M-24)
Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30)
Act respecting labour standards (R.S.Q., chapter N-1.1)
Student Loans and Scholarships Act (R.S.Q., chapter P-21)
Photographic Proof of Documents Act (R.S.Q., chapter P-22)
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 preserve agricultural land (R.S.Q., chapter P-41.1)
Environment Quality Act (R.S.Q., chapter Q-2)
Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)
Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)
Act respecting supplemental pension plans (R.S.Q., chapter R-17)
Act respecting real estate tax refund (R.S.Q., chapter R-20.1)
Act respecting safety in sports (R.S.Q., chapter S-3.1)
Act respecting child day care (R.S.Q., chapter S-4.1)
Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1)
Act respecting the Société du parc industriel du centre du Québec (R.S.Q., chapter S-15)
Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1)
Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1)
Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2)
Cooperative Syndicates Act (R.S.Q., chapter S-38)
Act respecting transportation by taxi (R.S.Q., chapter T-11.1)

(Cont'd on next page)

Acts amended (Cont'd):

Securities Act (R.S.Q., chapter V-1.1)

Civil Code of Lower Canada

Act respecting the School Board of the North Shore of the Gulf of St. Lawrence (1966-67, chapter 125)

Act respecting prearranged funeral services and sepultures (1987, chapter 65)

Act respecting farm financing (1987, chapter 86)

Act respecting trust companies and savings companies (1987, chapter 95)

Act respecting municipal territorial organization (1988, chapter 19)

Act respecting the Ministère des Affaires internationales (1988, chapter 41)

Acts repealed:

Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)

Act respecting grants to school boards (R.S.Q., chapter S-36)



CHAPTER 84

Education Act

[Assented to 23 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

STUDENTS

DIVISION I

STUDENTS' RIGHTS

Right to
instructional
services

1. Every person is entitled to the preschool developmental and cognitive learning services and to the elementary and secondary instructional services provided for by this Act and by the basic school regulations (*régime pédagogique*) made by the Government under section 447, from the first day of the school calendar in the school year in which he attains the age of admission to the last day of the school calendar in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1).

Right to
educational
services

Every person is also entitled to the student services and special educational services provided for by this Act and the basic school regulations (*régime pédagogique*), within the scope of the programs offered by the school board.

Age of
admission

The age of admission to preschool education is five years on or before the date prescribed by the basic school regulations (*régime pédagogique*); the age of admission to primary instruction is six years on or before the same date.

Adult
educational
services

2. Every person no longer subject to compulsory school attendance is entitled to the educational services prescribed by the basic school regulations (*régime pédagogique*) applicable to adult educational services made by the Government under section 448, within the scope of the programs offered by the school board pursuant to this Act.

Gratuity

3. The educational services contemplated in section 1 and offered pursuant to this Act shall be provided free to residents of Québec.

Literacy
services

Literacy services and the other training services prescribed by the basic school regulations (*régime pédagogique*) applicable to adult educational services shall be provided free to residents of Québec contemplated in section 2, subject to the conditions prescribed by the said regulations.

Choice of
school

4. The parents of a student or any student of full age shall have a right to choose, every year, the school best suited to their preferences or having the educational project best suited to their personal values.

Enrollment
criteria

The exercise of the right is subject to the student enrollment criteria established by the school board.

Transporta-
tion services

The exercise of the right does not entail the right to require transportation services where the transportation services required for the student concerned exceed the limits established by the school board.

Moral or
religious
instruction

5. Every student other than a student enrolled for adult educational services has a right to choose, every year, between either Catholic or Protestant moral and religious instruction or moral instruction.

Other
denomination

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

Parents'
choice

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

Pastoral
care and
guidance

6. Catholic students other than those enrolled for adult educational services are entitled to student services of pastoral care and guidance.

Religious care and guidance	Protestant students other than those enrolled for adult educational services are entitled to student services of religious care and guidance.
Free use of textbooks	7. Students other than those enrolled for adult educational services have a right to the free use of textbooks and other teaching materials required for the teaching of programs of studies.
Exception	The right of free use does not extend to documents in which students write, draw or cut out.
Teaching materials	Teaching materials do not include pencils, paper and other objects of a like nature.
Student's duty	8. Every student shall take good care of the property placed at his disposal and return it at the end of the school activities.
Claim for value of property	If a student fails to comply with the first paragraph, the school board may claim the value of the property from the parents of the student if a minor or from the student himself if of full age.
Decision affecting student	9. A student or parents of a student affected by a decision of the council of commissioners, the executive committee, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.
Request for reconsideration	10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board.
Secretary general	The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.
Prompt disposal	11. The council of commissioners shall dispose of the request without delay.
Examination by committee	It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.
Hearing of parties	During the examination of the request, the interested parties shall have the opportunity to present their points of view.
Power of council	12. The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision

contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

Notification

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.

Interpretation

13. In this Act,

"school year"

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

"parent"

(2) the word "**parent**" means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student.

DIVISION II

COMPULSORY SCHOOL ATTENDANCE

Compulsory school attendance

14. Every child shall attend school from the first day of the school calendar in the school year following that in which he attains six years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first.

Exemptions

15. The following students are exempt from compulsory school attendance:

(1) a student excused by the school board by reason of illness or for the purpose of receiving medical treatment or care required by his state of health;

(2) a student excused by the school board, at the request of his parents and after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities established under section 185, by reason of a physical or mental handicap which prevents him from attending school;

(3) a student expelled from school by the school board pursuant to section 242;

(4) a student who is provided, at home, instruction and a learning experience which, according to an evaluation made by or for the school board, are equivalent to what is provided at school.

Private
institutions

A child is excused from attending public school if he attends a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9) or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Affaires internationales (1988, chapter 41) which provides all or part of the educational services provided for by this Act.

Prohibition

16. No person may employ a student during school hours so long as he is subject to compulsory school attendance.

Responsi-
bility of
parents

17. Parents must take the necessary measures to ensure that their child attends school as required.

Duty of
principal

18. The principal shall ascertain, in the manner determined by the school board, that students attend school regularly.

Absenteeism

Where a student is repeatedly absent without a valid excuse, the principal shall notify the parents in writing that they must take the necessary measures to ensure that their child attends school regularly.

Director
of youth
protection

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

CHAPTER II

TEACHERS

DIVISION I

TEACHERS' RIGHTS

Teacher's
right

19. In accordance with the educational project of the school and subject to the provisions of this Act, the teacher has the right to govern the conduct of each group of students entrusted to his care.

Teacher's
prerogatives

The teacher is entitled, in particular,

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

(2) to select the means of evaluating the progress of students so as to examine and assess continually and periodically the needs and achievement of objectives of every student entrusted to his care.

Freedom of
conscience

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

Freedom of
conscience

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

Notification
of principal

21. A teacher wishing to exercise the right described in section 20 shall so inform the principal, in writing, within the time and in the manner determined by the school board.

Duration
of refusal

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

DIVISION II

TEACHERS' OBLIGATIONS

Teacher's
obligations

22. A teacher shall

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

(2) take part in instilling into each student entrusted to his care a desire to learn;

(3) take the appropriate means to foster respect for human rights in his students;

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

(5) take the necessary measures to promote the quality of written and spoken language;

(6) take the appropriate measures to attain and maintain a high level of professionalism;

(7) comply with the educational project of the school.

DIVISION III

TEACHING LICENCE

Teaching
licence

23. Every teacher must hold a teaching licence determined by regulation of the Minister of Education. Teaching licences shall be issued by the Minister of Education.

Exemptions The following persons shall be exempt from the obligation set out in the first paragraph:

(1) a teacher hired by the lesson or by the hour;

(2) a casual supply teacher;

(3) a person providing instruction which does not have as its object, within the meaning of the basic school regulations (*régime pédagogique*), the obtaining of a diploma, certificate or other official attestation awarded by the Minister or the obtaining of an attestation of qualification or training issued by a school board pursuant to section 223 or 246;

(4) a person assigned to teaching duties by a school board pursuant to section 25.

§ 1.—*Issue of teaching licence*

**Require-
ments** **24.** The Minister shall issue a teaching licence to every person who satisfies the requirements which the Minister prescribes by regulation.

**Unlicensed
teachers** **25.** In exceptional circumstances, the Minister may authorize a school board, on the conditions and for the period he determines, to engage as teachers persons who do not hold a teaching licence.

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

Misconduct **26.** Any person may file a complaint with the Minister against a teacher for misconduct or immorality or for a serious fault in the performance of his duties.

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

**Frivolous
complaint** **27.** The Minister may dismiss any complaint he considers to be frivolous. He shall in that case notify the complainant and give him the reasons for the dismissal.

**Transmission
of complaint** **28.** If the Minister considers that the complaint is admissible, he shall transmit a copy of the complaint to the teacher and to the school board.

**Investigating
committee** The Minister shall set up an investigating committee consisting of three members to whom he shall refer the complaint. He shall fix

the salaries of the members and the rules governing the reimbursement of expenses incurred in the performance of their duties. The members shall remain in office until a decision on the complaint is made by the committee.

Suspension

29. The Minister may, if required by a compelling reason and after consultation with the investigating committee, order the school board to relieve the teacher of his duties for the duration of the investigation.

Urgent situation

However, the Minister is not required to consult the committee if the urgency of the situation does not allow it.

Immunity and powers

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

Absent member

31. The committee cannot sit if one of its members is absent.

Evidence and procedure

32. The committee may establish its rules of evidence and procedure; on establishing such rules, it shall send a copy of them to the teacher.

Hearing of teacher

33. The committee shall give the teacher an opportunity to be heard before making a decision on the complaint.

Recommendations

If it considers that the complaint is founded, the committee shall transmit its findings, with reasons, to the Minister together with its recommendation as to the sanction to be imposed.

Dismissal of complaint

If it dismisses the complaint, the committee shall transmit a copy of its conclusions, with reasons, to the Minister, the complainant, the teacher and the school board.

Action by Minister

34. In cases where the committee considers the complaint to be founded, the Minister may, if he deems it advisable, suspend, revoke, or attach conditions to the teaching licence of the teacher or prohibit the school board having obtained an authorization under section 25 from continuing to engage the person concerned as a teacher. The Minister shall send notice of his decision to the complainant, the teacher and the school board together with a copy of the decision of the committee.

Authorization under s. 25

35. The Minister may at any time suspend, revoke or attach conditions to an authorization granted under section 25 if the school

board fails to fulfil the conditions of the authorization. The Minister shall transmit a copy of his decision, with reasons, to the school board and to the teacher.

CHAPTER III

SCHOOLS

DIVISION I

ESTABLISHMENT

36. The school is an educational institution whose object is to provide education to students other than those enrolled in adult educational services.

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

The school shall carry out its mission in accordance with the educational project and other provisions applicable to the school.

37. The educational project of the school shall be defined, implemented and periodically evaluated in collaboration with the students, the parents, the teachers and other school staff and the school board.

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

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

38. Every school shall be established by a school board and placed under the authority of a principal.

The deed of establishment shall state the name and address of the school, describe the premises or immovables put at its disposal and specify the level of instruction it provides.

39. A school board, after consultation with the orientation committee and the school committee, may amend or revoke the deed of establishment of a school according to its three-year plan of allocation and destination of immovable property.

Request of
orientation
committee

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

Immovables

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

Appointed
person

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

DIVISION II

SCHOOL PRINCIPAL

§ 1.—*Appointment*

Appointment
of principal

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

Vice
principal

42. The school board may appoint one or more vice principals after consultation with him.

Duties of
vice principal

43. A vice principal shall assist the principal in the exercise of his duties and powers.

Replacement
of principal

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

§ 2.—*Duties and powers*

Duties of
principal

44. The principal, under the authority of the director general of the school board, shall ensure that educational services of quality are provided in the school.

Responsibili-
ties

The principal is responsible for the pedagogical activities and the administration of the school as well as for the implementation of the provisions by which the school is governed.

Orientation
committee

45. The principal shall assist the orientation committee in the exercise of its functions and powers and, for that purpose, he shall

(1) coordinate the elaboration of the educational project of the school;

(2) promote the collaboration of the parents, students and staff and their participation in the life of the school.

Aims and
objectives
of school

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

Report to
committee

The principal shall make a report to the orientation committee on the implementation of the measures; he shall transmit a copy of his report to the school committee.

Handicapped
students

47. The principal, with the assistance of the parents of a handicapped student or of a student with a social maladjustment or a learning disability, of the staff providing services to the student, and of the student himself, unless he is unable to give such assistance, shall establish a special education program adapted to the needs of the student. The program shall comply with the norms prescribed by by-law of the school board.

Special
program

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

Textbooks
and
material

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

Management
of staff

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

Religious
instruction

The principal shall also satisfy himself that every teacher he assigns 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 (R.S.Q., chapter C-60).

Material and
financial
resources

50. The principal is responsible for the management of the material and financial resources of the school in accordance with the norms and other decisions of the school board, as the case may be; he must give an account thereof to the school board.

Use of
school
premises

51. The principal, after consultation with the orientation committee, shall determine the use of the school premises, subject to

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

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

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

Annual
budget

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

Policies
of school
board

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

By-laws
of council

54. The principal shall also exercise the duties and powers delegated to him by by-law of the council of commissioners.

Other
duties

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

DIVISION III

ORIENTATION COMMITTEE

§ 1.—*Composition*

Composition

55. An orientation committee is hereby established in each school, composed of the following persons:

(1) parents of students attending the school, who are not members of the school staff, appointed by the school committee;

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

(3) one person representing the members of the non-teaching professional staff assigned to the school, elected by them;

(4) one person representing the members of the support staff assigned to the school, elected by them;

(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) where the orientation committee so decides, one representative of the community, elected by the committee.

Participation
of principal

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

Number of
representa-
tives

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

Parents

The number of representatives of parents shall be equal to or greater than the total number of representatives of the other groups.

§ 2.—*Establishment*

Parents'
representa-
tives

58. Before 15 October each year, the school committee shall appoint the representatives of parents to the orientation committee.

Vote

Where more than one school committee is established pursuant to section 87, the representatives are appointed by a majority vote of the members of these committees attending the meeting.

Teachers'
representa-
tives

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

Professional
and support
staff

60. Before 15 October each year, the members of the non-teaching professional staff and the members of the support staff assigned to the school shall hold a meeting for the election of their respective representatives to the orientation committee in accordance with the terms and conditions determined in their collective agreement or, if not, in accordance with those determined by the principal after consulting the members of the staff concerned.

Students'
representa-
tives

61. Before 15 October 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 to the orientation committee in accordance with the rules he establishes after consulting the students enrolled at the secondary level or the association representing them, as the case may be.

Failure to appoint **62.** Where the school committee fails to appoint the required number of representatives of parents, the principal shall perform the duties and exercise the powers of the orientation committee.

Failure to elect Failure by the teachers, the members of the non-teaching professional staff, the members of the support staff or the students to elect their representatives does not prevent the formation of an orientation committee.

Taking of office **63.** The members of the orientation committee shall take office upon the election or appointment of all the members or not later than 15 October, whichever occurs first.

Term Their term of office is one year.

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

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

§ 3.—Operation

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

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

Term **68.** The term of office of the chairman expires at the same time as his term as member of the orientation committee.

Meetings **69.** The chairman of the orientation committee shall preside the meetings of the committee.

Replacement of chairman **70.** Where the chairman is unable to act, the orientation committee shall appoint one of its members eligible for the office of chairman to exercise the duties and powers of the chairman.

Quorum **71.** A majority of the members of the committee who are in office is a quorum of the orientation committee.

Lack of quorum **72.** Where the orientation committee 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 orientation committee shall be suspended for the period it determines and that they shall be exercised by the principal.

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

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

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

Support services It is also entitled to use the school's administrative support services and facilities in accordance with the terms and conditions established by the principal after consultation with the orientation committee.

Internal procedure **75.** The orientation committee shall establish its rules of internal procedure. The rules shall provide for at least three sittings every school year.

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

§ 4.—*Functions and powers*

Educational project **77.** The orientation committee, after consultation with the school committee, shall determine the specific aims and objectives of the educational project of the school.

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

Other functions **78.** The orientation committee also has the following functions:

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

(2) to adopt, with or without amendments, after consultation with the school committee, rules of conduct and safety rules proposed by the principal;

(3) to approve, after consultation with the school committee, the choice of educational activities proposed by the principal, which entail changes in the students' regular schedule, or which cause them to travel to places outside the school.

Disciplinary
sanctions

The rules of conduct and the safety rules referred to in subparagraph 2 of the first paragraph may provide for the applicable disciplinary sanctions, other than expulsion from school or corporal punishment; the rules are subject to the approval of the council of commissioners and shall be transmitted to each student of the school and to his parents.

Advice

79. The orientation committee 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 and the implementation of its educational project;
- (3) on any matter that may ensure a better organization of the services provided by the school board.

Consultation

80. The orientation committee 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 application for recognition of the confessional status of the school or for the withdrawal of such recognition;
- (4) the modes of implementation of the basic school regulations (régime pédagogique) in the school;
- (5) the enrichment and adaptation of the official programs of studies and the elaboration of local educational programs and programs of student services and special educational services for the school;
- (6) the organization, on school premises, of sociocultural or sports services and of day care.

Budget

81. The orientation committee shall adopt its annual operating budget, see to its administration and give an account thereof to the school board.

Balanced
budget

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

School
budget

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

Functions
and powers

82. The orientation committee shall also have any functions and powers that may be delegated to it by by-law of the council of commissioners.

Delegation

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

DIVISION IV

SCHOOL COMMITTEES

Composition

83. A school committee composed of not fewer than 5 nor more than 25 parents of students enrolled in the school, elected by their peers, shall be established in each school.

Election

84. Each year, between 15 May and 30 September, the chairman of the school committee or, in his absence, the principal shall, in writing, call a meeting of the parents of the students enrolled in the school to elect the members of the school committee.

Notice of
meeting

The notice of meeting shall be addressed to the parents of students enrolled in the school for the next school year or, if the date of the meeting is later than 30 June, for the current school year.

Chairman

85. On the day they are elected, the members of the school committee shall hold their first meeting and choose from among themselves a chairman and a representative to the parents' committee provided for in section 189.

Parents'
committee

Where more than one school committee is established pursuant to section 87, the representative to the parents' committee shall be appointed by a majority vote of the members of these committees attending the meeting.

Participa-
tion of
principal

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

Several
buildings

87. Where the deed of establishment of the school places more than one immovable at the disposal of the school, the meeting of

parents called pursuant to section 84 may, after consulting the principal, establish a school committee for each immovable instead of a single school committee.

Functions

88. The functions of the school committee are

(1) to promote participation of the parents in defining, implementing and evaluating the educational project of the school;

(2) to advise the orientation committee or the principal on any matter they are required to submit to it or about which the parents are concerned;

(3) to advise the school board on any matter the latter is required to submit to it.

Consultation

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

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

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

(3) the rules of conduct and the safety rules governing the students;

(4) the aims, objectives and measures contained in the educational project;

(5) the programs of educational activities proposed by the principal which entail changes in the students' regular schedule or cause them to travel to places outside the school;

(6) the organization of day care for preschool students and students in elementary school.

Use of
school
premises

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

Support
services

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

Annual
budget

91. The committee shall adopt its annual operating budget, see to its administration and give an account thereof to the school board.

Balanced
budget

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

Internal
procedure

92. A school committee shall establish its rules of internal procedure. The rules shall provide for at least five sittings every school year.

Immunity

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

DIVISION V

SCHOOL VISITORS

School
visitors

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

(1) the Minister;

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

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

(4) the Members of the National Assembly.

Restrictions

95. Members of the Catholic committee and Roman Catholic priests cannot visit any schools except schools recognized as Catholic or schools under the jurisdiction of a confessional school board or a Catholic dissentient school board; members of the Protestant committee and Protestant ministers cannot visit any schools except schools recognized as Protestant or schools under the jurisdiction of a confessional school board or a Protestant dissentient school board.

Access to
documents

96. School visitors shall be entitled to receive, free of charge, all resolutions, by-laws and other documents of the school board which may be given pursuant to Chapter II and Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

CHAPTER IV

ADULT EDUCATION CENTRE

DIVISION I

ESTABLISHMENT

Object **97.** An adult education centre is an educational establishment whose object is to provide education to students enrolled in adult educational services.

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

Mission The centre shall carry out its mission in accordance with the provisions applicable to the centre.

Establishment **98.** Every adult education centre shall be established by a school board and placed under the authority of a principal.

Content of deed The deed of establishment shall state the name and address of the premises or immovables placed at the disposal of the centre. The centre may be located on the same premises or in the same immovables as those placed at the disposal of a school.

Amendment **99.** The school board may amend the deed of establishment of an adult education centre in accordance with its three-year plan of allocation and destination of immovable property.

DIVISION II

PRINCIPAL OF AN ADULT EDUCATION CENTRE

§ 1.—*Appointment*

Appointment of principal **100.** The principal of an adult education centre shall be appointed by the school board.

Vice principal **101.** The school board may appoint one or more vice principals to the adult education centre after consultation with the principal.

Duties of vice principal **102.** A vice principal shall assist the principal in the exercise of his duties and powers.

Replacement of principal The vice principal, or the vice principal designated by the school board, shall exercise the duties and powers of the principal where the principal is unable to act.

§ 2.—*Duties and powers*Duties of
principal

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

Administra-
tion

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

Participation
of students

104. After consulting the students enrolled in the centre, the principal of the adult education centre shall, in accordance with the norms and other decisions of the school board, establish a body through which students may participate in the development and implementation of programs of adult educational services provided in the centre.

Association

Where an association represents a majority of the students enrolled in the centre, it shall exercise the functions of the body referred to in the first paragraph, and the principal of the centre is not required to establish such a body.

Textbooks
and
material

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

Management
of staff

106. The principal of the adult education centre is responsible for the management of the staff of the centre and he shall determine the duties and responsibilities of each member of the staff in accordance with the norms and other decisions of the school board and the provisions of the collective agreements or, as the case may be, the applicable regulations of the Government.

Material
and financial
resources

107. The principal of the adult education centre is responsible for the management of the material and financial resources of the centre in accordance with the norms and other decisions of the school board, as the case may be, and must give an account thereof to the school board.

Budget

108. The principal of the adult education centre shall prepare the budget of the centre, submit it to the school board for approval, administer it and give an account thereof to the school board.

Policies
of school
board

109. The principal of the centre shall participate in defining the policies of the school board and in devising programs and preparing

regulations for the implementation of such policies in adult education centres.

By-laws
of council

110. The principal of the adult education centre shall also exercise the duties and powers delegated to him by by-law of the council of commissioners.

Other
duties

The principal shall also, at the request of the school board, perform duties other than those of the principal of an adult education centre.

CHAPTER V

SCHOOL BOARDS

DIVISION I

ESTABLISHMENT OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL BOARDS

Division
into
territories

111. The Government shall, by order, divide the territory of Québec into two groups of territories: one of territories for French language school boards and the other, of territories for English language school boards. The territory of the Cree School Board, that of the Kativik School Board and that of the Commission scolaire du Littoral established by chapter 125 of the statutes of Québec, 1966-67, are excluded from such division, however.

School
board

A school board shall be established in each territory.

Name

The order shall determine the name of the school board.

Coming into
force

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

French or
English
boards

112. School boards established pursuant to this division belong to only one of the following categories: French language school boards or English language school boards.

Legal
person

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

Change
of name

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

Coming into
force

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

Head
office

115. The head office of a school board shall be located at such place in its territory as it shall determine.

Notice of
location

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

Contiguous
school
boards

116. At the request of the school boards of the same category concerned, whose territories are contiguous, or of a majority of the electors of those school boards, the Government, by order, may amalgamate their territories and establish a new school board, or extend the boundaries of the territory of one of the school boards by annexing the whole territory of the other school board.

Amalgama-
tion

In the case of amalgamation, a new school board shall be established in the territory determined in the order, and the applying school boards shall cease to exist.

Annexation

In case of total annexation, the school board whose territory is annexed shall cease to exist.

Division
of territory

117. The Government may, by order, divide the territory of any school board requesting it and establish a new territory or annex part of its territory to that of another school board of the same category, whose territory is contiguous, and which consents thereto.

New school
board

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

Content
of order

118. Any order issued under section 116 or 117 shall determine, where such is the case, the name of the new school board and, subject to the norms governing the transfer and reassignment of staff prescribed by regulation of the Government under section 451, that of the person who will act as director general of the school board until the council of commissioners appoints a person to that office.

Coming into
force

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

Rights and
obligations

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

Territory
divided

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

Apportion-
ment of
rights and
obligations

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

Disputes

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are members of a certified association within the meaning of the Labour Code (R.S.Q., chapter C-27) or employees for whom a regulation of the Government made under section 451 provides a special recourse.

Transfer of
immovable

121. In the case of any transfer of ownership of an immovable as a result of the application of section 119 or 120, a notice stating the facts establishing the transfer and describing the immovable concerned shall be registered by deposit in the registry office of the registration division in which the immovable is situated.

DIVISION II

CONFESSIONAL AND DISSENTIENT SCHOOL BOARDS

§ 1.—*Confessional school boards*

Continuance

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

Boundaries

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

Coming into
force

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

Reduction
of bound-
aries

124. Before the coming into force of an order reducing the boundaries of the territory of a confessional school board, the

confessional school board and the school boards, other than confessional school boards, whose territories wholly or partly coincide with the removed portion shall apportion among themselves the rights and obligations of the confessional school board.

Extension
of bound-
aries

Before the coming into force of an order extending the boundaries of the territory of a confessional school board, the confessional school board and the school boards, other than confessional school boards, whose territories wholly or partly coincide with the added portion shall apportion among themselves the rights and obligations of these school boards other than confessional school boards.

Disputes

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are members of a certified association within the meaning of the Labour Code or employees for whom a regulation of the Government made under section 451 provides a special recourse. The Minister shall ensure that his decision does not deprive the confessional school board of the property necessary for its operation.

Transfer of
immovables

Section 121 applies to the transfer of ownership of immovables.

§ 2.—*Dissentient school boards*

Continuance

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

Notice of
dissent

126. Any number of natural persons of full age who are resident in the territory of a school board, except the territory of a confessional school board, and who are of a religious denomination, Catholic or Protestant, different from that of the majority of persons entered on the school board's latest electoral list, may serve on the school board a notice in writing informing it of their intention to establish a dissentient school board.

Religious
minority

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

Verification

127. Where the school board does not recognize that the persons wishing to establish a dissentient school board are of a

religious minority, Catholic or Protestant, it shall without delay contact the persons entered on its list of electors to verify whether they are Catholic or Protestant or of another religious denomination.

List of
electors

The list of electors is the list which was used at the last general election of commissioners, subject to applications for entry, striking off or correction. The director general shall deposit the latest list of electors at the head office of the school board and give public notice thereof. The provisions of the Act respecting school elections concerning the revision of the list of electors apply; for that purpose, the director general shall exercise the duties and powers of the returning officer.

Enumeration

In the absence of such a list, the school board shall without delay make an enumeration of its electors, within the meaning of the Act respecting school elections, so as to determine if they are Catholic or Protestant or of another religious denomination.

Presumption

Persons refusing to respond or who cannot be contacted are deemed not to belong to the religious denomination of those persons wishing to form a dissentient school board.

Results

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

Failure
to act

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

Notice of
dissent

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

Service

129. The notice of dissent shall be served, before 1 March, on the school board and on the Minister.

Establish-
ment of
board

The dissentient school board is established on the date of service of the notice in all or part of the territory of the French language school board or of the English language school board as described in the notice of dissent.

Content
of notice

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

- (1) the name of the dissentient school board;

(2) the description of the territory of the dissentient school board;

(3) the name of three persons who will form a provisional council;

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

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

Single school board **131.** Where a notice of dissent is served on each school board having jurisdiction over a common territory by persons who are of the same religious minority, Catholic or Protestant, the Government may, by order, establish a single dissentient school board which shall provide educational services in such territory as it may determine.

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

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

Provisional council **132.** The provisional council shall exercise the functions and powers of the school board until the date on which the commissioners elected or appointed pursuant to the Act respecting school elections take office.

School elections **133.** The Act respecting school elections applies to the election of the first commissioners of the dissentient school board.

Date The provisional council shall exercise the duties and powers of the council of commissioners provided for in the said Act. The date of the poll shall be the third Sunday in November after the date of service of the notice of dissent.

Duties and powers The first commissioners shall exercise the duties and powers of the council of commissioners by themselves until representatives of the parents' committee and, as the case may be, of the parents of the minority of students described in section 146, are elected. The first commissioners shall remain in office until the date fixed for the next general election.

Preliminary measures **134.** Upon the proclamation of their election, the first commissioners shall take the preliminary measures required for the

operation of the dissentient school board from 1 July in the year following the year of their election or appointment, or from the year fixed by the Minister upon the application of the council of commissioners; they shall also take any measure required for the organization of the school year beginning on the same day.

Rights and
obligations

For such purpose, the first commissioners and the school board on which the notice of dissent has been served shall apportion the latter's rights and obligations between the school board and the dissentient school board.

Disputes

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are members of a certified association within the meaning of the Labour Code or employees for whom a regulation of the Government made under section 451 provides a special recourse. The Minister shall ensure that his decision does not deprive the dissentient school board of the property necessary for its operation.

Transfer of
immovables

Section 121 applies to the transfer of ownership of immovables.

Apportion-
ment

In the case described in section 131, each school board on which the notice of dissent has been served shall take part in the apportionment.

Contiguous
school
boards

135. At the request of the dissentient school boards concerned whose territories are contiguous, or of a majority of electors of these dissentient school boards, the Government may, by order, amalgamate their territories to form a new school board or extend the boundaries of the territory of one of the school boards by annexing the whole territory of the other school board.

Amalgama-
tion

In the case of amalgamation, a new dissentient school board shall be established in the territory determined by the order and the school boards whose territories are annexed shall cease to exist.

Annexation

Where the whole territory of a school board is annexed, the school board shall cease to exist.

Applicable
provisions

Sections 119 and 121, adapted as required, apply to these changes.

Division of
territory

136. The Government may, by order, divide the territory of any dissentient school board upon request by the board and establish a new territory of the dissentient school board or annex part of its territory to that of another dissentient school board consenting thereto whose territory is contiguous.

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

Applicable provisions Sections 120 and 121, adapted as required, apply to those changes.

Government initiative **137.** The Government may, of its own motion, make an order contemplated in section 135 or 136.

Content of order **138.** Any order issued under section 135, 136 or 137 shall determine, where such is the case, the name of the new dissentient school board and, subject to the norms governing the transfer and reassignment of staff prescribed by regulation of the Government under section 451, that of the person who will act as director general of the new dissentient school board until the council of commissioners appoints a person to that office.

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

Termination of existence **139.** The Government may, by order, terminate the existence of any dissentient school board which does not perform any of the functions contemplated in sections 208 to 220.

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

Rights and obligations Before the coming into force of the order, the Minister shall apportion the rights and obligations of the dissentient school board among the school boards whose territories coincide with that of the dissentient school board. Section 121 applies to the transfer of ownership of immovables.

§ 3.—General provisions

Legal person **140.** A confessional or dissentient school board is a public legal person having the powers necessary for the discharge of its functions under the law.

Change of name **141.** The Government may, by order, change the name of any confessional or dissentient school board which so requests.

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

Head
office

142. The head office of a confessional or dissentient school board shall be located at such place in its territory as it shall determine.

Notice of
location

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

DIVISION III

COUNCIL OF COMMISSIONERS

§ 1.—*Composition*

Composition

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

(1) the commissioners elected or appointed pursuant to the Act respecting school elections;

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

(3) in the case of a confessional or dissentient school board contemplated in section 146, the commissioners representing the parents of the minority of students described in the said section for each of the elementary and secondary levels, as the case may be, elected pursuant to this Act.

Director
general

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

Election of
commission-
ers

145. Each year before the third Sunday in November, the chairman of the parents' committee or, in his absence, the secretary general of the school board shall convene the members of the parents' committee or of the parents' central committee, as the case may be, to elect from among their members, a commissioner for each of the elementary and secondary levels, as the case may be.

Majority
vote

The representative shall be elected by a majority vote of the members present.

Term of
office

The elected representative shall take office on the third Sunday in November in the year following his election. His term of office shall be one year.

Minority
representa-
tives

146. The parents of the minority of students who are not declared eligible to receive instruction in the English language in a

confessional or dissentient school board where the majority of the students are eligible thereto or, conversely, the parents of the minority of students who are declared eligible thereto in a confessional or dissentient school board where the majority of the students are not eligible thereto, are entitled, for each of the elementary and secondary levels, as the case may be, to elect a representative to the council of commissioners if the number of students of the minority concerned is at least 200 or represents at least 5% of the students enrolled in the schools of the school board.

Election The secretary general shall preside over the election of such a representative before the third Sunday in November. The election shall be held according to the rules established by the school board after consultation with the parents' committee.

Term of office The elected representatives shall take office on the third Sunday in November. Their term of office shall be one year.

Vacancy **147.** The office of the commissioner representing the parents' committee or representing the parents of the minority of students described in section 146 becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections.

Procedure Such vacancy shall be filled in accordance with the procedure prescribed in section 145 or 146, but only for the unexpired portion of the term.

Rights, powers and obligations **148.** Every commissioner representing the parents' committee or the parents of the minority of students described in section 146 shall have the same rights, powers and obligations as those prescribed for the other commissioners.

Restriction Notwithstanding the foregoing, the commissioner is not entitled to vote at meetings of the council of commissioners or of the executive committee, or to be appointed chairman or vice-chairman of the school board, or to be a member of the council of commissioners of the regional school board of which the school board is a member.

Annexation or amalgamation **149.** In case of the amalgamation or total annexation of the territories of school boards, the commissioners of such school boards, other than the representatives of the parents' committee or of the parents of the minority of students described in section 146, become members of the council of commissioners of the school board resulting from the amalgamation, or of the annexing school board.

Term of office They shall remain in office until the date of the next general election of commissioners.

Annexation **150.** Where a school board annexes part of the territory of another school board constituting or including the whole of an electoral division, the commissioner representing the division becomes a member of the council of commissioners of the annexing school board. He shall remain in office until the date of the next general election of commissioners.

Annexation **151.** Where a school board annexes part of the territory of another school board which does not constitute or include the whole of an electoral division, the commissioner representing the division shall become a member of the council of commissioners of the school board of which the greatest number of electors of the divided electoral division are resident. He shall remain in office until the date of the next general election of commissioners.

New school boards **152.** Where the whole territory of a school board is divided in view of the creation of new school boards, each of the commissioners of the school board whose territory is divided becomes a member of the council of commissioners of the school board into which the whole of his electoral division has been integrated or of the school board of which the greatest number of electors of the division that has not been wholly integrated are resident. He shall remain in office until the date of the next general election of commissioners.

Election **153.** The secretaries general of the school boards whose territories are amalgamated or totally annexed shall jointly proceed, within 30 days before the change takes effect, to the election of the representative and the chairman of the parents' committee of the school board resulting from the amalgamation or annexation. In addition, in the case of a confessional or dissentient school board referred to in section 146, the secretaries general shall, within the same period, proceed, where applicable, to the election of any commissioner representing the parents of the minority of students described in the said section.

Election The secretary general of the school board whose territory is divided to allow the establishment of new school boards shall assume the same obligations in respect of each of the school boards resulting from the division.

Procedure The election shall take place according to the procedure prescribed in sections 145 and 190 or 146, as the case may be. The persons elected shall remain in office until they are replaced by persons elected in accordance with those sections.

§ 2.—*Operation*

- 154.** The director general shall convene the members of the council of commissioners to the first meeting of the council within 15 days after the date of the general election.
- 155.** The council of commissioners shall appoint the chairman and the vice-chairman of the school board from among its members.
- The term of office of the chairman and the vice-chairman expires at the same time as their term as commissioners, unless they are relieved of their duties by a vote of not less than two-thirds of the members of the council of commissioners who are entitled to vote.
- 156.** Until the chairman is appointed, the meetings of the council of commissioners shall be presided over by one of the commissioners designated by the council of commissioners for that purpose.
- 157.** Any vacancy in the office of chairman or vice-chairman shall be filled within 30 days.
- 158.** Where the chairman is unable to act, the vice-chairman shall exercise his duties and powers. Where the vice-chairman is unable to act, another commissioner designated by the council of commissioners for that purpose shall exercise his duties and powers.
- 159.** The chairman shall preside over the sittings of the council of commissioners. He shall maintain order at sittings of the council.
- 160.** A majority of the members entitled to vote constitutes a quorum of the council of commissioners.
- 161.** The decisions of the council of commissioners are taken by a majority of the votes of the members present and entitled to vote.
- If votes are equally divided, the chairman has the casting vote.
- 162.** The council of commissioners must, by by-law, fix the day, time and place of its regular meetings.
- The council of commissioners must hold at least four regular meetings every school year.
- 163.** The chairman or two commissioners may call a special meeting of the council of commissioners.

Notice to
commission-
ers

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

Public
notice

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

Matters
considered

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

Compliance
with
procedure

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

Waiver of
notice

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

Adjournment

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

Public
meetings

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

Deliberations

168. Only a commissioner, the director general of the school board and the persons authorized thereto by the council of commissioners may take part in the deliberations of the council of commissioners.

Question
period

However, a question period must be provided at each public meeting during which the persons present may put oral questions to the commissioners.

Procedure

The council of commissioners shall establish the rules relating to the time for question period, its duration and the procedure to be followed for putting questions.

Participation
by telephone

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

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

Minutes The minutes of such a meeting shall indicate

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

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

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

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

Minutes of Proceedings **170.** The minutes of each meeting of the council of commissioners shall be entered in the register known as the "Minutes of Proceedings". After having been read and approved at the beginning of the following meeting, they shall be signed by the person presiding over the meeting and countersigned by the secretary general.

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

By-laws and resolutions **171.** Whenever a by-law or a resolution of the council of commissioners is amended, replaced or repealed, mention shall be made thereof in the margin of the Book of By-laws or of the Minutes of Proceedings, opposite such by-law or resolution, together with the date of its amendment, replacement or repeal.

Authenticity of documents **172.** The minutes of each meeting, approved by the council of commissioners and signed by the chairman of the meeting and the secretary general, are authentic. The same applies to documents and copies emanating from the school board or forming part of its records if they have been certified by the chairman of the school board, the secretary general or a person authorized to do so by by-law of the school board.

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

Signature
stamp

173. The signature of the chairman, director general, secretary general or any person designated by the school board may be affixed by means of a signature stamp or replaced by an engraved, lithographed or printed facsimile.

Delegation

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

Director
general

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

Remunera-
tion

175. The council of commissioners may determine the remuneration that may be paid to its members for the services they render to the school board.

Expense
allowances

It may also provide, on such conditions and to such extent as it may determine, for the payment of allowances to members for expenses incurred in the performance of their duties.

Maximum
amount

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

Applicable
provisions

176. Sections 304 to 312 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) apply to members of the council of commissioners in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be a municipal council and the school board is deemed to be a municipality.

Conflict of
interest

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

Immunity

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

Liability
insurance

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

Committee
members

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

DIVISION IV

SCHOOL BOARD COMMITTEES

Executive
committee

179. The council of commissioners shall establish an executive committee composed of not fewer than five members of the council of commissioners entitled to vote, of any representative of the parents' committee and, as the case may be, of any representative of the parents of the minority of students described in section 146.

Director
general

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

Duties and
powers

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

Applicable
provisions

182. Sections 154 to 166, 169, 170, 171, 172, 173, 176 and 177, adapted as required, apply to the executive committee.

Committee
on manage-
ment

183. For the purposes of sections 53 and 109, every school board shall establish, under the direction of the director general, an advisory committee on management composed of the school principals, the principals of adult education centres and the members of the executive staff of the school board.

Principals

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

Regional
committees

184. Every school board that divides its territory into administrative regions may, for the same purposes, replace the advisory committee on management by an advisory committee for each region and a central advisory committee composed of delegates from the regional committees and of members of the executive staff of the school board.

Duties

The school board shall determine, after consultation with the school principals and the principals of adult education centres, the

composition, mode of operation and the distribution of duties of each committee.

School
principals

The school principals shall constitute the majority of the members of each regional committee and of the central committee.

Committee
on services
to handi-
capped

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

Composition

The committee shall be composed of

(1) representatives of the parents of the students concerned, designated by their peers, according to the rules established by the school board;

(2) representatives of the teachers, of the members of the non-teaching professional staff and of the members of the support staff, designated by the associations which represent them in their dealings with the school board and elected from among the persons who provide services to the students concerned;

(3) representatives of bodies which provide services to handicapped students or to students with social maladjustments or learning disabilities, designated by the council of commissioners after consulting with those bodies;

(4) a school principal designated by the director general.

Director
general

The director general or his representative shall take part in the sittings of the committee but he is not entitled to vote.

Number of
representa-
tives

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

Parents

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

Duties of
committee

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

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

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

Special
education
program

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

Committee
on
transporta-
tion

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

Parents'
committee

189. A parents' committee shall be established in each school board, and shall include one representative of each school committee.

Election
of chairman

190. Each year, before 31 October, the chairman of the parents' committee or, in his absence, the secretary general of the school board shall call a meeting of the parents' committee to elect the chairman of the parents' committee.

Regional
committees

191. Every school board that divides its territory into administrative regions may, for the same purposes, replace the parents' committee by a regional parents' committee for each region and a central parents' committee composed of delegates from the regional parents' committees.

Election
of chairman

Section 190 applies to the election of the chairman of the central parents' committee and the chairman of each regional parents' committee.

Duties,
operation
and financing

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

Duties

192. The duties of the parents' committee are

(1) to promote parents' participation in the activities of the school board and, for such purpose, to designate parents who shall take part in the various committees established by the school board;

(2) to give advice on any matter conducive to the most efficient operation possible of the school board;

(3) to ensure such cooperation as is necessary for the proper operation of school committees and to impart to the school board the needs identified by school committees;

(4) to give its opinion to the school board on any matter the latter is required to submit to it.

Consultation

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

(1) the division, annexation or amalgamation of the territory of the school board or, as the case may be, the school board's integration into the regional school board or its withdrawal therefrom;

(2) the three-year plan of allocation and distribution of the immovables of the school board, the list of schools and the deeds of establishment;

(3) the policy in respect of the continued operation or closing of schools;

(4) the details concerning implementation, by the school board, of the basic school regulations (*régime pédagogique*) and the programs of studies;

(5) the distribution of educational services among the schools;

(6) the criteria for school enrollment of students;

(7) the school calendar;

(8) the standards and procedures for the evaluation of students' learning achievement and the rules governing promotion from one grade to another or from elementary school to secondary school;

(9) the rules governing the allocation of financial resources among the schools;

(10) the learning activities established by the school board and intended for parents.

Place of meetings

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

Support services

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

Internal procedure

195. The committees shall establish their rules of internal procedure. The rules shall provide for at least three sittings every school year.

Applicable provision

Section 169, adapted as required, applies to the committees.

Immunity

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

Annual
budget

197. The parents' committee and the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities shall adopt their annual operating budget, see to its administration and give an account thereof to the school board.

Balanced
budget

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

DIVISION V

DIRECTOR GENERAL

Appointment

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

Exception

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

Prohibition

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

Vote of
council

200. The appointment or the dismissal of the director general or the non-renewal of his term of office is decided by the vote of at least two-thirds of the members of the council of commissioners who are entitled to vote.

Duties

201. The director general shall assist the council of commissioners and the executive committee in the exercise of their duties and powers.

Responsibili-
ties

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

Full-
time job

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

Account
to council

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

Assistant
director
general

203. The assistant director general shall assist the director general in the exercise of his duties and powers.

Duties

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

Replacement

The assistant director general shall exercise the duties and powers of the director general if he is unable to act. If the assistant director general is unable to act, the person designated for that purpose by the school board shall exercise the duties and powers of the director general.

DIVISION VI

FUNCTIONS AND POWERS OF THE SCHOOL BOARD

§ 1.—*Preliminary provisions*

Jurisdiction

204. For the purposes of this division relating to the educational services referred to in section 1, the persons who reside in the territory of a school board or who are committed or placed under custody therein pursuant to the Youth Protection Act (R.S.Q., chapter P-34.1), the Act respecting health services and social services (R.S.Q., chapter S-5) or the Young Offenders Act (Statutes of Canada, 1982, chapter 110) come under the jurisdiction of the school board.

Jurisdiction

For the purposes of this division relating to adult educational services, every person described in section 2 who wishes to be enrolled in adult education at a school board comes under its jurisdiction whether or not he resides in its territory.

Instruction
in English

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

Religious
denomination

206. Only those persons who belong to the same religious denomination as that of a confessional or dissentient school board and who elect to come under the jurisdiction of the school board come under the jurisdiction of that school board.

Application
for
admission

207. The election to come under the jurisdiction of an English language school board, a confessional school board or a dissentient school board shall be made on the application for admission to the educational services of the school board.

Duration An election made under the first paragraph remains in force until the person makes a new election.

§ 2.—*General functions*

Function **208.** Every school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act.

Exception The Minister may, in exceptional circumstances, relieve any school board in whole or in part from that function in respect of persons committed or placed under custody in its territory.

Duties **209.** In order to carry out that function, the school board shall, in particular,

(1) admit persons who come under its jurisdiction to educational services;

(2) provide educational services or entrust the provision of educational services to the regional school board of which it forms part, or to a school board, body or person with whom it has entered into an agreement pursuant to any of sections 213 to 215;

(3) if it does not arrange certain vocational training programs or adult educational services for which it receives no subsidies following a decision of the Minister pursuant to section 466 or 467, refer persons to a school board which provides such services.

Persons from other board In addition, a school board shall assume the obligations provided for in subparagraph 2 of the first paragraph towards persons who come under the jurisdiction of another school board, to the extent indicated in a decision of the Minister pursuant to section 467 or 468.

Services in French **210.** A French language school board shall provide educational services in French or, where it provides educational services to persons under the jurisdiction of another school board pursuant to section 213, 467 or 468, in French or in English according to law.

French or English An English language school board, a confessional school board or a dissentient school board shall provide educational services in French or in English according to law.

Second language Nothing in this section shall prevent the teaching of a second language in that language.

Immovables **211.** Each year, the school board shall establish a three-year plan of allocation and destination of its immovables.

Deed of
establish-
ment

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

Allocation
of premises

Where an adult education centre and a school 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 between the school and the adult education centre.

Operation
of schools

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

By-laws

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

Agreement
with other
board

213. A school board may enter into an agreement, for the provision of developmental and cognitive learning services or instructional services, with another school board or an institution, within the meaning of the Act respecting private education, that provides all or part of the educational services contemplated by this Act.

Special
services

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

Consultation
of parents
and students

Before entering into such an agreement, the school board shall consult every student of full age and the parents of every student likely to be concerned by such an agreement.

Service
agreement

Nothing in sections 204 to 206 shall prevent a school board from providing, under the terms of an agreement, services to persons who do not come under its jurisdiction.

Agreement
with
department
or agency

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

Association
with private
institution

215. A school board may, with the authorization of the Minister and subject to the conditions he determines, enter into an agreement

of association with an institution within the meaning of the Act respecting private education.

Entitlement
to benefits

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

Non-resident
student

216. Every school board shall, in accordance with the budgetary rules established by the Minister of Education, require a financial contribution in respect of a student who is not resident in Québec within the meaning of the regulations of the Government.

Financial
contribution
from adults

It may, subject to the maximum amount determined according to the budgetary rules, require a financial contribution in respect of a Québec resident registered for adult educational services that are not free services under section 3.

Consultation
of commit-
tees

217. Every school board shall consult the orientation committees, the school committees and the school board committees on those matters on which they must be consulted.

Delegation
to orienta-
tion
committee

218. Every school board shall facilitate the accomplishment of the educational project of each school; for that purpose, it may delegate, by by-law, certain of the duties and powers conferred on it to the orientation committee of the school.

Recognition
as confes-
sional school

After consultation with the parents of the students of the school in accordance with the regulations of the Minister and after consultation with the orientation committee and the school committee, the school board may apply to the Catholic committee or the Protestant committee for recognition as a Catholic or Protestant school; it may similarly apply for the withdrawal of such recognition.

Information
to Minister

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

Annual
report

220. Every school board shall prepare an annual report containing a statement of its activities during the school year and a report on the educational and cultural activities of its schools and adult education centres. It shall transmit a copy of those reports to the Minister.

Information
to public

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

account of the quality of such services, of the administration of its schools and adult education centres and of the use of its resources.

§ 3.—*Functions and powers relating to educational services provided in schools*

Scope **221.** This subdivision does not apply to adult educational services.

Basic school regulations A reference to the basic school regulations (*régime pédagogique*) is a reference to the basic school regulations (*régime pédagogique*) established by the Government under section 447.

Implementa-
tion of
regulations **222.** Every school board shall see to the implementation of the basic school regulations (*régime pédagogique*) established by the Government in accordance with the terms and conditions prescribed by the Minister under section 459 and of the programs of studies established by the Minister under section 461.

Programs
of studies It shall enrich or adapt the objectives and optional contents of the programs of studies according to the needs of the students who receive such services.

Exemption
from
subject A school board may, however, after consultation with the parents and subject to the rules governing certification of studies prescribed in the basic school regulations (*régime pédagogique*) and to the by-laws of the Catholic committee or Protestant committee, exempt from a subject prescribed in the basic school regulations (*régime pédagogique*) 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.

Local
programs In addition, a school board may, with the authorization of the Minister and on the conditions he determines, 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 take advantage of the programs of studies established by the Minister. Every local program of studies must be submitted to the Minister for approval.

Special
needs **223.** A school board may, in addition to the programs of studies established by the Minister, develop and offer local programs of studies in elective subjects whether or not established by the Minister, to meet any special needs of the students. It may grant to such programs, with the authorization of the Minister, a number of credits greater than that provided for in the basic school regulations (*régime pédagogique*).

Moral and
religious
instruction

The local programs of studies in respect of 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.

Program
leading to
occupation

In addition, a school board may, subject to the provisions of the basic school regulations (*régime pédagogique*) and unless the Minister decides otherwise, develop and offer a program of studies in a subject it determines leading to an occupation or a profession and for which it may deliver an attestation of qualification.

Special
services

224. Every school board shall establish a program for each student service and special educational service contemplated in the basic school regulations (*régime pédagogique*) except in matters coming under the jurisdiction of a minister other than the Minister of Education.

Agreement

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

Conformity
with
regulations

The programs must be in conformity with the basic school regulations (*régime pédagogique*).

Moral and
religious
instruction

225. Every school board shall provide Catholic or Protestant moral and religious instruction, or moral instruction, according to the choice of the student or his parents.

Objectives
and contents

The arrangements for Catholic or Protestant moral and religious instruction and for moral instruction must enable each student to achieve the objectives and acquire the contents defined in the programs of studies established by the Minister.

Care and
guidance

226. Every school board shall offer

(1) student services of pastoral care and guidance to Catholic students;

(2) student services of religious care and guidance to Protestant students.

Committee
regulations

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

Other
denomination

228. A school board may, after consultation with the orientation committee and the school committee, provide moral and religious instruction of a religious denomination other than Catholic or Protestant.

Moral
instruction

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

Methods and
material

229. The school board may adopt criteria for

(1) the introduction of new methods of instruction;

(2) the selection of textbooks and teaching material required for the programs of studies established by the Minister and for the programs of studies adopted by the school board.

Approved
textbooks

230. Every school board shall ensure that only the textbooks and teaching material or class of teaching material approved by the Minister and, where they relate to Catholic or Protestant moral and religious instruction, approved by the Catholic committee or the Protestant committee, as the case may be, are used for the teaching of any program of studies established by the Minister.

Local
programs

It shall also ensure that only the textbooks and teaching material or classes of teaching material approved by the Catholic committee or the Protestant committee, as the case may be, are used for the teaching of local programs of studies in Catholic or Protestant moral and religious instruction.

Access to
books and
material

In accordance with section 7, it shall place at the disposal of the students, free of charge, the textbooks and teaching material used for the teaching of the programs of studies, and shall ensure that students have access, free of charge, to reference and reading material.

Evaluation
of achieve-
ment

231. Every school board shall establish, by by-law, standards and procedures for the evaluation of student achievement, taking into account what is prescribed in the basic school regulations (régime pédagogique) and subject to the examinations that may be imposed by the Minister.

Minister's
examinations

It shall see to the administration of the examinations imposed by the Minister.

Recognition
of learning

232. Every school board shall recognize, in accordance with the criteria or conditions established by the Minister, the learning

acquired by a student otherwise than as prescribed in the basic school regulations (régime pédagogique).

Placement
and
promotion

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

Promotion
to secondary
school

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

Handicapped
students

234. Every school board shall, subject to section 222, adapt the educational services provided to handicapped students and students with social maladjustments or learning disabilities according to their needs.

Organization
of services

235. Every school board shall adopt, by by-law, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, standards for the organization of educational services for such students with a view to facilitating their learning and social integration.

Content of
by-law

Matters prescribed in the by-law shall include

(1) procedures for evaluating handicapped students and students with social maladjustments or learning disabilities;

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

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

(4) methods for preparing and evaluating the programs of intervention intended for such students.

Educational
services

236. Every school board shall determine the educational services to be provided by each of its schools.

Allotment
of time

237. Every school board shall determine the time allotted to each subject 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 for Catholic or Protestant moral and religious instruction by the Catholic committee or the Protestant committee, as the case may be, is respected;

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

School
calendar

238. Every school board shall establish the school calendar of its schools, taking into account the provisions of the basic school regulations (*régime pédagogique*).

Enrollment
criteria

239. Every school board shall establish, each year, criteria for the enrollment of students in the schools, taking into account the capacity of each school and the educational services provided.

Coming into
force

The criteria shall be adopted and put into force at least 15 days before the beginning of the registration of students; a copy thereof shall be transmitted within the same time to every orientation committee and to the parents' committee.

Choice of
parents

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

Specific
project

240. A school board may assign an immovable for the purposes of a specific project it determines.

Grouping of
students

In order to facilitate the grouping of students whose parents are in favour of the project, the school board may establish the choice of the project as one of the enrollment criteria.

Choice as
to religious
instruction

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

Failure
to choose

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

Expulsion
of student

242. A school board may, at the request of the principal and for just and sufficient cause, and after giving the student and his parents

an opportunity to be heard, enrol him in another school or expel him from its schools; in the latter case, it shall inform the director of youth protection.

Periodical
evaluation

243. Every school board shall take part in any periodical evaluation by the Minister of the basic school regulations (*régime pédagogique*), the programs of studies, the textbooks and teaching material required for the teaching of the programs of studies established by the Minister and the operation of the school system.

Consultation
with
teachers

244. The functions and powers provided for in sections 222 to 224, 229, 231, 233 to 240 and 243 are exercised after consultation with the teachers.

Procedure

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

*§ 4.—Functions and powers relating to educational services
provided in adult education centres*

Scope

245. This subdivision applies only to adult educational services.

Basic school
regulations

A reference to the basic school regulations (*régime pédagogique*) is a reference to the basic school regulations (*régime pédagogique*) established by the Government under section 448.

Implementa-
tion of
regulations

246. Every school board shall see to the implementation of the basic school regulations (*régime pédagogique*) established by the Government in accordance with the terms and conditions prescribed by the Minister under section 459 and of the programs of studies established by the Minister under section 461.

Program
leading to
occupation

In addition, a school board may, subject to the provisions of the basic school regulations (*régime pédagogique*) and unless the Minister decides otherwise, develop and offer a program of studies in a subject it determines, leading to an occupation or a profession and for which it may deliver an attestation of qualification or training.

Special
services

247. Every school board shall establish a program for each auxiliary educational service and popular education service provided for in the basic school regulations (*régime pédagogique*).

Conformity
with
regulations

The programs must comply with the objectives set out in the basic school regulations (*régime pédagogique*).

Methods and
material

248. A school board may adopt criteria for

- (1) the introduction of new methods of instruction;
- (2) the selection of textbooks and teaching material required for the programs of studies established by the Minister.

Evaluation
of achieve-
ment

249. Every school board shall establish, by by-law, standards and procedures for the evaluation of student achievement, taking into account what is prescribed in the basic school regulations (régime pédagogique) and subject to the examinations that may be imposed by the Minister.

Minister's
examinations

It shall see to the administration of the examinations imposed by the Minister.

Reception
and
reference
services

250. Every school board shall arrange and offer reception and reference services relating to adult educational services.

Scholastic
attainment

It shall recognize, in accordance with the criteria or conditions established by the Minister, the scholastic or para-scholastic attainment of a person registered for adult educational services.

Educational
services

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

School
calendar

252. Every school board shall establish the school calendar of its adult education centres, subject to the provisions of the basic school regulations (régime pédagogique).

Periodical
evaluation

253. Every school board shall take part in any periodical evaluation by the Minister of the basic school regulations (régime pédagogique), the programs of studies and the operation of the school system.

Consultation
with teach-
ers

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

Procedure

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

§ 5.—*Functions and powers relating to community services*

Community
projects

255. A school board may participate in the carrying out of community projects.

Agreements

It may carry out such projects itself or enter into agreements for such purposes with any person or body; it may also hire staff and

require a financial contribution from the users of the services it provides in carrying out such projects.

Day care
services

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

Day care
centre

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

Meals and
lodging

257. A school board may arrange services to promote access to educational services, such as meals and lodging.

Financial
contribution

258. For the purposes of sections 256 and 257, a school board may hire staff and enter into agreements. It may require a financial contribution from the users of the services it provides or, in the case of day care, from the person having parental authority or from any other person determined by regulation under the Act respecting child day care.

§ 6.—*Functions and powers relating to human resources*

Employer

259. Every school board is the employer of the personnel required for its operation and that of its schools and adult education centres, except the personnel required for the student service and special service programs under the jurisdiction of a minister other than the Minister of Education.

Secretary
general

Every school board shall appoint a secretary general who shall perform and exercise, in addition to the duties and powers provided for in this Act and in the regulations of the Government under section 451, the duties and powers of the secretary of the council of commissioners and of the executive committee and those determined by the school board.

Authority
over
personnel

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

School
personnel

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

Staffing
requirements

261. Every school board shall, in assigning personnel to its schools and adult education centres, take into account the staffing

requirements submitted to it by the school principals and the directors of the adult education centres, and the applicable collective agreements.

Teaching
licence

Every school board shall ensure that any person it hires as a teacher holds a teaching licence issued by the Minister, except in cases where such a licence is not required.

Qualification
requirements

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

Catholic
schools

262. Every school board other than a confessional or dissentient school board shall appoint a person responsible for administrative support to Catholic schools and to the moral and religious instruction and pastoral care and guidance services provided to the Catholic students who attend its schools; the person must be a member of the executive staff and be authorized by the bishop of the diocese in which the head office of the school board is situated.

Protestant
schools

263. Every school board other than a confessional or dissentient school board shall appoint a person responsible for administrative support to Protestant schools and to the moral and religious instruction and religious care and guidance services provided to the Protestant students who attend its schools; the person must be a member of the executive staff of the school board.

Adult
educational
services

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

Handicapped
students

265. Every school board shall appoint a person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities.

§ 7.—*Functions and powers relating to material resources*

Functions

266. The functions of the school board are

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

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

(3) to determine the use of its property and administer it;

(4) to encourage the use of its immovables by public or community organizations in its territory or to lease out its movable or immovable property.

Immovable
outside
territory

A school board may be the owner of an immovable situated outside its territory.

Recreation
centres

267. A school board may enter into an agreement with another school board, an educational institution, a municipality or a community organization in its territory to jointly establish, maintain or improve sports, cultural or recreation centres or playgrounds.

Co-
ownership

The school board shall obtain the prior authorization of the Minister where the agreement provides for the co-ownership of an immovable or where the school board must resort to credit repayable over a period exceeding one year in order to pay the cost of its contribution.

Credit

268. No school board shall, without the authorization of the Minister, acquire, build, enlarge, develop, improve, convert, rebuild or repair its immovables, where such acquisition or work entails the obligation to resort to credit repayable over a period exceeding one year.

Value over
\$50 000

269. No school board shall, without the authorization of the Minister, acquire movable property where the value of the property exceeds \$50 000 and entails the obligation to resort to credit repayable over a period exceeding one year.

Insurance

270. A school board may insure its property.

Plans and
specifications

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

Exception

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

Hypothec,
demolition

272. No school board shall, without the authorization of the Minister, hypothecate or demolish its immovables.

Sale,
exchange

Every sale, exchange or other disposition of an immovable shall be effected in accordance with the regulations of the Government.

**Expropria-
tion** **273.** A school board may, if authorized by the Minister, expropriate an immovable required for its purposes.

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

§ 8.—*Functions and powers relating to financial resources*

**Fiscal
year** **274.** The fiscal year of every school board begins on 1 July and ends on 30 June of the following year.

**Allocation
of resources** **275.** Every school board shall determine annually rules and procedures for the allocation of financial resources to its schools and adult education centres.

**Committee
resources** The rules shall prescribe standards for determining the financial resources to be allocated to orientation committees, school committees and the adult participation bodies established pursuant to section 104.

**School
budgets** **276.** Every school board shall approve the budget of its schools and adult education centres, with or without amendments.

**School board
budget** **277.** Every school board shall prepare its operating, investment and debt service budget for the following school year and submit it to the Minister for approval before such date and in such form as he determines.

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

**Confessional
or dissen-
tient board** **In the case of a confessional school board or a dissentient school board, the budget shall be transmitted to the Minister before the date and in the form he determines, but the approval of the Minister is not required.**

**Notice of
sitting** **278.** Before adopting its budget, every school board shall give a public notice of at least 15 days of the date, time and place of the sitting of the council of commissioners at which its budget is to be studied.

Balanced
budget

279. The budget of a school board shall maintain a balance between expenditures on the one hand and the financial resources allocated to the school board and its own revenues, on the other.

Authoriza-
tion of
Minister

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

Approval

The budget is without effect until approved by the Minister.

Anticipated
surplus

280. A school board may include as revenue in its budget any surplus anticipated for the current year and any other surplus it may have.

Anticipated
deficit

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

Authoriza-
tion of
expenses

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

Interim
reports

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

Accounting
records

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

Auditor

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

Mandate

The Minister may specify the mandate applicable to all auditors of school boards.

Disqualifica-
tion

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

- (1) a member of the council of commissioners;
- (2) an employee of the school board;
- (3) a partner of a person referred to in paragraph 1 or 2;

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

Financial
statements

286. Once the financial activities have been audited, the director general shall submit the financial statements of the school board and the external auditor's report to the council of commissioners at its first sitting following by at least 15 days the date of receipt of the report.

Notice of
sitting

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

Publication

287. At least one week before the sitting referred to in section 286, the director general shall publish a summary of the external auditor's report.

Submission
to Minister

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

Borrowing

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

General
authorization

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

Financial
information

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

Foreign
market

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

Prior
authorization

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

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

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

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

Nature of information **290.** The Government may prescribe, by regulation, the nature and form of the information that must be supplied to the Minister of Finance and to the Minister of Education for the purposes of the first paragraph of section 289, as well as the time when it must be supplied.

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

§ 9.—*Functions and powers relating to student transportation*

Transportation **291.** A school board may, with the authorization of the Minister of Transport, provide transportation for all or part of its students.

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

Cost of transportation **292.** Student transportation provided by a school board before the beginning of classes and after the end of classes each day is free of charge. Where the transportation is provided under a contract with a public transit authority or with the holder of a bus transport permit, within the meaning of government regulations, the school board may claim from a student that portion of the cost of the transportation pass which corresponds to service in addition to service before the beginning of classes and after the end of classes each day.

Lunch time service A school board that provides student transportation at noon to allow students to have their meal at home may claim the cost thereof from the students who elect to use that service.

Supervision Whether or not a school board provides transportation at noon to allow students to have their meal at home, it is required to ensure supervision of the students who stay at school.

Applicability of
s. 292

293. Section 292 does not apply to the transportation of persons registered for adult educational services.

Cost to
users

A school board that provides transportation to persons registered for adult educational services may claim the cost thereof from the users of such service.

Agreement
as to other
students

294. A school board authorized to provide transportation for its students may enter into an agreement to provide transportation for all or some of the students of another school board, an institution within the meaning of the Act respecting private education or a general and vocational college.

Transportation
for
other board

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

College or
private
institution

296. The cost of transportation provided by a school board for a general and vocational college or an institution within the meaning of the Act respecting private education shall be assumed by the college or institution according to the cost of the transportation services received, after deducting the subsidies granted for such purposes, if any.

Awarding
of contract

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

Tenders

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

Written
contract

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

Term of
contract

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

Other
users

298. A school board, after determining the number of available seats, may allow any person other than a person to whom it provides

student transportation to use such transportation service until all available seats are filled, and determine the fare it requires for such transportation.

Carrier
bound

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

Public
transit

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

Amount
paid to
students

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

Amount of
subsidies

300. Each year, the Minister of Transport shall establish, after consultation with the Minister of Education, and submit to the Conseil du trésor, for approval, budgetary rules to determine the amount of subsidies granted to school boards providing student transportation.

General or
special
rules

The budgetary rules may provide that subsidies may be granted on the basis of general standards applicable to all students using student transportation or on the basis of special rules applicable to certain students.

Conditions

The budgetary rules may provide that the grant of a subsidy may be subject to general conditions applicable to all school boards or to special conditions applicable to one school board or to certain school boards.

Authoriza-
tion

The budgetary rules may also provide that the grant of a subsidy may be subject to authorization by the Minister of Transport or that it can only be made to one school board or to certain school boards.

Information

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

Transporta-
tion by other
school board

A school board which entrusts the transportation of its students to another school board is not deemed to provide student transportation for the purposes of this section.

Subsidy
withheld or
cancelled

301. The Minister of Transport may withhold or cancel all or part of a subsidy for student transportation where a provision of this Act or of the regulations under section 453 or 454 is not complied with.

DIVISION VII

TAXATION

§ 1.—*Preliminary provisions*Interpreta-
tion**302.** In this Act,

“clerk”

(1) the word “**clerk**” has the same meaning as in the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

“standard-
ized assess-
ment”

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

“taxable
immovable”

(3) “**taxable immovable**” means

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

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

“owner”

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

Taxation
power

303. A school board, other than a school board situated in whole or in part on the Island of Montréal, may levy a school tax.

Taxable
immovable

Such a tax shall be levied on every taxable immovable situated in the territory of the school board except on any immovable taxable exclusively by or, if not entirely, on the portion of the standardized assessment of an immovable that is taxable exclusively by, another school board having jurisdiction over the territory where the immovable is situated.

Enrolled
children

304. An immovable owned by a person who has children enrolled in schools of a school board having jurisdiction over the territory where the immovable is situated is taxable exclusively by that school board.

Different
school
boards

Where the children are enrolled in schools of different school boards having jurisdiction over the territory where the immovable is situated, the immovable is taxable exclusively by these school boards, each on a portion of the standardized assessment of the immovable

corresponding to the ratio between the number of those persons enrolled in the schools of that school board and the total number of those persons enrolled in the schools of all the school boards concerned.

Election **305.** An immovable owned by a natural person to whom section 304 does not apply and who has elected to be taxed by a school board having jurisdiction over the territory where the immovable is situated is taxable exclusively by that school board.

Notice An election as to the levy of school taxes shall be made by way of a notice transmitted before 1 April to every school board concerned having jurisdiction over the territory where the immovable is situated. Every person having signed a notice of dissent is deemed to have made an election in favour of the dissentient school board.

Duration of election The election remains in force until the person revokes his election in the manner provided in the first paragraph or until he enrolls one of his children in a school of another school board having jurisdiction over the territory where the immovable is situated.

Entry on list of electors **306.** An immovable owned by a natural person to whom sections 304 and 305 do not apply and whose name is entered on the latest list of electors of a school board having jurisdiction over the territory where the immovable is situated is taxable exclusively by that school board.

Taxation by several boards **307.** An immovable owned by a person to whom sections 304 to 306 do not apply is taxable by each school board having jurisdiction over the territory in which the immovable is situated on a portion of the standardized assessment of the immovable established in proportion to the number of students enrolled on 30 September of the preceding year in the schools situated in the common territory of the school boards concerned.

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

Approval of electors **308.** Where the school board levies a tax the yield of which, computed at the time of the levy, exceeds 6% of the net expenditure or the rate of which exceeds \$0.25 per \$100 of the standardized assessment of taxable immovables included in its real estate tax base, the tax is subject to the approval of the electors in accordance with sections 345 and following.

"net expenditure" **309.** The "net expenditure" is equal to that amount of operating expenditures, without regard to the debt service for capital

expenditures, which is eligible for the purpose of subsidies under the budgetary rules established by the Minister of Education, as specified in the approved budget of the school board.

§ 2.—*Levy of school taxes*

Tax base **310.** The tax base of the school tax is the standardized assessment of taxable immovables.

Assessment roll **311.** The clerk of every municipality shall furnish to every school board wholly or partly included in the territory of the municipality a certified copy of the assessment roll of the taxable immovables situated in the common territory and an attestation of the standardization factor for that roll.

Transmission The clerk shall send the copy within 15 days following the day on which the standardization factor is transmitted to the municipality by the Minister of Municipal Affairs.

Fee The copy shall be furnished upon payment of the amount fixed for the issue of copies of municipal documents.

School tax rate **312.** The council of commissioners shall set the school tax rate after the approval of the budget of the school board.

Expenses incurred before budget Where a school board has been authorized to incur expenses before the approval of its budget, the Minister shall determine the amount of the net expenditure for the purposes of section 308 and the school board may, notwithstanding the first paragraph, set the school tax rate.

Uniform rate **313.** The school tax rate of a school board is the same for all taxable immovables.

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

§ 3.—*Collection of school taxes*

Request for payment **314.** Once the school tax is levied, the director general of the school board shall mail a request for payment of school taxes to every owner of an immovable which is taxable by the school board, except where the collection of the school tax is entrusted to the municipality.

Time for payment **315.** School taxes are payable 31 days from the sending of the tax bill.

Single payment School taxes are payable in a single payment.

- Interest** **316.** School taxes bear interest at the rate fixed by the school board when it levies the tax.
- Waiver** **317.** No school board may waive the payment of school taxes or interest.
- Prescription** **318.** Any action for the recovery of school taxes brought against an owner is prescribed by three years from the date they become payable.
- Collection** **319.** The school board shall collect the school taxes itself. It may, however, enter into an agreement with the municipality having jurisdiction to send municipal tax accounts in the territory of the school board or part thereof under which the municipality shall collect, on its behalf, the school taxes on the immovables situated in their common territory.
- Rights of municipality** Where such an agreement exists, the municipality shall collect, on behalf of the school board, the amount of the school taxes in any manner it sees fit and with the same rights and obligations as for the collection of municipal real estate taxes.
- Billing** Notwithstanding the foregoing, the payment of school taxes of a school board shall be demanded in a single payment but shall not necessarily be demanded in the same bill as the municipal tax.
- Withholding of amount** **320.** The municipality may withhold an amount to cover expenses incurred in collecting school taxes, by agreement with the school board.
- Payment of tax** **321.** The municipality shall pay the amount of the school tax to the school board as and when it is collected or as agreed between them.
- Remittance to board** **322.** The municipality shall remit to the school board any additional amount relating to school taxes payable by an owner under the Act respecting municipal taxation.
- Remittance to municipality** The school board shall remit to the municipality any amount relating to school taxes reimbursed to an owner under the Act respecting municipal taxation.
- Dates** The remittances shall be made on the first day of the month of April, July or November following the due date of the billing or the reimbursement of the amount, whichever of those three dates is closest.

Rate of
interest

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

Subsidies
in lieu of
taxes

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

Partial
payment

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

Interest

Every amount remitted after the time limit bears interest at the rate prescribed under the fourth paragraph of section 322.

Information
from clerk

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

§ 4.—*Recovery of school taxes*

1. Seizure and sale of movable property

Applicable
provisions

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

Seizure
and sale

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

Writ of
seizure

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

Certificate
as to debt

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

Execution
by bailiff

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

Notice
of sale

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

Content

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

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

Grounds for
opposition

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

Opposition
to annul

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

Declaration

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

Stay of
proceedings

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

Hearing

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

Dismissal
of opposition

335. Where the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with the seizure, or any other bailiff, to proceed on the writ of seizure, and, upon the delivery to him of such writ and of a copy of the judgment, the bailiff shall proceed

with the sale of the movable property seized, after notice given in the manner provided in the Code of Civil Procedure.

Proceeds
of sale

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

Opposition
to payment
of proceeds

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

Hearing

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

Distribution
by court

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

Surplus

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

3. Sale of immovable property

Taxes due

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

Content of
statement

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

Submission
to council

340. The statement contemplated in section 339 shall be submitted to the council of commissioners for approval.

Transmission
to municipa-
lity

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

Applicable
provisions

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

Applicable
provisions

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

Transmission
to regional
county
municipality

341. Where the director general of a school board receives from the secretary-treasurer of the municipality a statement of the immovable property to be sold for taxes by the secretary-treasurer of the regional county municipality, he shall, if he has not already done so under section 340 with respect to the secretary-treasurer of the local municipality, forward to the secretary-treasurer of the regional county municipality, before 31 December, a statement showing the amount of school taxes due and affecting each such immovable for school purposes; the secretary-treasurer of the regional county municipality shall take such claim into account in preparing his list.

Purchase
by school
board

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

Sheriff's
sale

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

Bid in
excess
of taxes

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

Entry on
rolls

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

Right of
redemption

If the right of redemption is exercised, the redemption price shall include, in addition to the amount paid by the school board for the immovable and interest thereon at 10%, the amount of the municipal and school taxes levied on the immovable from the date of the auction

purchase to the date of the redemption, or the instalments due upon such taxes if they are payable by instalments, and also the sums of money owing for municipal and school taxes which were not paid in the distribution of the proceeds of the sale.

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

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

Resale of immovables **344.** Immovables acquired at auction by the school board which are not redeemed and are not required for the carrying on of its activities shall be sold at auction or by private sale, as the school board may determine.

§ 5.—*Referendum*

Applicable provisions **345.** Where the levy of a school tax is subject to the approval of the electors, the vote shall be taken in accordance with sections 346 to 353 of this Act and the provisions of the Act respecting school elections concerning electors, election officers, polling, proceedings after the close of the poll, the electoral code of ethics and contestation of elections shall apply, adapted as required, to the referendum. To that end, the returning officer for the referendum shall exercise the duties and powers of the returning officer.

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

Revision of list The provisions of the Act respecting school elections concerning the revision of the list of electors apply; to that end, the returning officer for the referendum exercises the duties and powers of the returning officer.

Returning officer The director general of the school board is *ex officio* the returning officer for the referendum; where he is unable to perform his duties, the person designated by the school board shall exercise the duties and powers of the returning officer for the referendum.

Referendum date **346.** The council of commissioners of the school board shall fix and give public notice of the referendum date.

Filing
of list

347. The list of electors shall be filed at the head office of the school board at least 45 days before the referendum date.

Content of
ballot paper

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

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

YES	
NO	

Beneath shall appear whichever of the following notes is appropriate:

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

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

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

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

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

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

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

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

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

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

Representa-
tives

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

Appointment

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

Disapproval
of levy

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

Casting
vote

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

Certification
of returns

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

Tabling of
returns

The returning officer for the referendum shall table the returns and his declaration before the council of commissioners at its next sitting.

Approval
of tax

352. Where the school tax is approved, the percentage or the rate higher than the limit provided in section 308 constitutes the new maximum percentage or rate for the purposes of that section for the school year in question and the following two school years.

New
referendum

353. Where, following a contestation, the court annuls a referendum, it may order a new referendum.

DIVISION VIII

REGIONAL SCHOOL BOARDS

§ 1.—*Establishment*

Delimitation
of territories

354. The Government may, in the order referred to in section 111, delimit territories within the territory of Québec or part thereof

for French-language regional school boards or for English-language regional school boards.

Establish-
ment of
regional
board

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

Member
school
boards

The French-language or English-language school boards, as the case may be, whose territories are within that of a French-language or English-language regional school board shall, on the date of coming into force of the order, become a member of the regional school board.

French or
English

355. A regional school board belongs either to the French-language category or to the English-language category.

Member

A school board may be a member of a regional school board, provided it belongs to the same language category.

New re-
gional
board

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

Coming into
force

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

Members

The school boards that have applied therefor shall, on the date of coming into force of the order, become members of the new regional school board.

Applicable
provisions

Section 120 applies to the apportionment of the rights and obligations of the applying school boards between themselves and the regional school board. Section 121 applies to the transfer of ownership of an immovable.

Territory

357. The territory of a regional school board shall correspond to the aggregate of the territories of the member school boards.

Legal
person

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

Change
of name

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

Coming into
force

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

Head office **360.** The head office of a regional school board shall be located at the place it determines in its territory.

Notice of location Every regional school board shall notify the Minister and give public notice of the location or any relocation of its head office.

**Authoriza-
tion to join** **361.** On application therefor by a school board and a regional school board, the Government may, by order, authorize the school board to form part of the regional school board.

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

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

**Applicable
provisions** Section 120 applies to the apportionment of the rights and obligations of the school board between itself and the regional school board. Section 121 applies to the transfer of ownership of an immovable.

**Authoriza-
tion to
withdraw** **362.** The Government may, by order, authorize a school board applying therefor to withdraw from the regional school board of which it forms part.

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

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

**Applicable
provisions** Section 120 applies to the apportionment of the rights and obligations of the regional school board between itself and the school board that has withdrawn. Section 121 applies to the transfer of ownership of an immovable.

Election **363.** Where a school board withdraws, the secretary general of the regional school board shall, where necessary, within 30 days before the date on which the order comes into force, provide for the election of the representative and the chairman of the parents' committee of the regional school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 145 and 190.

Election	364. The secretary general of a school board that ceases to form part of a regional school board shall, within 30 days of the coming into force of the order, provide for the election of the representatives and the chairman of the parents' committee of the school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 145 and 190.
Discontinuation of regional board	365. The Government may, in an order made under section 116 by which it amalgamates the territories of all the school boards forming part of the regional school board, discontinue the regional school board.
Rights and obligations	The rights and obligations of the regional school board and those of each of the school boards whose territories are amalgamated become, on the date of coming into force of the order, the rights and obligations of the new school board resulting from the amalgamation.
Transfer of immovable	Section 121 applies to the transfer of ownership of an immovable.
Discontinuation of regional board	366. On application therefor by the sole school board in a regional school board, the Government may, by order, discontinue the regional school board.
Coming into force	The order comes into force on 1 July following the date of its publication in the <i>Gazette officielle du Québec</i> or on any later date indicated therein.
Rights and obligations	The rights and obligations of the regional school board become, on the date of coming into force of the order, the rights and obligations of the school board.
Transfer of immovable	Section 121 applies to the transfer of ownership of an immovable.
Election	367. The secretary general of the sole school board shall, within 30 days of the date on which the changes take effect, provide for the election of the representatives and the chairman of the parents' committee of the school board. The persons elected shall remain in office until they are replaced by persons elected pursuant to sections 145 and 190.
Amalgamation	368. On application therefor by the regional school boards concerned belonging to the same language category whose territories are contiguous, the Government may, by order, amalgamate their territories and form a new regional school board, or extend the boundaries of the territory of one of the regional school boards by annexing the whole of the territory of the other regional school board to it.

New
regional
board

In the case of an amalgamation, a new regional school board shall be established in the territory determined in the order and the school boards that have applied therefor shall cease to exist. In the case of a total annexation, the regional school board whose territory is annexed shall cease to exist.

Members

The member school boards of a regional school board so amalgamated or annexed shall become members of the new regional school board resulting from the amalgamation or of the annexing regional school board.

Division
of territory

369. On application therefor by a regional school board, the Government may, by order, divide the territory thereof to form the new territory of a regional school board or to annex part of its territory to that of a regional school board belonging to the same language category whose territory is contiguous that consents thereto.

New
regional
board

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

Content
of order

370. The order made under section 368 or 369 shall indicate, where necessary, the name of the new regional school board and, subject to the rules of transfer and reassignment of personnel prescribed by regulation of the Government made pursuant to section 451, the name of the person who is to act as director general until the council of commissioners appoints a person to the office of director general.

Name of
boards

The order shall also indicate the name of the member school boards of the new regional school board resulting from the amalgamation, of the annexing school board, of each of the regional school boards concerned by the division or of the regional school board resulting from the division.

Coming into
force

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

Applicable
provisions

371. Sections 119 and 121 apply in cases provided for in section 368 and sections 120 and 121 apply in cases provided for in section 369, adapted as required.

§ 2.—*Council of commissioners*

1. Composition

Composition **372.** Every regional school board shall be administered by a council of commissioners composed of the following persons:

(1) all the commissioners of the school boards forming part of the regional school board who are elected or appointed pursuant to the Act respecting school elections or, where such is the case, pursuant to sections 374 and 375 of this Act;

(2) the commissioner who represents the parents' committee of the regional school board and is elected pursuant to this Act.

Director general **373.** The director general of the regional school board shall take part in the sittings of the council of commissioners but is not entitled to vote.

Number of commissioners **374.** The Minister may, on application therefor by all the school boards forming part of a regional school board, reduce to not less than five the number of commissioners from each school board.

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

Effect of decision **375.** The decision made by the Minister under the first paragraph of section 374 shall have effect for the unexpired portion of the then current school year and for the two subsequent school years. Thereafter, the number fixed by the Minister shall remain the same unless all the school boards that form part of the regional school board apply to the Minister for a review of his decision made pursuant to the first paragraph of section 374. The decision of the Minister on such application comes into force on the thirtieth day following the day of its publication in the *Gazette officielle du Québec*.

Term of office **376.** The commissioners contemplated in paragraph 1 of section 372 shall be members of the council of commissioners of the regional school board during their terms of office as school commissioners of the school board forming part of the regional school board.

Applicable provisions

377. Sections 145, 148 and 149, adapted as required, apply to the representative of the parents' committee.

Joint election

378. The secretaries general of the regional school boards whose territories are amalgamated or totally annexed shall, within thirty days of the date on which the modifications become effective, proceed jointly to the election of a representative and of the president of the parents' committee of the regional school board resulting from the amalgamation or annexation.

Election

The secretary general of a regional school board whose territory is divided to allow the establishment of new regional school boards shall have the same obligations in respect of each regional school board resulting from the division.

Procedure

The election shall take place in accordance with the procedure prescribed in sections 145 and 190. The persons elected shall remain in office until they are replaced by persons elected under the said sections.

2. Operation

Sittings

379. The regional school board shall send a copy of the notice and agenda of its extraordinary sittings to each of its member school boards and to the members of the council of commissioners.

Applicable provisions

380. Sections 154 to 178, adapted as required, apply to regional school boards.

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

Executive committee

381. The council of commissioners shall establish an executive committee consisting of at least the following persons:

- (1) one commissioner from each of its member school boards;
- (2) the commissioner who represents the parents' committee.

Director general

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

Applicable provisions

383. Sections 181 to 203, adapted as required, apply to regional school boards.

§ 4.—*Functions and powers*

Secondary
and adult
education

384. A regional school board shall provide secondary education and educational services to adults for and on behalf of its member school boards.

Preschool
and elemen-
tary educa-
tion

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

Minister's
approval

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

Transporta-
tion

385. Every regional school board may provide transportation for all or some of its students and for those of any member school board which is not authorized to provide such transportation.

Contract
with carrier

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

Applicable
provisions

386. In matters falling under their jurisdiction, sections 204 to 301, with the exception of section 291, adapted as required, apply to regional school boards.

§ 5.—*Taxation*

Applicable
provisions

387. Sections 302 to 353, except sections 319 to 324, apply to taxation by regional school boards, adapted as required.

Power to
levy tax

388. Subject to section 389, the power of a member school board of a regional school board to levy a school tax under sections 303 to 307 also applies in respect of the regional school board and, conversely, such power of the latter also applies in respect of each of the member school boards as regards immovables situated in their respective territories.

Tax base
of regional
board

389. The real estate tax base of a regional school board is equal to the aggregate standardized assessments of the immovables which are taxable by the regional school board and the member school boards, multiplied by the ratio between the number of students enrolled in the schools of the regional school board on 30 September of the preceding school year and the total number of students enrolled on the same date in the schools of the regional school board and of the member school boards.

Tax base of
school board

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

Collection
of taxes

390. Every school board forming part of a regional school board must collect or cause to be collected the taxes of the regional school board in accordance with sections 319 to 324.

Expenses

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

Register

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

Remittance

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

Interest

Any late remittance shall bear interest at the rate fixed by the regional school board when the tax is levied.

DIVISION IX

PROCEDURE

§ 1.—*By-laws and resolutions*

Notice of
adoption
of by-law

392. No by-law may be adopted by a school board where this procedure is provided for in this Act, unless the school board gives public notice of thirty days before adoption, indicating the object of the by-law, the day appointed for its adoption and the place where the draft may be examined.

Transmission
of draft

The school board shall send to each orientation committee or, in the case contemplated in section 62, to the school committee a copy of every draft by-law within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

Exception

This section does not apply to by-laws pertaining to the delegation of functions or powers of the council of commissioners.

Notice of
adoption
of resolution

393. No resolution may be adopted by a school board authorizing an application to be made to the Government for the

making of an order pursuant to this Act, unless the school board gives public notice of at least thirty days before adoption, indicating the object of the resolution and the day appointed for its adoption.

Transmission
of draft

A school board shall send to each orientation committee or, in the case contemplated in section 62, to the school committee a copy of every draft resolution within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

Coming into
force

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

Transmission
of by-laws

395. The secretary general of a school board shall, without delay, send a true copy of the by-laws to each orientation committee, to each school committee and to the parents' committee.

Registry

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

Signatures

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

§ 2.—*Public notices*

Posting and
publication

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

Object

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

CHAPTER VI

CONSEIL SCOLAIRE DE L'ÎLE DE MONTRÉAL

DIVISION I

INCORPORATION AND COMPOSITION

Continuance

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

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

Legal person **400.** The Council is a public legal person having the powers necessary for the discharge of its functions under the law.

Head office **401.** The head office of the Council is located in the city of Montréal; the Council may, however, relocate it elsewhere on the island of Montréal.

Notice of location The Council shall notify the Minister and give public notice of the location or of any relocation of the head office.

Copies The Council shall send a copy of the notice to each school board on the island of Montréal.

Members of council **402.** The Council shall consist of members designated in the following manner:

(1) each school board on the island of Montréal shall, within thirty days after the election of its commissioners, designate one person from among them;

(2) each school board having over 25 000 students attending its schools shall, within the same time limit, designate one additional person from among its commissioners and, where it has over 40 000 students, another additional person per 15 000 students in excess of 25 000;

(3) the Government shall, after consultation with the parents' committees of the school boards on the island of Montréal, appoint, within thirty days after the election of the commissioners, three other members from among the persons domiciled on the island of Montréal.

Failure to designate If a school board fails to designate such persons within the prescribed time, the Government may appoint them from among the commissioners of the school board.

Substitutes **403.** Each school board having only one commissioner on the Council may designate another of its commissioners as a substitute to sit and vote in the commissioner's stead when he is unable to take part in a sitting of the Council.

Director general **404.** The director general shall take part in the sittings of the Council but is not entitled to vote.

- Term of office** **405.** The term of office of the members of the Council is three years.
- Continuance in office** Notwithstanding the foregoing, the members of the Council remain in office, subject to section 406, until the day of the first sitting contemplated in section 408.
- Vacancy** **406.** The office of a member of the Council becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections or from such time as he ceases to be a commissioner.
- Procedure** The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term.
- Disqualification** **407.** No officer or employee of the Council or of a school board on the island of Montréal shall be designated or appointed a member of the Council.

DIVISION II

OPERATION

- First sitting** **408.** The director general shall convene the members of the Council within thirty days after the time allowed for their designation or appointment.
- Chairman** One member of the Council shall chair the first sitting until the chairman of the Council is appointed.
- Appointment of chairman** **409.** The members of the Council shall appoint a chairman and a vice-chairman from among their number.
- Term of office** The term of office of the chairman and of the vice-chairman expires at the same time as their term as members of the Council. However, subject to section 406, the chairman and the vice-chairman remain in office until the day of the first sitting contemplated in section 408.
- Vacancy** **410.** Any vacancy in the office of chairman or vice-chairman shall be filled within thirty days.
- Extraordinary sittings** **411.** The Council shall send a copy of the notice and of the agenda for its extraordinary sittings to each school board on the island of Montréal and to the members of the Council.

Delegation
of powers

412. The Council may, by by-law, delegate certain of its functions and powers to the executive committee, the director general or another member of the personnel of the Council.

Draft
by-laws

413. The Council shall send a copy of every draft by-law to each school board on the island of Montréal at least fifteen days before adoption. Within the same time limit, the Council shall also send a copy thereof to the parents' committees of the school boards on the island of Montréal.

Public
notices

414. All public notices shall be published in at least one newspaper circulated on the island of Montréal and be sent to each school board on the island of Montréal as well as to the parents' committee of each of those school boards.

Object

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

Applicable
provisions

415. Sections 158 to 162, the first and second paragraphs of section 163, sections 164 to 173, 175 to 178, the first and third paragraphs of section 392 and sections 394 and 396 apply to the Council and its members. For that purpose, the word "commissioner" means a member of the Council.

DIVISION III

EXECUTIVE COMMITTEE

Executive
committee

416. The Council shall establish an executive committee consisting of not more than seven of its members.

Term of
office

The term of office of a member of the executive committee expires upon the expiry of his term as a commissioner. However, subject to section 406, the members of the executive committee remain in office until the first sitting of the Council contemplated in section 408.

Director
general

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

Functions
and powers

418. The executive committee shall exercise such functions and powers as the Council delegates to it by by-law.

Applicable
provisions

419. Sections 158 to 162, the first and second paragraphs of section 163, sections 164 to 173, 176 to 178, the first and third

paragraphs of section 392 and sections 394, 396, and 411 to 414 apply to the executive committee and its members; for that purpose, the word “commissioner” means a member of the executive committee.

DIVISION IV

STAFF

Staff **420.** The Council shall appoint a director general and the necessary staff for its operations.

Applicable provision Section 200, adapted as required, applies to the director general of the Council.

Responsibility of director general **421.** The director general is responsible for day-to-day management of business of the Council.

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

Replacement **422.** The Council shall designate a member of its executive staff to perform the duties of the director general if he is unable to act.

DIVISION V

FUNCTIONS AND POWERS

Borrowing **423.** The Council, with the authorization of the Minister and on the conditions he determines, may, in its own capacity, borrow money by any legal means for its purposes and the purposes of school boards on the island of Montréal.

Applicable provisions Sections 288 to 290, adapted as required, apply to the Council.

Source of funds **424.** The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities issued by the Council from 1 July 1989 shall be derived from the general revenue of the Council and of the school boards on the island of Montréal.

Source of funds The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities forming part of the bonded debt of the Council on 30 June 1989 shall be derived from the general revenue of the Council and of the school boards on the island of Montréal.

Bonds
issued by
Council

425. The bonds or other evidences of indebtedness or securities issued by the Council from 1 July 1989 constitute a direct, general and unconditional undertaking of the Council and of the school boards on the island of Montréal and rank *pari passu* with all other undertakings of the Council and of the school boards on the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.

Bonded
debt

The same applies to those bonds or other evidences of indebtedness or securities forming part of the bonded debt of the Council on 30 June 1989.

Approval
of Minister

426. Before being delivered, every bond issued by the Council shall be stamped with the seal of the Ministère des Affaires municipales and provided with a certificate of the Minister of Municipal Affairs or of a person specially authorized by him attesting that the resolution authorizing the issue thereof has been approved by the Minister of Municipal Affairs and that such bond is issued in accordance with that resolution.

Validity
of bonds

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

Restriction

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

Redemption
in foreign
currency

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

Provisions
no longer
applicable

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

Restriction

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

Government
subsidies

428. The Council shall receive government subsidies, which have not been transferred as loan securities, relating to the bonds or other evidences of indebtedness or securities forming part of any bonded debt contracted for its purposes and those of the school boards on the island of Montréal.

Application
of a. 981o of
CCLC

429. For the purposes of article 981o of the Civil Code of Lower Canada, the Council is considered a school board.

Under-
privileged
areas

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

Services
to school
board

431. Following an agreement with a school board, the Council may provide technical, administrative or financial support services to it. The agreement shall provide for the costs of such services.

Exercise
of powers

432. The Council shall, in respect of such matters and in such manner as indicated in the resolution adopted by two-thirds of its members, exercise the functions and powers of the school boards on the island of Montréal on their behalf.

Resolutions

The Council may make resolutions concerning

- (1) vocational education and educational services to adults;
- (2) educational services to handicapped students or to students with social maladjustments or learning disabilities;
- (3) the teaching of good eating habits;
- (4) the plan of allocation and destination of the immovables owned by school boards;
- (5) the administration of subsidies granted to school boards pursuant to budgetary rules established by the Minister of Education or the Minister of Transport;
- (6) research and development of models of intervention in the field of intercultural education.

Service,
coming into
force

Resolutions must be served upon each school board on the island of Montréal before 1 January; they come into force the following 1 July. Every resolution is valid for a period of three years and may be renewed in accordance with the procedure provided for in this section for further periods of three years.

Powers
retained
by school
board

433. Within thirty days from the service of any resolution of the Council contemplated in section 432, a school board on the island of Montréal may, in its own capacity, exercise its functions and powers in respect of all or part of the matters indicated in the resolution and remove the exercise of such functions and powers from the Council, if it so decides by a resolution of the council of commissioners. The school board shall send a copy of the resolution to the Council.

School tax

434. The Council may levy a school tax on every taxable immovable situated on the island of Montréal for its purposes and to ensure the upgrading of instruction in underprivileged areas of school boards on the island of Montréal.

Needs of
school
boards

The Council shall levy a school tax on every taxable immovable situated on the island of Montréal to meet the needs of school boards on the island of Montréal. Where part of the territory of a school board on the island of Montréal is situated outside the territory of the island of Montréal, the Council shall exercise, on that part of the territory, in accordance with sections 304 to 307, such functions and powers as would have been exercised by the school board if section 303 were applicable to it.

Applicable
provisions

Sections 302, 310, the first and second paragraphs of section 311 and section 312, adapted as required, apply to taxation by the Council.

Transmission
of informa-
tion

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

Rate of
tax

435. The rate of the school tax levied by the Council shall be the same for all taxable immovables.

Taxpayer

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

Information
of municipa-
lity

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

Collection
by municipa-
lity

436. Every municipality on the island of Montréal shall collect the school tax levied by the Council.

Rights of
Council

It shall collect, on behalf of the Council, the amount of the school tax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal real estate taxes and those prescribed under sections 322 to 324 for the collection of school tax.

Billing

Notwithstanding the foregoing, the payment of school taxes of a school board shall be demanded in one payment and there is no

obligation to demand payment of the school tax in the same bill as the municipal tax.

Remittance **437.** The municipality shall pay the amount of the school tax to the Council not later than 1 April each year; the remittance shall be made notwithstanding any Act governing the municipality and regardless of whether that tax has been collected.

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

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

Real estate tax base **438.** For determining the real estate tax base of a school board on the island of Montréal, the second paragraph of section 303 and sections 304 to 307 apply, where necessary, as if the school tax were levied by the school board itself.

"net expenditure" For the purposes of sections 439, 440 and 444, the words "net expenditure" have the same meaning as in section 309.

Proceeds of tax **439.** The Council shall receive, for the account of the school boards, the proceeds of the school tax levied for their purposes, to a maximum amount representing either 6% of the aggregate of their net expenditures or a taxation rate of \$0.25 per \$100 of the standardized assessment of taxable immovables or a portion of that assessment included in the real estate tax base of each school board.

Apportionment The Council shall apportion the proceeds of the tax among the school boards, to the extent and according to the rules indicated by resolution.

Surtax **440.** Where a school board requires an amount exceeding the amount paid to it by the Council, the school board shall collect the excess itself by way of a surtax.

Approval of electors Before collecting the surtax, the school board shall obtain the approval of its electors. Sections 345 to 353, adapted as required, apply to the levy of the surtax.

New limit Where the surtax is approved, it shall apply to the school year for which it is levied, and the school board may collect an amount exceeding 6% of its net expenditure or \$0.25 per \$100 of the standardized assessment of taxable property or part of such assessment included in its real estate tax base for the two following school years without exceeding the new limit.

Levy of surtax **441.** The surtax shall be levied by a school board on any taxable immovable or portion of the standardized assessment of the taxable immovable situated in its territory and included in its real estate tax base.

Collection of surtax **442.** The school boards shall collect the surtaxes they levy themselves. They may, however, enter into an agreement with the municipality having jurisdiction as regards the sending of municipal tax bills in the territory or part of the territory of the school board in order to provide that the municipality will collect the surtax on immovables situated in their common territory on behalf of the school board.

Rights of municipality Where an agreement is entered into, the municipality shall collect, on behalf of the school board, the amount of the surtax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal real estate taxes. In such case, sections 320 to 322 and 324 apply.

Billing Notwithstanding the foregoing, the payment of the surtax of a school board shall be demanded in one payment and there is no obligation, where the surtax is collected by a municipality, to demand payment thereof in the same bill as the municipal tax.

Actions for recovery The clerk of the Court of Québec and the prothonotary of the Superior Court have the same powers in actions for recovery of surtaxes as the powers they have in actions for recovery of municipal taxes.

Prescription **443.** The prescription periods and the charges relating to the surtax and the rights and obligations of persons with respect to the surtax shall be the same as those applicable to municipal real estate taxes.

Approval of electors **444.** Where the full amount of expenditures of the Council incurred for its purposes and to ensure the upgrading of instruction in underprivileged areas of school boards exceeds the difference between the total amount of expenditure of the school boards on the island of Montréal for the payment of which a tax is levied under the second paragraph of section 434 and 6% of the total amount of their

net expenditure and that of the Council, or where such amount brings the taxation rate of the tax above \$0.25 per \$100 of the standardized assessment of taxable immovables situated on the island of Montréal, the tax levied by the Council shall be submitted to the electors of the school boards on the island of Montréal for approval in accordance with sections 345 to 353.

Apportionment
of amount

The resolution approving the surtax referred to in the first paragraph shall determine the apportionment of the amount exceeding the maximum amount prescribed in the said paragraph among the school boards on the island of Montréal and the Council and be adopted by the vote of two-thirds of the members of the Council.

Returning
officer

For the purposes of sections 345 to 353 of this Act and of the provisions of the Act respecting school elections applicable to the holding of a referendum, the director general of the Council shall act *ex officio* as returning officer; where he is unable to act, the person designated by the Council shall exercise the functions and powers of the returning officer.

Budget

445. The Council shall prepare its operating, capital and debt service budget for the next ensuing school year and submit it to the Minister for approval before the date and in the form prescribed by him. The Council shall send a copy of its budget to the school boards on the island of Montréal.

Fiscal
year

446. The fiscal year of the Council begins on 1 July each year and ends on 30 June the following year.

Applicable
provisions

Sections 278 to 282 and 284 to 287 apply to the Council, adapted as required.

CHAPTER VII

THE GOVERNMENT AND THE MINISTER OF EDUCATION

DIVISION I

REGULATIONS

Basic school
regulations

447. The Government may make regulations to be known as the “basic school regulations (régime pédagogique)”.

Content

The basic school regulations (régime pédagogique) shall relate to

(1) the nature and objectives of educational services, developmental and cognitive services and instructional services,

whether student services or special services, as well as the general organizational framework thereof;

(2) the date, between the beginning of the school year and 1 January, for determining the age at which a person is eligible for admission to the educational services referred to in section 1.

Other
provisions

In addition, the basic school regulations (*régime pédagogique*) may

(1) establish rules on the school admission and enrolment of students and on school attendance;

(2) establish rules respecting the school calendar;

(3) establish rules respecting textbooks, teaching materials or classes of teaching materials and their accessibility;

(4) establish rules on the evaluation of learning achievement and the certification of studies;

(5) determine the diplomas, certificates and other official attestations awarded by the Minister and prescribe the conditions under which they are to be awarded;

(6) provide for the admission of students or categories of students under five years of age and indicate the educational services that they are to receive;

(7) authorize the Minister to draw up a list of the school boards to which subparagraph 6 applies and to specify the conditions for admission;

(8) allow, on conditions determined by the Minister, the admission of students or a category of students over the age limit provided for in section 1;

(9) allow the Minister to authorize, upon a request giving reasons therefor, that an exception be made to a provision of the regulations, for humanitarian reasons or to avoid a serious prejudice to a student;

(10) authorize a school board, on conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic school regulations (*régime pédagogique*).

Regulations
for adult
education

448. The Government shall, by regulation, establish basic school regulations (*régime pédagogique*) applicable to educational services to adults.

Content	The basic school regulations (<i>régime pédagogique</i>) shall relate to the nature and objectives of educational services to adults, literacy, training, student services and popular education services and to the general organizational framework thereof. They shall prescribe the conditions governing free access to such services.
Other provisions	<p>The basic school regulations (<i>régime pédagogique</i>) may also</p> <ul style="list-style-type: none"> (1) establish rules on the school admission and enrolment of students; (2) establish rules respecting the school calendar; (3) establish rules respecting textbooks, teaching materials or classes of teaching materials and their accessibility; (4) establish rules on the evaluation of learning achievement and the certification of studies or training; (5) determine the diplomas, certificates and other official attestations awarded by the Minister and prescribe the conditions under which they are to be awarded; (6) prescribe the cases in which, or the conditions or circumstances under which a person cannot avail himself of the right of free access to educational services to adults provided for in the second paragraph of section 3; (7) allow the Minister to authorize, upon a request giving reasons therefor, that an exception be made to a provision of the regulations, for humanitarian reasons or to avoid a serious prejudice to a student; (8) authorize a school board, on the conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic school regulations (<i>régime pédagogique</i>).
Denominational committees	449. The power of the Government to establish basic school regulations (<i>régime pédagogique</i>) is, in respect of matters referred to in the second paragraph and subparagraphs 1 to 5 of the third paragraph of section 447 and in section 448, exercised subject to the regulatory powers of the Catholic committee and Protestant committee referred to in section 22 of the Act respecting the Conseil supérieur de l'éducation.
Handicapped students	450. The Government may, by regulation, provide for the organization of services other than educational services to

handicapped students and students with social maladjustments or learning disabilities.

Classifica-
tion of
positions

451. The Government may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code.

Norms as to
immovables

452. The Government may, by regulation,

(1) determine the norms, conditions and procedure for awarding contracts for the construction, enlargement, equipment, improvement, conversion, demolition, reconstruction or repair of an immovable of a school board or of the Conseil scolaire de l'île de Montréal and prescribe forms for those purposes;

(2) determine the norms, conditions and procedure for disposing of an immovable of a school board or of the Conseil scolaire de l'île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister.

Authoriza-
tion of
Minister

The regulations provided for in this section may

(1) require the authorization of the Minister at various stages; the authorization given may be subject to certain conditions;

(2) allow the Minister to waive the requirements of certain provisions of the regulation with regard to that portion of the work or those dispositions of immovables which he indicates.

Student
transporta-
tion

453. The Government may regulate student transportation, namely,

(1) to determine the stages of the process for awarding contracts for the transportation of students;

(2) to provide, for each stage, restrictions and conditions for awarding contracts;

(3) to limit the carriers with whom a school board may make agreements;

(4) to prescribe the minimum stipulations required to be included in a contract.

Exemption A regulation contemplated in this section may allow the Minister of Transport to exempt contracts for the transportation of students from the application of some of the provisions of that regulation.

Advisory committee **454.** The Government may, by regulation, establish the composition, mode of operation and functions of the advisory committee on student transportation.

Definition of resident **455.** The Government may define, by regulation, the expression "resident in Québec" for the purposes of this Act.

Teaching licences **456.** The Minister may, by regulation, establish

(1) a classification of teaching licences, the nature and term of such licences, and the requirements and procedure applicable to their issuance or renewal, as the case may be, including the documents and information to be furnished;

(2) the standards for evaluating the formal training of teachers for the determination of their qualifications.

Denominational committees The power of the Minister is exercised subject to the regulatory powers of the Catholic committee and Protestant committee provided for under section 22 of the Act respecting the Conseil supérieur de l'éducation.

Confessional status **457.** The Minister shall define, by regulation, after consultation with the Catholic committee and the Protestant committee, the conditions and procedures for consulting the parents of students attending a school with regard to an application for recognition or withdrawal of recognition, as the case may be, of the confessional status of the school.

Submission of draft regulations **458.** A draft copy of the regulations provided for in sections 447, 448, 450 and 456 shall be submitted before passage to the Conseil supérieur de l'éducation for preliminary examination.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER OF EDUCATION

Quality of education **459.** The Minister shall ensure quality in the educational services provided by school boards.

Implementation of regulations In order to carry out that function, the Minister shall, in particular, establish the manner in which the provisions of the basic

school regulations (*régime pédagogique*) are applied. The terms and conditions may contain any measure to allow the gradual implementation of the provisions of the basic school regulations (*régime pédagogique*).

Exemption **460.** The Minister may, on such conditions as he determines, exempt any category of students he determines from the application of certain rules of certification of studies or training.

Compulsory and elective subjects **461.** The Minister shall establish the programs of developmental and cognitive learning activities for preschool education, the programs of compulsory subjects for elementary and secondary schools as well as the elective subjects specified in a list drawn up by him under section 463 and, if he considers it appropriate, the programs of vocational training.

Objectives and contents Every program shall include compulsory objectives and contents and may include optional objectives and contents that shall be enriched or adapted according to the needs of students who receive the services.

Literacy programs Furthermore, the Minister may establish literacy and presecondary and secondary training programs for educational services to adults.

Textbooks and material **462.** The Minister may draw up a list of textbooks and teaching materials or classes of teaching materials approved by him and, where applicable, by the Catholic committee and the Protestant committee, which may be selected for the teaching of the programs of studies established by him.

Exception This section does not apply to educational services to adults.

Elective subjects, vocational training **463.** The Minister shall draw up a list of elective subjects for which he establishes a program of studies, a list of vocational training programs, the number of credits assigned to each elective subject and to each vocational training program and a list of the subjects and vocational training programs for which he imposes examinations.

Credits The Minister may, upon request, authorize a school board to assign a greater number of credits than that prescribed in the basic school regulations (*régime pédagogique*) to an elective subject for which the school board has adopted a local program of studies.

Copies of programs and lists **464.** A copy of the programs established and of the lists drawn up by the Minister shall be distributed, without charge, to every

school board, orientation committee, school principal, principal of an adult education centre, any interested teacher, the Conseil supérieur de l'éducation, the Catholic committee and the Protestant committee.

Admission to
vocational
training

465. The Minister may establish, subject to what is prescribed in the basic school regulations (*régime pédagogique*), conditions of admission to vocational training.

List for
subsidy
purposes

466. The Minister may draw up a list of school boards which, for purposes of subsidies, are authorized to provide educational services to adults.

Unqualified
expenditures

Expenditures incurred by an unlisted school board to provide such educational services to adults are not qualified for subsidies granted by the Minister of Education.

Definition
of policies

Pursuant to an agreement with interested school boards which do not provide educational services to adults, a school board authorized under the first paragraph shall establish mechanisms whereby they may take part in the definition of its adult education policies.

List of
programs

467. The Minister may draw up a list of vocational training programs which a school board, for purposes of subsidies, is authorized to provide to persons coming under its jurisdiction or, to the extent indicated therein, under the jurisdiction of any other school board.

Unqualified
expenditures

Expenditures incurred by a school board to provide any vocational training program that is not included on the list drawn up in its respect are not qualified for subsidies granted by the Minister of Education.

Agreement

Although a school board is not authorized to provide educational services to adults for purposes of subsidies, it may enter into an agreement with a school board authorized to provide educational services to adults, for purposes of subsidies, for the provision of any vocational program included on the list to persons admitted to educational services to adults by that school board.

School open
to students
of one or
more regions

468. The Minister may, pursuant to an agreement with a school board, establish a school open to students of certain regions or of the whole province coming under the jurisdiction of the school board.

Deed of
establish-
ment

In this event, the deed of establishment shall determine the name and address of the school, the premises or immovable property placed

at its disposal, the programs of instruction offered and the educational services provided by the school, the territory to be served as well as the method of management and mode of operation of the school.

Recognition
of learning
achievements

469. The Minister shall establish criteria or requirements for the recognition by school boards of the learning acquired by a person otherwise than as prescribed in the basic school regulations (*régime pédagogique*) established under section 447.

Criteria

In addition, the Minister shall establish criteria or requirements for the recognition by school boards of the scholastic or para-scholastic attainments of a person enrolled in educational services to adults.

Revision
of results

470. The Minister may, to avoid penalizing students unduly, revise the results obtained by them in the examinations he imposes, to compensate for any error or ambiguity in the examinations brought to his attention after they are taken.

Invalidation

The Minister may, where circumstances so require, invalidate the examination and either retain as the final result the grades obtained in the school board internal examinations or hold another examination.

Weighting
of results

In addition, the Minister may, in accordance with the criteria and methods established by him, weight the results obtained in the school board internal examinations in subjects for which he imposes examinations, to make the results comparable to those obtained in the internal examinations held in other school boards.

Diplomas
and
certificates

471. The Minister shall award diplomas, certificates and other official attestations prescribed in the basic school regulations (*régime pédagogique*) as well as the official attestations and transcripts of marks which he determines.

Budgetary
rules

472. After consulting with the school boards, the Minister shall establish annually and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses allowable for the purpose of subsidies to be allocated to school boards and the Conseil scolaire de l'île de Montréal. The budgetary rules shall be drafted in such a way as to provide, with regard to the allocation of subsidies applicable to the operating expenses of school boards, an apportionment proportionate to the number of students enrolled in the schools.

Subsidies

The budgetary rules shall also provide for the allocation of subsidies, to a school board authorized, for the purpose of subsidies

to organize adult educational services or which fulfils a special obligation it is subject to under this Act, and, in particular, under subparagraphs 6 and 7 of the third paragraph of section 447 and section 468 or under an agreement contemplated in the third paragraph of section 467. The budgetary rules must also provide for the allocation of subsidies to the Conseil scolaire de l'île de Montréal in the case contemplated in section 432. The allocation of such subsidies may be made on the basis of general or specific standards or be subject to the authorization of the Minister.

Standards The budgetary rules may provide that the allocation of subsidies applicable to capital expenditures and debt service for capital expenditures may be made on the basis of general or specific standards, be subject to the authorization of the Minister or be made only to one school board or certain school boards or the Conseil scolaire de l'île de Montréal.

Conditions The budgetary rules may provide that the allocation of subsidies applicable to the expenses referred to in the second and third paragraphs may also be subject to general conditions applicable to all school boards or to special conditions applicable only to one school board or certain school boards.

Budgetary rules **473.** The budgetary rules may also prescribe

(1) the financial contribution to be collected from a person not resident in Québec, within the meaning of the regulations of the Government, subject to the power of the Minister to exempt certain persons or categories of persons therefrom;

(2) the maximum amount of the financial contribution that may be required for services to which the right to free access, as provided in section 3 does not apply, from a resident of Québec enrolled in adult educational services;

(3) the terms and conditions of the computation of subsidies payable to school boards for the application of the right of free access to adult educational services.

Subsidy for damaged property **474.** The budgetary rules may also provide, subject to the conditions prescribed by the Minister, that a subsidy shall be granted to a school board or to the Conseil scolaire de l'île de Montréal where the property of the school board or the Conseil scolaire de l'île de Montréal is damaged as the result of a disaster, theft or vandalism.

Subrogation The Minister is, in such a case, subrogated to the rights of the school board or the Conseil scolaire de l'île de Montréal.

Equalization
grants

475. The Minister shall, in the budgetary rules contemplated in section 472, provide for the payment of equalization grants to school boards. These equalization grants shall be paid according to the difference between the standardized assessment of the taxable immovables per student enrolled in schools of a school board, as included in the real estate tax base of the school board, and the assessment per enrolled student in schools of the aggregate of the school boards included in the real estate tax base of the aggregate of the school boards, taking into account the size of revenues from school taxes collected by a school board within the limits determined by section 308 or 440.

Payment of
loan or
interest

476. The Minister may, on the terms and conditions he determines, grant on behalf of the Government a subsidy to any school board or the Conseil scolaire de l'île de Montréal for the payment, in whole or in part, out of the funds voted annually for such purpose by the Parliament, of the principal and interest of any loan contracted or to be contracted by the school board or the Conseil scolaire de l'île de Montréal.

Proceeds
of loan

The school board shall apply the proceeds of the loan referred to in the first paragraph to the capital expenditures and debt service for the capital expenditures referred to in section 472, to the repayment of loans contracted for the purposes of such capital expenditures and debt service or to the payment of the costs and expenses related to the loan.

Sinking-
fund

The Minister may entrust to the Minister of Finance, to be managed by him, any amount intended for the payment in principal of a loan contracted by the school board to establish a sinking-fund for the purposes of paying, out of those amounts and on the maturity dates provided for the loan, the principal of the loan and, out of the proceeds or revenues of the fund, the loans contracted by any school board.

Subsidy
withheld or
cancelled

477. The Minister may withhold or cancel all or part of the amount of any subsidy, other than a subsidy for the transportation of students, intended for a school board or the Conseil scolaire de l'île de Montréal if it refuses or neglects to comply with a provision governing the school board and the Conseil.

Exception

In no case, however, may the Minister withhold or cancel a subsidy granted under section 476 related to the payment in principal and interest of any duly authorized loan of a school board or the Conseil scolaire de l'île de Montréal.

DIVISION III

TRUSTEESHIP

Verification
or investiga-
tion

478. The Minister may request any person he designates to verify whether a school board or the Conseil scolaire de l'île de Montréal is complying with the provisions of this Act and the regulations or to investigate any matter respecting the quality of the educational services as well as the management, organization and operation of a school board or the Conseil scolaire de l'île de Montréal.

Powers and
immunity

The person so designated has, for the purposes of a verification or an investigation, the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to impose imprisonment.

Authority

The Minister, Deputy Minister and Associate Deputy Ministers shall have, *ex officio*, the authority and powers to make any verification or investigation.

Suspension
of powers

479. The Government may, during or after the verification or investigation, order all or part of the powers and duties of a school board or of the Conseil scolaire de l'île de Montréal suspended for a period not exceeding six months and appoint an administrator to exercise the powers of the council of commissioners or of the Conseil scolaire de l'île de Montréal.

Power of
adminis-
trator

The administrator appointed by the Government may, subject to the rights of third persons in good faith, annul any decision made by the school board or by the Conseil scolaire de l'île de Montréal under the powers which have been suspended.

Extension

The Government may extend the suspension and the term of office of the administrator for a period not exceeding six months.

CHAPTER VIII

OFFENCES AND PENALTIES

Refusal to
surrender
documents

480. A commissioner, director general, secretary general or any other person who, after ceasing to hold office at the school board or the Conseil scolaire de l'île de Montréal and after being notified by the Minister, the school board or the Conseil, does not surrender any money, document or other object that he has in his possession and that belongs to the school board or the Conseil, is guilty of an offence.

Notice

Service of the notice upon such person must be made at his domicile by a bailiff, who must then make a return of service to the Minister.

Offences
in relation
to a refer-
endum**481.** Every person who

- (1) votes more than once at the same referendum;
 - (2) authorizes a person to vote whose name is not entered on the list of electors;
 - (3) votes without being entitled thereto;
 - (4) votes or attempts to vote by fraudulently using the name and capacity of an elector or by using the name of a fictitious or deceased person;
 - (5) knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper;
 - (6) modifies or imitates the initials of the deputy returning officer;
 - (7) acts in the capacity of a representative within the meaning of section 349 when his power of attorney is false;
 - (8) is a deputy returning officer and remits a ballot paper to a person refusing to take the required oath or solemn affirmation;
 - (9) is a deputy returning officer and admits a person to vote with the knowledge that he has already voted,
- is guilty of an offence.

Offences
in relation
to the pol-
ling**482.** Every person who

- (1) falsifies the poll book or the return of the poll;
 - (2) knowingly destroys a ballot paper before the end of the period for the contestation of the referendum;
 - (3) is a returning officer and makes an announcement of the results of the referendum with the knowledge that it does not correspond to the actual results,
- is guilty of an offence.

Offences
for refusal
to act

483. Every person who is the returning officer for the referendum or an election officer and fraudulently neglects or refuses

to act, or acts against any provision of sections 345 to 353 or against any provision of the Act respecting school elections applicable in the case of a referendum under section 345 of this Act, is guilty of an offence.

Offences
in relation
to voting

484. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the referendum, is guilty of an offence.

Offence
by employer

485. Every employer who uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that position after having accepted it is guilty of an offence.

Fine

486. Every person who contravenes section 16 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$200.

Offences
and
penalties

487. Every person who is guilty of an offence described in section 480, in any one of paragraphs 1 to 3, 6 or 8 of section 481 or in section 485 is liable, in addition to costs, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6 000.

Offence
and
penalties

488. Every person who is guilty of an offence described in any one of paragraphs 4, 5, 7 or 9 of section 481, or in any one of sections 482 to 484 is liable, in addition to costs, to a fine of not less than \$500 nor more than \$5 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1 500 nor more than \$15 000 and, for any subsequent offence within two years of a conviction for the same offence, to a fine of not less than \$1 000 nor more than \$10 000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3 000 nor more than \$30 000.

Aiding the
commission
of an offence

489. Every person who, by his act or omission, aids another person to commit an offence may be found guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

Advice
leading to
the commis-
sion of an
offence

490. Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence may

be found guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

Proceedings **491.** Proceedings under this chapter are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General, by any person generally or specially authorized by him for such purposes, by the school board concerned, by the Conseil scolaire de l'île de Montréal, if it is concerned, or by any elector or ratepayer of the school board.

Proceedings Where an offence has been committed against section 16, proceedings are instituted by the Attorney General, by any person generally or specially authorized by him for such purposes, or by the school board concerned before a judge of the Youth Court having jurisdiction over the territory where the school is situated.

Fines **492.** Where proceedings are instituted by the school board or the Conseil scolaire de l'île de Montréal, the fine imposed must be paid into the general fund of the school board or of the Conseil.

CHAPTER IX

INTERIM ADMINISTRATION

DIVISION I

PERIOD OF APPLICATION

Period of application **493.** This chapter only applies during the transitional period beginning 1 July 1989 and ending 30 June of the year following the year of publication of the order respecting territorial division made pursuant to section 111.

DIVISION II

PROVISIONAL SCHOOL BOARDS

Exceptions **494.** This division does not apply to confessional school boards nor to dissentient school boards.

Existing school boards **495.** During the transitional period, every school board and regional school board, whether for Catholics or for Protestants, existing on 30 June 1989 is continued under this Act in its territory and under its name.

Provisions
applicable

496. Schools boards thus continued shall be governed by the provisions of Chapters I to VIII in force 1 July 1989, as if they were French-language or English-language school boards or regional school boards.

Provisions
applicable

These conditions also apply to school boards, whether for Catholics or for Protestants, resulting from any modifications ordered by the Government under sections 114, 116 and 117 and regional school boards, whether for Catholics or for Protestants, constituted by the Government under section 356 or created by the modifications ordered by the Government under sections 359, 368 and 369.

School
boards
concerned

497. The school boards which are contemplated in this division shall belong to either of the following categories: for Catholics or for Protestants.

Regional
school
board

A school board may be a member of a regional school board belonging to the same category.

Provisions
applicable

498. In addition, the provisions of sections 143 to 153 with respect to the representative of the parents of the minority of students contemplated in section 146 shall apply to school boards, whether for Catholics or for Protestants, as though they were confessional or dissentient school boards.

Provisions
applicable

The provisions of sections 146, 147 and 148 also apply to a regional school board, whether for Catholics or for Protestants.

Election of
commission-
ers

499. The secretary general of the school board which ceases to form part of a regional school board shall, where necessary, within thirty days of the coming into force of the order, provide for the election of every commissioner representing the parents of the minority of students contemplated in section 146 in accordance with the procedure prescribed in the said section. The persons elected remain in office until they are replaced by persons elected in accordance with that section.

Election of
commission-
ers

500. Where a school board withdraws from a regional school board contemplated in section 362, the secretary general of the regional school board shall, where necessary, within thirty days of the coming into force of the order, provide for the election of every commissioner representing the parents of the minority of students contemplated in section 146 in accordance with the procedure prescribed in the said section. The person elected shall remain in office until he is replaced by a person elected pursuant to the said section.

Election of
commission-
ers

501. In the cases provided for in section 368, the secretaries general of regional school boards whose territories are amalgamated or annexed shall, where necessary, within thirty days before the date on which the modifications take effect, provide jointly for the election of the commissioner representing the parents of the minority of students contemplated in section 146.

Divided
territory

In the case provided for in section 369, the secretary general of the school board whose territory is being divided shall, where necessary, assume the same responsibilities in respect of each of the regional school boards resulting from the division.

Procedure

The election shall be held in accordance with the procedure prescribed in section 146. The persons elected shall remain in office until they are replaced by persons elected pursuant to the said section.

No
jurisdiction

502. For the purposes of Division VI of Chapter V, any person who is not a member of the religious confession, whether Catholic or Protestant, of a school board including a regional school board, whether for Catholics or Protestants, is not under the jurisdiction of that school board.

Agreement

Nothing in this section shall prevent a school board from providing, according to the terms of an agreement entered into pursuant to section 213, services to persons not under its jurisdiction.

DIVISION III

CONFESSIONAL AND DISSENTIENT SCHOOL BOARDS

No
jurisdiction

503. For the purposes of Division VI of Chapter V, any person who is not a member of the religious confession, whether Catholic or Protestant, of a confessional school board is not under the jurisdiction of that school board.

Agreement

Nothing in this section shall prevent a confessional school board from providing, according to the terms of an agreement entered into pursuant to section 213, services to persons not under its jurisdiction.

Jurisdiction

504. For the purposes of Division VI of Chapter V, any person contemplated in section 204 who is a member of the religious confession, whether Catholic or Protestant, of the dissentient school board, and, unless the school board decides otherwise, any other person contemplated in section 204, with the exception of a person who is a member of a religious confession, whether Catholic or Protestant, which is not that of the school board, comes under the jurisdiction of that school board.

Agreement Nothing in this section shall prevent a dissentient school board from providing, according to the terms of an agreement entered into pursuant to section 213, educational services to persons not under its jurisdiction.

DIVISION IV

SPECIAL PROVISIONS FOR THE ISLAND OF MONTRÉAL

Composition **505.** The Conseil scolaire de l'île de Montréal shall consist of members designated in the following manner:

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

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

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

(4) the Government, after consulting the parents' committees of the school boards of the island of Montréal, shall appoint, in the 30 days following the election of the commissioners, three other persons domiciled in the island of Montréal.

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

Borrowing **506.** Notwithstanding section 423, the Council shall borrow no money for the purposes of a confessional or dissentient school board on the island of Montréal, unless it borrows money pursuant to an agreement with the school board.

Limited applicability Section 424, the first paragraph of section 425 and section 428 shall apply to a confessional or dissentient school board only to the extent that the bonds or other evidences of indebtedness or securities were issued by the Council pursuant to an agreement contemplated in the first paragraph.

Loans **507.** Failing an agreement with the Council, a confessional or dissentient school board shall be authorized to take out loans in accordance with sections 288 to 290.

Rank The bonds or other evidences of indebtedness or securities issued by a confessional or dissentient school board on the island of Montréal must rank *pari passu* with all other undertakings of the Council in respect of loans of money not secured by hypothec or other encumbrance.

Remittance of portion of school tax **508.** Notwithstanding the second paragraph of section 439, the Council shall remit to a confessional or dissentient school board the portion of the school tax it requests, to a maximum amount representing 6% of the net expenditure or a taxation rate of \$0.25 per \$100 of the standardized assessment of taxable immovables included in its real estate tax base.

CHAPTER X

ORGANIZATION OF FRENCH-LANGUAGE AND ENGLISH-LANGUAGE SCHOOL BOARDS

DIVISION I

DEFINITIONS

Interpretation **509.** In this chapter,

“existing school board” (1) “**existing school board**” means any confessional school board and any school board or regional school board, whether for Catholics or for Protestants, as it exists on the date of publication of the order respecting territorial division made pursuant to section 111;

“new school board” (2) “**new school board**” means any French-language or English-language school board or regional school board established by the order respecting territorial division.

DIVISION II

PROVISIONAL COUNCIL

§ 1.—*Establishment and composition*

Provisional council **510.** Existing school boards, except regional school boards, whose territory is wholly or partially within that of a new school board shall, within 45 days from the date of publication of the order respecting territorial division, agree upon the establishment and composition of a provisional council for the new school board which is not a regional school board.

Notification of commissioners The commissioners shall be notified by the person appointed in writing by the Minister, or by his delegate, by means of a public notice

served in accordance with sections 397 and 398 not less than seven clear days before the day of the meeting to establish a provisional council.

Public
notice

Copy of the public notice is sent by registered or certified mail to every commissioner of the school boards contemplated in the first paragraph.

Composition

511. Every provisional council shall be composed of commissioners elected by universal suffrage and at least two commissioners representing the parents' committee of every existing school board other than a regional school board.

Representa-
tion

512. The composition of a provisional council is also subject to the following rules:

(1) every existing school board must be represented by at least two commissioners;

(2) the commissioners of each existing school board must be in proportion to the number of students who, on 30 September in the year preceding the year of publication of the order respecting territorial division, attend public schools at which the language of instruction is that of the new school board and which are situated in the territory of the new school board.

Council
established
by Minister

513. If the existing school boards fail to establish or to complete the establishment of a provisional council within the time prescribed in section 510, the Minister of Education shall provide therefor, within 30 days, under the rules established in this division.

Members
delegated

514. Once the provisional councils of the new school boards forming part of a new regional school board are established, each provisional council shall, where applicable, delegate five of its members in order to establish a provisional council for the new regional school board.

Provisions
applicable

Section 511 and paragraph 2 of section 512 apply, adapted as required.

Legal
personality

515. The provisional council is a public legal person having the powers necessary for the discharge of the functions vested in it under this chapter.

§ 2.—*Functions and powers*Preliminary
measures

516. The provisional council is responsible for taking the preliminary measures leading to the operation of the new school board in its territory from 1 July in the year following the year of publication of the order respecting territorial division and the measures necessary for organizing the first school year commencing on that date.

Duties

For this purpose, the provisional council shall exercise the duties and powers of the new school board as if it were the council of commissioners thereof.

Staff

517. The provisional council may, for its purposes, requisition staff from the existing school boards, but only after obtaining their authorization.

Director
general

The provisional council shall appoint the director general of the new school board, subject to the norms of transfer and reassignment prescribed by regulation of the Government pursuant to section 451.

Taking
office

The director general shall take office upon his appointment and shall remain in office until a person is appointed by the council of commissioners of the new school board to hold that office.

Delegation
of powers

518. The provisional council may, by by-law, delegate the exercise of certain of its powers and functions to the director general.

Rights of
ownership

519. The provisional council, in co-operation with the other provisional councils concerned, or with the confessional school boards where such is the case, shall decide as to the allocation of the rights of ownership in the immovables of the existing school boards situated in the territory of the new school board.

Registration

Registration of the transfer of ownership of immovables shall be made in accordance with the provisions of section 121.

Allocation
of immov-
ables

520. The provisional council shall establish a three-year plan of allocation and destination of immovables distributed to the new school board.

Deeds of
establish-
ment

The provisional council shall then establish the list of schools and adult education centers operated by the new school board and issue deeds of establishment to them.

Effect

The deeds of establishment have effect from 1 July in the year following the year of publication of the order respecting territorial division.

Recognition

A school established in premises or in immovables which, on 30 June of that year, had been placed at the disposal of a school recognized as Catholic or Protestant, shall retain this recognition until the Catholic committee or the Protestant committee repeals it of its own initiative or at the request of the provisional council or the new school board.

Allocation
of rights

521. The provisional council, in co-operation with the other provisional councils concerned, or with confessional school boards, where such is the case, shall decide as to the allocation of the rights, other than the rights of ownership in immovables, and obligations of the existing school boards situated wholly or partly within the territory of the new school board.

Personnel
transfer and
reassignment

522. The provisional council, in co-operation with the other provisional councils concerned, or with confessional school boards, where such is the case, shall establish a plan of reassignment of personnel of the existing school boards to the new school boards in accordance with the terms and conditions of transfer and reassignment that are contained in the applicable collective agreements, or, in the case of personnel who are not members of a certified association, that are provided by regulation of the Government; every plan of reassignment is subject to the approval of the Minister.

Additional
responsibi-
lities

523. In addition, the provisional council shall

(1) see to the establishment of the advisory committees of the new school board;

(2) allocate the educational services among the schools and, as the case may be, among the adult education centres;

(3) establish criteria for the enrolment of students and provide for the enrolment for the school year following the year of publication of the order respecting territorial division;

(4) allocate financial resources among the schools;

(5) establish the budget of the schools and the adult education centres;

(6) adopt the budget of the new school board for the school year commencing in the year following that of the publication of the order respecting territorial division and submit it for the Minister's approval;

(7) fix the school tax rate for that school year, for which purpose sections 302 to 353 apply, adapted as required, to the provisional council; in the case of school boards of the Island of Montréal and the Conseil scolaire de l'île de Montréal, sections 434 to 444 apply, adapted as required.

DIVISION III

EXISTING SCHOOL BOARDS

Restriction **524.** No existing school board may, from the establishment of a provisional council, validly contract an obligation extending beyond 30 June in the year following the year of the coming into force of the order respecting territorial division or having effect after that date, except with the authorization of the provisional council of the new school board.

Recommendation During the period contemplated in the first paragraph, every existing school board must, in each case where it is required to obtain the authorization of the Minister of Education, forward to the provisional council of the new school board a copy of the application regarding which the provisional council may make any recommendation it deems expedient to the Minister relating to the matter.

Notice to owner **525.** Every existing school board shall ensure a notice is mailed to every owner of a taxable immovable who is a natural person and who is not enrolled or who has no child enrolled in a school board within the territory where the immovable is situated, requesting him to inform it of the name of the school board to which he elects to pay school taxes for the following year.

Content The notice shall specify that if the owner fails to so elect, he will be taxed proportionately by the interested school boards, according to law.

Return of notice The owner shall return the notice duly completed. If he fails to do so, he shall be taxed in accordance with section 307.

Entry on assessment roll When the owner gives notice of his election, the school board shall inform the municipality, within the meaning of the Act respecting municipal taxation, of that election and the municipality shall assure its entry on the assessment roll for the municipal fiscal year contemplated.

Additional costs Where the notice prescribed in this section is mailed along with the school tax bill by the municipal corporation or the municipality

collecting the school tax, the existing school board shall bear the additional costs incurred by the mailing of that notice.

Responsibilities

526. Every existing school board shall

(1) make an inventory of its rights and obligations and transmit it to the provisional council of the new school board in its territory within the time and in the manner prescribed by the provisional council;

(2) furnish to the provisional council of the new school board in its territory any information or document it may require for the performance of its functions;

(3) fulfil the obligations prescribed in this chapter with respect to the provisional council of each interested new school board, where it is situated in the territory of more than one new school board.

End of existence

527. All existing school boards, except the confessional school boards, cease to exist on 1 July in the year following the year of publication of the order respecting territorial division.

DIVISION IV

ELECTION OF THE FIRST COMMISSIONERS

Act applicable

528. The Act respecting school elections applies to the election of the first commissioners of the new school board.

Electoral divisions

529. The provisional council shall divide the territory of the new school board into electoral divisions in accordance with the rules prescribed in the Act respecting school elections.

Polling date

The Government shall prescribe, by order, the polling date and the dates of the various steps leading to the polling. The order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Taking office

530. The first commissioners shall take office on 1 July in the year following that of the publication of the order respecting territorial division and shall alone exercise the duties and functions of the council of commissioners until the representatives of the parents' committee are elected.

Term

They shall remain in office until the date prescribed for the next general election.

DIVISION V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Sums
required

531. The sums required for the application of this chapter are taken out of the sums that the existing school boards are required to pay to the provisional council; the sums are determined by the provisional council with the approval of the Minister of Education and must be taken out of the revenues provided for in the budget of each existing school board, according to the terms and conditions determined by the Minister of Education.

Information
and
assistance

532. The Minister shall see that the provisional councils of the new school boards receive the information and assistance necessary for the carrying into effect of this chapter in their territory.

Dispute

533. The Minister shall rule on any dispute between the provisional councils and the existing school boards except disputes respecting the transfer and reassignment of personnel who are members of a certified association within the meaning of the Labour Code or personnel for whom a regulation of the Government, enacted pursuant to section 451, provides a special recourse.

Decision

Where the dispute is between a provisional council and a confessional school board, the Minister shall ensure that his decision does not deprive the confessional school board of the property necessary for its continued operation.

End of
existence

534. The provisional council of every existing school board ceases to exist on 1 July in the year following the year of publication of the order respecting territorial division.

Assumption
of rights
and obliga-
tions

On that date, the rights and obligations of the provisional council become the rights and obligations of the new school board, and any act performed by the provisional council is binding upon the new school board as if it itself had performed it.

Assumption
of rights
and obliga-
tions

535. On 1 July in the year following the year of publication of the order respecting territorial division, the rights and obligations of any existing school board become the rights and obligations of the new school boards having jurisdiction in its territory, to the extent provided in the plan of allocation of rights and obligations established under sections 519 and 521.

Transfer and
reassignment
of employees

536. On 1 July in the year following the year of publication of the order respecting territorial division, the employees of existing

school boards become employees of the new school boards, in accordance with the transfer and reassignment plan devised for that purpose by the provisional council, subject to the rights and obligations of the existing school boards and their employees and, as regards employees within the meaning of the Labour Code and the certified associations representing them, subject to the provisions of the Labour Code.

Deficit
or expense

537. Any accumulated deficit on 30 June 1980 of an existing school board or an expense of an existing board resulting from a judgment by a court or the Bureau de révision de l'évaluation foncière or from an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the existing school board that incurred the deficit or expense.

Special
tax

Notwithstanding sections 308, 440 and 444, the special tax is not subject to the approval of the electors.

Bonded
debt

538. Any bonded debt of an existing school board becomes the bonded debt of the new school board in accordance with the allocation under section 521.

Special
tax

The school tax levied by the existing school boards to discharge the bonded debt contracted before 1 July 1980 becomes, in accordance with the rules referred to in the first paragraph, a special tax of the new school board. The special tax is levied in the whole territory of the new school board according to the initial conditions and, notwithstanding sections 308 and 440, is not subject to the approval of the electors.

Continuance
in office

539. The members of the Conseil scolaire de l'île de Montréal in office on 30 June of the year following the year of publication of the order respecting territorial division shall remain in office until they are replaced or reappointed.

Transitional
provision

540. The Government may, by regulation, adopt any other transitional provision to remedy any omission in order to ensure the carrying out of this Act in the territory of a new school board on 1 July in the year following the year of publication of the order respecting territorial division.

Coming into
force

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later

date fixed therein. A regulation may, however, once published and if it so provides, apply from any date not prior to the date of publication of the order respecting territorial division.

CHAPTER XI

CONCORDANCE PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

c. A-2.1,
s. 6, am.

541. Section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing the first paragraph by the following paragraph:

School
bodies

“6. School bodies include regional school boards, the Conseil scolaire de l’île de Montréal, general and vocational colleges, the Université du Québec and its branches, research institutes and schools of higher education.”

ACT RESPECTING THE CREE REGIONAL AUTHORITY

c. A-6.1,
schedule,
am.

542. The schedule to the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) is amended by replacing, in the fifth line of paragraph 1, the words “or school corporation in Canada” by the words “corporation, by a school board in Canada or by the Conseil scolaire de l’île de Montréal”.

ARCHIVES ACT

c. A-21.1,
schedule,
am.

543. The schedule to the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing paragraph 6 by the following paragraph:

“(6) School boards, the Conseil scolaire de l’île de Montréal, general and vocational colleges, universities, institutions declared to be of public interest or recognized for purposes of grants under the Act respecting private education (R.S.Q., chapter E-9) and any other educational institution not less than one-half of whose operating costs are paid out of appropriations appearing in the estimates tabled in the National Assembly;”.

ACT RESPECTING THE NATIONAL ASSEMBLY

c. A-23.1,
s. 57,
replaced

544. Section 57 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is replaced by the following section:

Incompatibility

“57. The office of member of a municipal council or a school board is incompatible with the office of Member.”

ACT RESPECTING INSURANCE

c. A-32,
s. 93.247,
am.

545. Section 93.247 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing, in paragraph 3, the words “or school corporation of Québec” by the words “corporation, by a school board of Québec or by the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING THE BUREAU DE LA STATISTIQUE

c. B-8,
s. 7, am.

546. Section 7 of the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8) is amended by replacing, in the third line, the words “, school or other corporation” by the words “corporation or other corporation, with any school board, with the Conseil scolaire de l’île de Montréal,”.

CHARTER OF THE FRENCH LANGUAGE

c. C-11,
s. 79, am.

547. Section 79 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the second paragraph by the following paragraph:

Instruction
in English

“However, every school body shall, where necessary, avail itself of section 213 of the Education Act (1988, chapter 84) to arrange for the instruction in English of any child declared eligible therefor.”

c. C-11,
s. 88, am.

548. Section 88 of the said Act is amended

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

Instruction
to the Cree
and Inuit

“88. Notwithstanding sections 72 to 86, in the schools under the jurisdiction of the Cree School Board or the Kativik School Board, according to the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), the languages of instruction shall be Cree and Inuktitut, respectively, and the other languages of instruction in use in the Cree and Inuit communities in Québec on the date of the signing of the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (R.S. Q., chapter C-67), namely, 11 November 1975.”;

(2) by adding, at the end of the fourth paragraph, the following sentence: “For the purposes of the second paragraph of section 79, a reference to the Education Act is a reference to section 450 of the Education Act for Cree, Inuit and Naskapi Native Persons”.

c. C-11,
s. 208.1, am.

549. Section 208.1 of the said Act is amended by replacing, in the second and third lines of the first paragraph, the words “school commissioner or trustee” by the words “school board commissioner”.

c. C-11,
schedule,
am.

550. The schedule to the said Act is amended by replacing, in section A, paragraph *c* of subsection 3 by the following paragraph:

“(c) the school bodies:

The school boards and the Conseil scolaire de l’île de Montréal.”

CITIES AND TOWNS ACT

c. C-19,
s. 500,
replaced

551. Section 500 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced by the following section:

Collecting
school tax

“500. The municipal council having jurisdiction to send municipal tax bills in the territory of the school board or a part thereof may, by agreement with the school board, order the treasurer to collect the school taxes levied on the immovables situated on their common territory.

Levying
procedure

Levying of these taxes shall be carried out in accordance with sections 311 to 324 of the Education Act (1988, chapter 84).”

c. C-19,
s. 502,
repealed

552. Section 502 of the said Act is repealed.

CODE OF CIVIL PROCEDURE

c. C-25,
a. 629, am.

553. Article 629 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the second paragraph by the following paragraph:

“The declaration of a municipality may be made by its treasurer or its clerk or secretary-treasurer without a power of attorney; the declaration of a school board may be made by its director general without a power of attorney.”

c. C-25,
a. 696, am.

554. Article 696 of the said Code is amended by replacing, in the second line of paragraph 4, the words “or school corporations” by the words “corporations, school boards or the Conseil scolaire de l’île de Montréal”.

MUNICIPAL CODE OF QUÉBEC

c. C-27.1,
s. 986,
replaced

555. Section 986 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is replaced by the following section:

“986. The municipal council having jurisdiction to send municipal tax bills in the territory of the school board or a part thereof may, by agreement with the school board, order the secretary-treasurer to collect the school taxes levied on the immovables situated on their common territory.

Levying of these taxes shall be carried out in accordance with sections 314 to 324 of the Education Act (1988, chapter 84).”

c. C-27.1,
s. 1022, am. **556.** Section 1022 of the said Code is amended by replacing, in the fourth line of subparagraph 4 of the first paragraph, the words “secretary-treasurer of the school commissioners or trustees” by the words “director general of the school board concerned”.

c. C-27.1,
s. 1023, am. **557.** Section 1023 of the said Code is amended by replacing, in the second and third lines of the second paragraph, the words “the school municipality within which are situated such immovables” by the words “each school board having jurisdiction in the territory where such immovables are situated”.

c. C-27.1,
s. 1024, am. **558.** Section 1024 of the said Code is amended by replacing, in the first and second lines of the first paragraph, the words “secretary-treasurer of the school commissioners or school trustees” by the words “director general of a school board”.

GENERAL AND VOCATIONAL COLLEGES ACT

c. C-29,
s. 6.1,
replaced **559.** Section 6.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

Transporta-
tion agree-
ment **“6.1** A college may make an agreement, with a school board which provides student transportation, under section 294 of the Education Act (1988, chapter 84) for the bussing of the persons who attend such college, and claim from them payment of the cost incurred by the college under section 296 of that Act.”

c. C-29,
s. 6.3,
replaced **560.** Section 6.3 of the said Act is replaced by the following section:

Applicable
provisions **“6.3** Sections 291, 297 and 298 of the Education Act and the regulations under section 453 of that Act apply, adapted as required, to every college that itself organizes the bussing of the persons who attend the college.”

ACT RESPECTING THE COMMISSION MUNICIPALE

c. C-35,
s. 65, am.

561. Section 65 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended

(1) by replacing, in the third and fourth lines of the first paragraph, the words “the corporation of school commissioners or school trustees of the school municipality in which each” by the words “each school board having jurisdiction over the territory in which an”;

(2) by replacing, in the first line of the second paragraph, the word “corporation” by the words “school board”.

ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

c. C-37,
s. 14, am.

562. Section 14 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37) is amended by replacing the words “, the Deputy Minister of Education and the school inspectors,” in the sixth and seventh lines of the first paragraph by the words “and the Deputy Minister of Education”.

ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

c. C-37.1,
s. 196, am.

563. Section 196 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is amended by replacing paragraph 3 by the following paragraph:

School
bussing
contract

“(3) The Transit Commission may make a contract for school bussing within the scope of the Education Act (1988, chapter 84), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Jurisdiction

The Transit Commission has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the Commission operates.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

c. C-37.2,
s. 290,
replaced

564. Section 290 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following section:

Student
transporta-
tion

“**290.** The corporation may make a contract for student transportation within the scope of the Education Act (1988, chapter 84), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Jurisdiction
outside its
territory

The corporation is empowered to carry out, outside its territory, a contract entered into with a school board provided that the territory of the school board coincides with the territory of the corporation, of a municipality or of an intermunicipal board of transport served by the corporation pursuant to a contract."

c. C-37.2,
s. 330, am.

565. Section 330 of the said Act is amended by replacing, in the fourth line of the first paragraph, the words "school municipality" by the words "school board".

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

c. C-37.3,
s. 216, am.

566. Section 216 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing paragraph 3 by the following paragraph:

School
bussing
contract

"(3) The Commission de transport may make a contract for school bussing within the scope of the Education Act (1988, chapter 84), of the Act respecting private education (R.S.Q., chapter E-9) and of the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Jurisdiction

The Commission de transport has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the Commission operates under section 169."

CHARTERED ACCOUNTANTS ACT

c. C-48,
s. 28, am.

567. Section 28 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by adding, after the first paragraph, the following paragraph:

Accounts
audit

"Nothing in this Act shall prevent a member of a professional corporation of accountants referred to in the Professionnal Code (R.S.Q., chapter C-26) from auditing the accounts of school boards."

ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION

c. C-60,
s. 22,
replaced

568. Section 22 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is replaced by the following section:

Duties

"22. It shall be the duty of such committees:

(a) to make regulations respecting Catholic or Protestant moral and religious instruction, Catholic pastoral care and guidance and Protestant religious care and guidance, in educational institutions;

(b) to make regulations respecting the qualifications of the teaching staff which provides Catholic or Protestant moral and religious instruction, and of the teaching staff which provides Catholic pastoral care and guidance or Protestant religious care and guidance, in educational institutions;

(c) to approve, for Catholic or Protestant moral and religious instruction, the curricula, educational guides, textbooks, teaching material or classes of teaching material;

(d) to approve, for Catholic pastoral care and guidance or Protestant religious care and guidance, the handbooks of objectives and the accompanying teachers' guides;

(e) to make regulations to recognize educational institutions as either Catholic or Protestant and to ensure their confessional character;

(f) to recognize educational establishments as either Catholic or Protestant and to revoke such recognition when necessary;

(g) to make recommendations to the Council, the Minister of Education or the Minister of Higher Education and Science respecting any matter within their competence.

Coming into
force

The regulations made under this section shall come into force after approval by the Government."

c. C-60,
s. 23,
replaced

569. Section 23 of the said Act is replaced by the following section:

Powers

"23. Such committees may:

(a) give an opinion, from the point of view of religion and morals, to the Minister of Education respecting the curricula, textbooks, teaching material or classes of teaching material that the Minister adopts or approves for instruction other than Catholic or Protestant moral or religious instruction; the Minister shall transmit such documents to them not less than 60 days before their adoption or approval;

(b) receive and hear the requests and suggestions of associations and institutions and of any person respecting any matter within their competence;

(c) cause to be carried out such studies and research as they deem necessary or useful for the pursuit of their objects;

(d) make for their internal management regulations which shall be subject to the approval of the Government.”

c. C-60,
s. 30, am.

570. Section 30 of the said Act is amended by adding, at the end, the following paragraph:

Examina-
tion by
Council

“Notwithstanding the foregoing, the matters referred to in this section and governed by the Education Act (1988, chapter 84) are subject to examination by the Council in accordance with that Act.”

c. C-60,
s. 31,
replaced

571. Section 31 of the said Act is replaced by the following section:

Provisions
applicable

“31. The provisions of this Act which grant rights and privileges to a religious confession shall apply despite sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).”

c. C-60,
s. 32,
replaced

572. Section 32 of the said Act is replaced by the following section:

Exception

“32. The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph a of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

c. C-61.1,
s. 151, am.

573. Section 151 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by replacing, in the third line of subparagraph 2 of the first paragraph, the words “any municipal or school corporation” by the words “a municipal corporation, a school board or the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING SECURITY FUND CORPORATIONS

c. C-69.1,
s. 36, am.

574. Section 36 of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is amended by replacing, in paragraph 3, the words “or school corporation in Québec” by the words “corporation or a school board in Québec or by the Conseil scolaire de l’île de Montréal”.

c. C-69.1,
s. 38, am.

575. Section 38 of the said Act is amended by replacing, in the seventh line, the words “or school corporations” by the words “corporations, school boards, the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

c. C-70,
s. 66,
replaced

576. Section 66 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is replaced by the following section:

School
bussing
contract

“66. The corporation may make a contract for school bussing within the scope of the Education Act (1988, chapter 84), the Act respecting private education (R.S.Q., chapter E-9) and the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Jurisdiction

The corporation has jurisdiction to carry out, even outside its territory, any contract it has made with a school board, provided the territory of that school board is comprised in the territory in which the corporation operates under sections 4 and 67.”

FORESTRY CREDIT ACT

c. C-78,
s. 46.2, am.

577. Section 46.2 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing, in the second line of the first paragraph, the words “and school corporations” by the words “corporations, school boards and the Conseil scolaire de l’île de Montréal”.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

c. C-78.1,
s. 55, am.

578. Section 55 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing, in the second line of the first paragraph, the words “and school corporations” by the words “corporations, school boards and the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

c. D-7, title,
replaced

579. The title of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is replaced by the following title:

“An Act respecting municipal debts and loans”.

c. D-7,
s. 15, am.

580. Section 15 of the said Act is amended

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

(2) by striking out, in the second and third lines of the first paragraph, the words “or the Conseil scolaire de l’île de Montréal,”;

(3) by striking out, in the fifth line of the first paragraph, the words “or Council”;

(4) by striking out, in the seventh and eighth lines of the first paragraph, the words “or the Minister of Education”;

(5) by striking out, in the thirteenth line of the first paragraph, the words “or the Minister of Education”;

(6) by striking out, in the first and second lines of the second paragraph, the words “or school”.

c. D-7,
s. 15.1, am.

581. Section 15.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

Information
required

“15.1 The Government may, by regulation, determine the nature and the form of the information to be given to the Minister of Finance and to the Minister of Municipal Affairs, for the purposes of the carrying out of the first paragraph of section 15, as well as the time when the information must be given.”

c. D-7,
s. 16, am.

582. Section 16 of the said Act is amended by striking out the words “, and the words “school corporation” include any corporation of school commissioners or school trustees, the Conseil scolaire de l’île de Montréal, and, generally, any body entrusted with the administration of schools in any part of Québec”.

c. D-7,
s. 17, am.

583. Section 17 of the said Act is amended by striking out the words “or school” in the first line.

c. D-7,
s. 20, am.

584. Section 20 of the said Act is amended by striking out the second paragraph.

c. D-7,
s. 21, am.

585. Section 21 of the said Act is amended

(1) by striking out, in paragraph 1, the words “, and it likewise includes every corporation of school commissioners or of school trustees, the Conseil scolaire de l’île de Montréal, and, generally, every commission and every board incorporated for the administration of schools in Québec”;

(2) by striking out, in paragraph 2, the words “, of the Conseil scolaire de l’île de Montréal, any school commissioner or school trustee, any member of a commission or board incorporated for the administration of schools in Québec,”.

c. D-7,
s. 23, am.

586. Section 23 of the said Act is amended by replacing the words “or school corporation or the Conseil scolaire de l’île de Montréal”, in the first and second lines, by the word “corporation”.

c. D-7,
s. 26, am.

587. Section 26 of the said Act is amended by striking out the words “or school” in the first line of the first paragraph.

c. D-7,
s. 26.1,
repealed

588. Section 26.1 of the said Act is repealed.

c. D-7,
s. 36, am.

589. Section 36 of the said Act is amended

(1) by replacing the words “or school corporation or the Conseil scolaire de l’île de Montréal” in the first and second lines of the first paragraph by the word “corporation”;

(2) by striking out the words “, or under the oath of office of the chairman and that of the secretary-treasurer, in the case of a school corporation” at the end of the first paragraph.

c. D-7,
s. 42, am.

590. Section 42 of the said Act is amended by striking out the words “, or the president or secretary-treasurer of a school board, or the Conseil scolaire de l’île de Montréal” in the first, second and third lines.

c. D-7,
s. 44,
repealed

591. Section 44 of the said Act is repealed.

ACT RESPECTING PUBLIC ELEMENTARY AND SECONDARY EDUCATION

c. E-8.1,
repealed

592. The Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1) is repealed.

ACT RESPECTING PRIVATE EDUCATION

c. E-9,
s. 1, am.

593. Section 1 of the Act respecting private education (R.S.Q., chapter E-9) is amended

(1) by replacing subparagraph *a* by the following subparagraph:

“general
education”

“(a) “general education”: pre-school education and elementary and secondary education within the meaning of the Education Act (1988, chapter 84) and the regulations thereunder, and all education at the college level, within the meaning of the regulations contemplated in section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), of which the immediate object is not preparation for the practice of a vocation or trade and which enables the student to pursue studies at a higher level;”;

(2) by replacing subparagraph *h* by the following subparagraph:

“(h) “official curriculum”: a curriculum governed by the regulations contemplated in section 18 of the General and Vocational Colleges Act;”;

(3) by striking out subparagraph *j*.

594. Section 14.1 of the said Act is amended by striking out the words “, the regional school boards, the Conseil scolaire de l’île de Montréal” in the fourth and fifth lines of the second paragraph.

595. Section 17.1 of the said Act is amended by striking out the words “, the regional school boards, the Conseil scolaire de l’île de Montréal” in the fourth and fifth lines of the second paragraph.

596. Section 21 of the said Act is replaced by the following section:

“21. In computing the grants contemplated in sections 14.4, 17.4 and 20, however, no account shall be taken of students for whom a school board assumes the tuition fees under an agreement concluded pursuant to section 213 of the Education Act or section 450 of the Education Act in respect of Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), or of students in whose respect a contract for services contemplated in section 67 of this Act is made, or of students registered in self-improvement courses.”

597. Section 31 of the said Act is replaced by the following section:

“31. Every institution of general education must:

(a) comply with the provisions of the Education Act and the regulations thereunder or under the General and Vocational Colleges Act respecting the conditions for admission of students to studies at the level of education that it gives;

(b) employ teachers having the required qualifications within the meaning of the regulations made under section 456 of the Education Act or section 18 of the General and Vocational Colleges Act;

(c) present its students for the final tests of the levels concerned held by the Minister or under his authority.”

598. Section 34 of the said Act is replaced by the following section:

Secondary
curriculum

“34. Every institution of general education at the secondary level must offer, in accordance with the Education Act, the range of compulsory subjects provided for in the basic school regulations (*régime pédagogique*) and dispense the curricula of such level established by the Minister.

Local
curriculum

Nevertheless, after obtaining the advice of the Commission, the Minister may authorize an institution of general education to give a part only of the compulsory subjects provided for in the basic school regulations (*régime pédagogique*) or to replace a curriculum established by the Minister by a local curriculum.”

c. E-9,
s. 38,
replaced

599. Section 38 of the said Act is replaced by the following section:

Curricula

“38. An educational institution for handicapped children shall comply with the official curricula established by the Minister under the Education Act and employ teachers having the required qualifications within the meaning of the regulations made under section 456 of the Education Act.”

c. E-9,
s. 42,
replaced

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

Permit
obligations

“42. The permit shall oblige the institution holding it

(a) to dispense the curricula established by the Minister under the Education Act for each vocational specialty contemplated in the permit or to dispense the curricula adopted under the regulations contemplated in section 18 of the General and Vocational Colleges Act for each vocational specialty contemplated in the permit;

(b) to employ teachers who possess the required qualifications within the meaning of the regulations contemplated in section 456 of the Education Act or section 18 of the General and Vocational Colleges Act;

(c) to present its students for the final tests held by the Minister or under his authority.”

c. E-9,
s. 43,
replaced

601. Section 43 of the said Act is replaced by the following section:

Subjects
equivalent to
vocational
specialty

“43. The Minister of Education may, however, after obtaining the advice of the Commission, recognize a range of subjects appropriate to the institution for which he issues a permit as equivalent to the range of subjects of a vocational specialty established under the Education Act.

Official
curriculum

The Minister of Higher Education and Science may, in the same manner, recognize the curriculum of an institution as equivalent to an official curriculum."

c. E-9,
s. 44, am.

602. Section 44 of the said Act is amended by inserting the words "or curriculum established by the Minister in respect of the secondary level" after the words "official curriculum".

c. E-9,
s. 45, am.

603. Section 45 of the said Act is amended by striking out the words ", provided that it admits thereto only pupils who have, where necessary, met the requirements of section 256 of the Education Act (chapter I-14)" at the end.

c. E-9,
s. 46, am.

604. Section 46 of the said Act is amended by replacing the numbers "256" and "257" by the numbers "14" and "15".

c. E-9,
s. 48,
replaced

605. Section 48 of the said Act is replaced by the following section:

Publicity or
advertising

"48. No person, in his publicity or advertising, or when giving information, shall advertise or lead to the belief that a self-improvement institution prepares its students for the practice of a vocation or trade or leads to an examination, certificate, diploma or other official accreditation awarded by the Minister of Education or the Minister of Higher Education and Science."

c. E-9,
s. 56, am.

606. Section 56 of the said Act is amended by adding the following subparagraph after subparagraph *e*:

"(f) furnish the Minister with the information that he requests for the exercise of his functions and powers, at the time and in the form that he determines."

c. E-9,
s. 59,
replaced

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

Agreement

"59. An institution may make an agreement with a school corporation under section 294 of the Education Act for the transportation of persons who attend such institution and claim from them payment of the cost incurred by the institution under section 296 of that Act."

c. E-9,
s. 59.2,
replaced

608. Section 59.2 of the said Act is replaced by the following section:

Applicability

"59.2 Sections 291, 297 and 298 of the Education Act and the regulations under section 453 of the said Act, adapted as required,

apply to every institution that, itself, provides transportation for the persons attending the institution.”

c. E-9,
s. 59.3,
replaced

609. Section 59.3 of the said Act is replaced by the following section:

Bussing
subsidies

“59.3 The Minister of Transport may grant a subsidy for the bussing of students who attend an institution, designated by him, declared to be of public interest. To that end, on a yearly basis, after consultation with the Minister of Education, he shall establish and submit for the approval of the Conseil du trésor budgetary rules for determining the amount of the subsidies granted for the bussing of such students.

General or
specific
standards

The budgetary rules may provide that a subsidy may be granted on the basis of general standards intended for all the students bussed or on the basis of specific standards intended only for certain students among them.

General or
specific
conditions

The budgetary rules may provide that the granting of a subsidy may be subject to general conditions applicable to all the institutions declared to be of public interest or to specific conditions applicable to one or more of such institutions in particular.

Minister's
authorization

The budgetary rules may also provide that the granting of a subsidy may be subject to the authorization of the Minister of Transport or that a subsidy may only be granted to one or more institutions in particular that have been declared of public interest.

Information

In such time and form as the Minister may determine, the institution shall furnish the Minister of Transport with the information he requests in relation to subsidies.”

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

c. E-20.1,
s. 25, am.

610. Section 25 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing, in the first and second lines of subparagraph *a* of the second paragraph, the words “municipal and school corporations” by the words “municipal corporations, school boards”.

c. E-20.1,
s. 26, am.

611. Section 26 of the said Act is amended by replacing, in the second and third lines of paragraph *a*, the words “municipal and school corporations,” by the words “municipal corporations, school boards,”.

EXPROPRIATION ACT

c. E-24,
s. 37, am.

612. Section 37 of the Expropriation Act (R.S.Q., chapter E-24) is amended by striking out, starting in the fifth line, the words “, and a school board includes a regional school board, a protestant central school board, the Bureau métropolitain des écoles protestantes de Montréal, the Bureau des écoles protestantes de Québec métropolitain, the Commission des écoles catholiques de Québec, the Commission des écoles catholiques de Montréal and all school boards governed by the Education Act (chapter I-14).”

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 1, am.

613. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the definition of the words “school board”;

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

Conseil
scolaire
de l'île de
Montréal

“For the purposes of this Act, the Conseil scolaire de l'île de Montréal is classified as a school board.”

c. F-2.1,
s. 153, am.

614. Section 153 of the said Act is amended by replacing, in the second paragraph, the word “secretary-treasurer” by the words “director general”.

c. F-2.1,
s. 177, am.

615. Section 177 of the said Act is amended by replacing paragraph 6 by the following paragraph:

“(6) that contemplated in paragraph 15 of that section has effect from the next school fiscal period;”.

c. F-2.1,
s. 180, am.

616. Section 180 of the said Act is amended by replacing, in the third paragraph, the word “secretary-treasurer” by the words “director general”.

c. F-2.1,
s. 495,
replaced

617. Section 495 of the said Act is replaced by the following section:

Limits on
taxation
power

“495. No school board may exercise a taxation power except within the limits provided by this Act and the Education Act (1988, chapter 84) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), notwithstanding any general law or special Act or any charter conferring such power upon it.”

c. F-2.1,
s. 501,
repealed

618. Section 501 of the said Act is repealed.

HYDRO-QUÉBEC ACT

c. H-5,
s. 40, am.

619. Section 40 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing, in the third and fourth lines of the third paragraph, the words “corporations of school commissioners, trustees or administrators” by the words “school boards”.

EDUCATION ACT

c. I-14, title,
replaced

620. The title of the Education Act (R.S.Q., chapter I-14) is replaced by the following title:

“The Education Act for Cree, Inuit and Naskapi Native Persons”.

c. I-14,
s. 568, am.

621. Section 568 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

“Crees”

“(a) “Crees” mean Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1);”;

(2) by replacing paragraph *c* by the following paragraph:

“Cree Native
party”

“(c) “Cree Native party” means the Cree Regional Authority created under the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) or any successive authority;”.

c. I-14,
s. 569, am.

622. Section 569 of the said Act is amended by replacing the first paragraph by the following paragraph:

“Cree school
municipality”

“569. The Government may constitute a school municipality under the name of the “Cree school municipality”, comprising the Category I lands of the Cree communities of Great Whale River (Whapmagoostoo), Fort George (Chisasibi), Nouveau Comptoir (Wemindji), Eastmain, Fort Rupert (Waskaganish), Nemiscau, Waswanipi, Mistassini, and the Category I lands of every Cree community that may in future be constituted as a local government under section 12 of the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1983-84, chapter 18).”

c. I-14,
s. 571, am.

623. Section 571 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Oaths or
solemn
declarations

“The oaths or solemn declarations contemplated in section 4 may also be administered or received by the chief of a band incorporated under the Cree-Naskapi (of Quebec) Act.”

c. I-14,
s. 572,
replaced

624. Section 572 of the said Act is replaced by the following section:

Jurisdiction

“572. To the exclusion of all other school boards, the school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education

(a) within the territorial limits of the school municipality, in respect to Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., chapter A-33.1) and in respect to all persons who are ordinarily resident therein or within Category III lands surrounded by Category I lands except for the Inuit population of Great Whale River; and

(b) in Category II lands, in respect to Cree beneficiaries.”

c. I-14,
s. 573,
replaced

625. Section 573 of the said Act is replaced by the following section:

Exception

“573. The school board shall not have jurisdiction over settlements that do not belong to Cree beneficiaries in Category II lands.”

c. I-14,
s. 575, am.

626. Section 575 of the said Act is amended by replacing the words “Native persons” and “non-Native persons” in subparagraphs *e, f, g, h, k* and *l* by the words “Crees” and “non-Crees”.

c. I-14,
s. 579,
replaced

627. Section 579 of the said Act is replaced by the following section:

Composition

“579. The school board shall be composed of members designated as follows:

(1) every Cree community contemplated in section 569 shall elect or designate one commissioner to represent it;

(2) the Cree Regional Authority shall designate one commissioner from among its members.”

c. I-14,
s. 580, am.

628. Section 580 of the said Act is amended by replacing the second paragraph by the following paragraph:

Qualifications

“The qualifications to vote for or be a school commissioner shall be membership in a Cree community, possession of the age of majority and to be unaffected by any legal incapacity; however, non-Crees who are entitled to the services from the school board and who meet the qualifications specified in this Act for electors shall be entitled to vote for school commissioners.”

c. I-14,
ss. 582.1 to
582.11,
added

629. The said Act is amended by inserting, after section 582, the following sections:

Chairman

“582.1 The council of commissioners shall designate a chairman and vice-chairman among its members.

Term

The term of office of the chairman and vice-chairman shall be of one year and may be renewed.

Executive
committee

“582.2 The school board shall establish an executive committee of three members designated as follows:

(1) the chairman and vice-chairman of the school board;

(2) another member of the council of commissioners appointed every year by resolution of the council of commissioners.

Director
general

The director general of the school board is a non-voting member of the executive committee.

Executive
committee

“582.3 The executive committee, with the authorization of the council, may adopt a resolution concerning its administration and internal procedure.

Quorum

“582.4 Two members constitute a quorum of the executive committee.

Decisions

“582.5 Decisions of the executive committee are taken by a majority of the votes of the members present.

Tie-vote

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

Administra-
tion

“582.6 The executive committee shall administer the business and activities of the school board and ensure that every order, ordinance, decision, resolution and contract be faithfully and impartially observed and carried out.

Other
functions

It shall also perform the functions delegated to it in writing by the council of commissioners.

Remunera-
tion

“582.7 The chairman is entitled to the remuneration determined by the Government.

Place of
sittings

“582.8 The council shall, by resolution, fix the place of its sittings and those of the executive committee.

Means of
communica-
tion

“582.9 With the consent of a majority of the commissioners physically present at a meeting of the council of commissioners, any

commissioner may take part in the meeting and vote thereat by any means enabling all participants to communicate among themselves orally, such as the telephone.

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

Minutes The minutes of such a meeting shall indicate

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

(2) the name of every commissioner physically present at the meeting, and the names of those having agreed to proceed in this way;

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

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

Applicable provision “**582.10** Section 582.9 applies, adapted as required, to the meetings of the executive committee.

Emergency “**582.11** In the event of an emergency, the commissioners may, if they all are agreed, participate and vote at a special meeting by any means enabling all the commissioners to communicate among themselves orally, such as the telephone. They are then deemed to have attended the meeting.

Special meeting Such a meeting shall be convened by the director general.

Means of communication The minutes of the meeting must mention the fact that the meeting was held with the aid of the means of communication indicated therein and that all the commissioners agreed to such a meeting.

Applicability This section applies, adapted as required, to the meetings of the executive committee.”

**c. I-14,
s. 585, am.** **630.** Section 585 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In the preceding paragraph “local government” means, in Category IA lands, one of the bands incorporated under the Cree-Naskapi (of Quebec) Act, and in Category IB lands, one of the Cree landholding corporations established under the Act respecting

the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1)."

c. I-14,
s. 587,
replaced

631. Section 587 of the said Act is replaced by the following section:

Functions
of school
committees

"587. The functions of school committees shall be to give opinions on matters referred to them by the school board.

Consultation

The school board shall consult the school committees with respect to the following questions:

- (1) selection of teachers and principals;
- (2) school calendar and year;
- (3) changes in curriculum.

Other
functions

In addition, school committees shall perform the functions delegated to them in writing by the school board."

c. I-14,
s. 590, am.

632. Section 590 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Duties

"The community education administrator contemplated in the first paragraph shall be a member of the executive staff of the school board and shall perform the duties delegated to him in writing by the school board."

c. I-14,
s. 599,
replaced

633. Section 599 of the said Act is replaced by the following section:

Provisions
not appli-
cable

"599. The provisions of this Act respecting school taxation, school visitors, the orientation committee, the school committee, the parents' committee representative, and public notices do not apply to the school board.

Public
notice

Any public notice prescribed by this Act is given by posting it in a public place within the locality.

Posting

The notice shall explain its purpose and be posted within the time prescribed by this Act or, if not, as soon as possible."

c. I-14,
s. 603, am.

634. Section 603 of the said Act is amended by replacing the words "Fort George" in the first and second paragraphs by the word "Chisasibi".

c. I-14,
s. 604, am.

635. Section 604 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Provisions
not appli-
cable

“The provisions of this Act relating to school taxes, school visitors, the orientation committee, the school committee, the parents’ committee, the parents’ committee representative and public notices do not apply to the school board.”

c. I-14,
s. 605,
replaced

636. Section 605 of the said Act is replaced by the following section:

Jurisdiction

“**605.** The school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education.

Agreements

The school board shall also have, subject only to the annual approval of its budget by the Minister, the power to enter into agreements concerning post-secondary education for persons in its jurisdiction.”

c. I-14,
s. 609,
replaced

637. Section 609 of the said Act is replaced by the following section:

Meetings

“**609.** The Council of the school board shall determine, by resolution, the place of its meetings and those of the executive committee.”

c. I-14,
ss. 613.1,
613.2, added

638. The said Act is amended by inserting, after section 613, the following sections:

Means of
communica-
tion

“**613.1** Any commissioner may, where the majority of commissioners who are physically present at a meeting consent thereto, take part in and vote at the meeting by any means allowing all participants to communicate with each other orally, such as the telephone.

Consent

Such consent shall not be given unless there is a quorum of commissioners physically present at the site of the meeting and the president is among them.

Minutes

The minutes of such a meeting shall mention

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

(2) the name of all commissioners physically present at the site of the meeting and the names of those who consented to hold the meeting in this way;

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

Presence A commissioner who takes part in and votes at a meeting through such a means of communication shall be deemed to be present at the site where the meeting is held.

Applicability This section applies, adapted as required, to meetings of the executive committee.

Emergency **“613.2** In case of emergency, the commissioners may, if all the commissioners consent thereto, take part and vote at a special meeting by any means allowing all the commissioners to communicate with each other orally, such as the telephone. They are from that time deemed to have attended the meeting.

Special meeting Such a meeting shall be called by the director general.

Means of communication The minutes of such meeting shall mention the fact that the meeting was held with the aid of the means of communication indicated therein and was consented to by all the commissioners.

Applicability This section applies, adapted as required, to all meetings of the executive committee.”

**c. I-14,
s. 614,
replaced** **639.** Section 614 of the said Act is replaced by the following section:

Chairman **“614.** The chairman of the executive committee must devote all his time to the service of the school board and shall not have any other remunerative employment or occupation or hold any other public office, except as member of the education committee of the municipality which he represents or as regional councillor. The chairman of the executive committee shall be entitled to the remuneration fixed by the Government.”

**c. I-14,
s. 619,
replaced** **640.** Section 619 of the said Act is replaced by the following section:

Entitlement to vote **“619.** Every natural person entered on the list of electors in force and used at the poll and who is not affected during the preparation of the list of electors and at the time of voting by any disqualification contemplated by this Part, shall be entitled to vote at an election.”

**c. I-14,
s. 620,
replaced** **641.** Section 620 of the said Act is replaced by the following section:

Entry on
list of
electors

“620. Every person of full age who is a Canadian citizen shall be entitled to be entered on the list of electors if he has been domiciled or ordinarily resident in the municipality for at least twelve months before the date of the election.”

c. I-14,
s. 622,
replaced

642. Section 622 of the said Act is replaced by the following section:

Election

“622. The general election for commissioners shall be held once every three years on the third Wednesday of November.

Newly
erected
municipality

In the case of a newly erected municipality, the first school election shall be held on the date fixed by resolution of the Council of commissioners, no later than three months following the erection of such municipality. The commissioners who are elected remain in office until the next general election.”

c. I-14,
s. 622.1,
added

643. The said Act is amended by inserting, after section 622, the following section:

Election
procedure

“622.1 The procedure for electing commissioners which is described in sections 623 to 647 may be amended or replaced by ordinance of the school board.”

c. I-14,
s. 649,
replaced

644. Section 649 of the said Act is replaced by the following section:

Election
not invalid

“649. No election shall be declared invalid by reason of non-compliance with the provisions of this Part or with the ordinance made under section 622.1, in particular, regarding the delays it fixes if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Part or by the ordinance, and that such non-compliance did not affect the result of the election.”

c. I-14,
s. 653,
replaced

645. Section 653 of the said Act is replaced by the following section:

Vacancy

“653. If six months or less remain before the end of the term of a commissioner whose office is vacant, the Council may elect a person who has the qualifications required by section 615 to fill the office of the commissioner for the remainder of the term.

Election

Such election shall be by secret ballot and the director-general of the school board shall proclaim elected the person who obtains the majority of the votes of the members of the Council present. In case of a tie-vote, the president must give a casting vote.”

c. I-14,
s. 654,
replaced

646. Section 654 of the said Act is replaced by the following section:

New
election

“654. Proceedings for a new election to fill vacancies in the Council shall be taken at the first regular meeting of the Council following the vacancy if

(a) the election of the commissioner has not taken place within the time prescribed by this part; or

(b) by reason of vacancies, there remains less than a quorum of the members of the Council in office; or

(c) the Council has not availed itself of the provisions of section 653.

Procedure

Such election must be conducted in the same manner, in all respects, as a general election.”

c. I-14,
s. 657, am.

647. Section 657 of the said Act is amended

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

Composition

“The education committee shall be composed of three to eight parents residing in the community, as determined by the school board, elected every two years on the date and in accordance with the terms and conditions determined by the school board.”;

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

Members
without
right to vote

“Furthermore, if, after consulting the council of the school board, the elected members of the education committee so decide, the director of education in the municipality, the teachers’ representative, the mayor of the municipality and a delegate of the local municipal council entrusted with cultural affairs, or their duly authorized representatives, may be members of the education committee. However, the director of education and the teacher’s representative or their representatives do not have the right to vote or to be appointed chairman thereof; the mayor and the delegate entrusted with cultural affairs may vote but cannot be appointed chairman thereof.”;

(3) by replacing the last three paragraphs by the following paragraph:

Commissioner
representing
municipality

"The commissioner who represents the municipality shall be a member of the education committee with the right to vote."

c. I-14,
s. 663,
replaced

648. Section 663 of the said Act is replaced by the following section:

Curriculum
development
centre

"663. The school board may establish a curriculum development centre whose functions shall be

(1) to select courses, textbooks and teaching materials appropriate for the Inuit population and arrange for their experimental use, evaluation and eventual approval;

(2) to develop courses, textbooks and teaching materials in the Inuttituut language with a view to preserving and perpetuating the language and culture of the Inuit people;

(3) to enter into agreements with persons, institutions, colleges or universities with a view to developing courses, textbooks and teaching material corresponding to the programmes and services it offers."

c. I-14,
s. 664,
replaced

649. Section 664 of the said Act is replaced by the following section:

Inuit
culture and
language

"664. The school board may by ordinance provide for the establishment of programmes, the teaching of subjects and the use of teaching materials in Inuttituut, English and French, based on Inuit culture and Inuttituut."

c. I-14,
s. 667,
replaced

650. Section 667 of the said Act is replaced by the following section:

School
calendars

"667. The school board may establish by ordinance one or more school calendars, making use of existing rules but taking into consideration as well the special needs of its clientele. Such a calendar may consist of fewer than 180 school days provided that the time devoted to instruction remains the same."

c. I-14,
s. 669,
replaced

651. Section 669 of the said Act is replaced by the following section:

Training
courses

"669. The school board may, by ordinance, establish training courses for teachers of Inuttituut, English and French, allowing the Inuit to be qualified as elementary and secondary school teachers and non-Inuits who are called upon to teach in schools of the school board

to become familiar with the special needs of its clientele. Such courses may be given at schools of the school board or at any other place determined by the school board."

c. I-14,
s. 680,
replaced

652. Section 680 of the said Act is replaced by the following section:

Notice

"680. Any notice prescribed by this Act shall be deemed to have been given when it is posted in a public place within the community or by any other means which the Council may determine by ordinance.

Posting

Every notice shall specify its object and be posted within the time prescribed by this Act or, failing this, within the shortest time possible."

c. I-14,
s. 686, am.

653. Section 686 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

"Naskapi
local
government"

"(a) "Naskapi local government" means the Naskapi band of Québec incorporated under the Cree-Naskapi (of Québec) Act;"

(2) by replacing paragraph *e* by the following paragraph:

"Naskapi
Native
party"

"(e) "Naskapi Native party" means the Naskapi Landholding Corporation established pursuant to the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) and its successor;"

c. I-14,
s. 690, am.

654. Section 690 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Oaths or
solemn
declarations

"The oaths or solemn declarations contemplated in section 4 may also be administered or received by the Chief of the Naskapi band of Québec."

c. I-14,
s. 720,
replaced

655. Section 720 of the said Act is replaced by the following section:

Provisions
applicable

"720. The provisions of this Act which grant rights and privileges to a religious confession shall apply despite sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12)."

c. I-14,
s. 721,
replaced

656. Section 721 of the said Act is replaced by the following section:

Exception

"721. The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom)."

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

c. M-15,
s. 2,
replaced

657. Section 2 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following section:

Duties of
Minister

"2. In the fields within his jurisdiction, the Minister shall be responsible for promoting education, for ensuring the progress of educational institutions and for overseeing the quality of educational services provided by the institutions."

c. M-15,
s. 4, am.

658. Section 4 of the said Act is amended by replacing the words "commissioners and trustees" in the second paragraph by the word "boards".

c. M-15,
s. 6,
repealed

659. Section 6 of the said Act is repealed.

c. M-15,
s. 8, am.

660. Section 8 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

Duties of
associate
deputy
ministers

"Under the authority of the Minister and Deputy Minister, each associate deputy minister is responsible for ensuring that the confessional status of educational institutions recognized as Catholic or Protestant is respected and for securing the exercise of confessional rights by Catholics and Protestants in the other educational institutions.

Authority
of associate
deputy
ministers

In the exercise of the responsibilities contemplated in the third paragraph, the powers of the associate deputy minister are those of the Minister, his orders must be carried out in the same manner as those of the Minister and his official signature gives force and authority to any document relating to any matter under his jurisdiction.

Additional
powers

The associate deputy minister shall also exercise the powers of the Deputy Minister within the spheres determined by the Minister."

c. M-15,
s. 12.1,
added

661. The said Act is amended by inserting, after section 12, the following section:

Exercise
of powers

“12.1 The Government may, by regulation, authorize the Deputy Minister of Education, an associate deputy minister, an assistant deputy minister or another officer to exercise any power conferred on the Minister under any Act which is under his responsibility or any duty entrusted to the Minister pursuant thereto but, in the case of an officer, only to the extent determined by regulation.

Coming into
force

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

c. M-15,
s. 17,
replaced

662. Section 17 of the said Act is replaced by the following section:

Provisions
applicable

“17. The provisions of this Act which grant rights and privileges to a religious confession shall apply despite sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).”

c. M-15,
s. 18,
replaced

663. Section 18 of the said Act is replaced by the following section:

Exception

“18. The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

c. M-30,
s. 3.11, am.

664. Section 3.11 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) as amended by the Act respecting the Ministère des Affaires internationales (1988, chapter 41), is again amended by striking out the words “regional school board,” in the first paragraph.

PHOTOGRAPHIC PROOF OF DOCUMENTS ACT

c. P-22,
s. 1, am.

665. Section 1 of the Photographic Proof of documents Act (R.S.Q., chapter P-22) is amended by replacing paragraph *b* by the following paragraph:

“institution”

“(b) “institution” means the Gouvernement du Québec, the school boards, the federally chartered banks, insurance companies carrying on business in Québec, by virtue of a license issued under the Act respecting insurance (R.S.Q., chapter A-32), trust companies

registered under the Trust Companies Act (R.S.Q., chapter C-41) and any other society, firm or corporation to which this Act may be made applicable pursuant to an order contemplated in section 6;”.

ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN PUBLIC PLACES

c. P-38.01,
s. 6, am.

666. Section 6 of the Act respecting the protection of non-smokers in certain public places (R.S.Q., chapter P-38.01) is amended by replacing the first paragraph by the following paragraph:

School
bodies

“6. School bodies include the school boards, the schools and adult education centres governed by the Education Act (1988, chapter 84) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), the Conseil scolaire de l’île de Montréal, the general and vocational colleges, and the University of Québec and its constituent universities, research institutes and superior schools.”

ACT RESPECTING THE PROCESS OF NEGOTIATION OF COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

c. R-8.2,
s. 1, am.

667. Section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by replacing the second paragraph by the following paragraph:

School
board

“A school board includes a school board within the meaning of the Education Act (1988, chapter 84) or, subject to section 35, within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) and any other similar body designated by the Government for the application of this Act.”

c. R-8.2,
s. 30, am.

668. Section 30 of the said Act is amended

(1) by replacing the words “corporations of school trustees” in the second and third lines of paragraph 1 by the words “dissentient school boards”;

(2) by replacing the words “corporations of school trustees” in the third line of paragraph 2 by the words “dissentient school boards”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
schedule II,
am.

669. Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing the words “School boards and regional school boards within the meaning of the Education Act (chapter I-14) and

general and vocational colleges" in paragraph 1 by the words "School boards within the meaning of the Education Act (1988, chapter 84) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) and general and vocational colleges".

ACT RESPECTING SUPPLEMENTAL PENSION PLANS

c. R-17,
s. 75, am.

670. Section 75 of the Act respecting supplemental pension plans (R.S.Q., chapter R-17) is amended by adding the words "as it read on 30 June 1989" at the end of paragraph *h*.

ACT RESPECTING CHILD DAY CARE

c. S-4.1,
s. 2, am.

671. Section 2 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended by striking out the words "or a corporation of school trustees," in the second paragraph.

c. S-4.1,
s. 13, am.

672. Section 13 of the said Act is amended

(1) by replacing the words " , school board or corporation of school trustees" in the first and second lines of the first paragraph by the words "or a school board";

(2) by replacing the words " , school board or corporation of school trustees" in the second and third lines of the second paragraph by the words "or school board";

(3) by replacing the words " , school board or corporation of school trustees" in the first and second lines of the third paragraph by the words "or a school board";

(4) by striking out the words "or a corporation of school trustees" in the sixth and seventh lines of the third paragraph.

c. S-4.1,
s. 32,
replaced

673. Section 32 of the said Act is replaced by the following section:

School
day care

"32. A school board may provide school day care to children attending classes and receiving educational services in kindergarten and primary grades in its schools.

Times
of day

Day care shall be provided on a regular basis during the periods fixed by regulation."

c. S-4.1,
s. 35, am.

674. Section 35 of the said Act is amended by replacing the words " , school board or corporation of school trustees" in the fourth and fifth lines of the first paragraph by the words "or a school board".

c. S-4.1,
s. 50, am.

675. Section 50 of the said Act is amended by striking out the words “or trustees” in paragraph 5.

c. S-4.1,
s. 73, am.

676. Section 73 of the said Act is amended

(1) by striking out the words “or corporation of school trustees”, in subparagraph 8 of the first paragraph;

(2) by replacing the words “, school board or corporation of school trustees” in subparagraph 9 of the first paragraph by the words “or school board”;

(3) by replacing subparagraph 16 of the first paragraph by the following subparagraph:

“(16) fixing the periods during which a school board provides school day care to the children attending classes and receiving educational services in the kindergarten and primary grades in its schools;”.

c. S-4.1,
ss. 22, 38,
am.

677. The said Act is amended by striking out the words “or a corporation of school trustees” wherever they appear in sections 22 and 38.

c. S-4.1,
ss. 1, 4, 7,
33, 40, 41,
44, am.

678. The said Act is amended by striking out the words “or a corporation of school trustees” wherever they appear in sections 1, 4, 7, 33, 40, 41 and 44.

ACT RESPECTING THE NASKAPI DEVELOPMENT CORPORATION

c. S-10.1,
schedule,
am.

679. The Schedule to the Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1) is amended by inserting the words “, by a school board, by the Conseil scolaire de l’île de Montréal” after the word “Canada” in the fifth line of paragraph 1.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL DU CENTRE DU QUÉBEC

c. S-15,
s. 25, am.

680. Section 25 of the Act respecting the Société du parc industriel du Centre du Québec (R.S.Q., chapter S-15) is amended by replacing the words “school municipality” in the second paragraph by the words “school board”.

ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

c. S-17.1,
s. 36, am.

681. Section 36 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended by replacing the words

“corporation of school commissioners, trustees or administrators” by the words “school board”.

ACT RESPECTING THE MAKIVIK CORPORATION

c. S-18.1,
schedule,
am.

682. The Schedule to the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1) is amended by inserting the words “, by a school board, by the Conseil scolaire de l’île de Montréal” after the word “Canada” in the fifth line of paragraph 1.

ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L’AMIANTE

c. S-18.2,
s. 19, am.

683. Section 19 of the Act respecting the Société nationale de l’amiante (R.S.Q., chapter S-18.2) is amended by replacing the words “corporations of school commissioners, trustees or administrators” in the second paragraph by the words “school boards”.

ACT RESPECTING GRANTS TO SCHOOL BOARDS

c. S-36,
repealed

684. The Act respecting grants to school boards (R.S.Q., chapter S-36) is repealed.

CIVIL CODE OF LOWER CANADA

C.C.L.C.,
a. 981o, am.

685. Article 981o of the Civil Code of Lower Canada is amended

(1) by replacing the words “or school corporation” in subparagraph *a* of the first paragraph by the words “corporation or school board”;

(2) by replacing the words “or school corporation and to” in subparagraph *f* of the first paragraph by the words “corporations, school boards and”.

ACT RESPECTING THE SCHOOL BOARD OF THE NORTH SHORE OF THE GULF OF ST. LAWRENCE

1966-67,
c. 125, title,
replaced

686. The title of the Act respecting the School Board of the North Shore of the Gulf of St. Lawrence (1966-67, chapter 125) is replaced by the following title:

“Act respecting the Commission scolaire du Littoral”.

1966-67,
c. 125, s. 1,
am.

687. Section 1 of the said Act is amended by replacing the words “school municipality of the North Shore of the Gulf of St. Lawrence” in the fourth, fifth and sixth lines of the first paragraph by the words “municipalité scolaire du Littoral”.

1966-67,
c. 125, s. 2,
am.

688. Section 2 of the said Act is amended by replacing the words “School Board of the North Shore of the Gulf of St. Lawrence” in the fourth, fifth and sixth lines of the first paragraph by the words “Commission scolaire du Littoral”.

1966-67,
c. 125, s. 3,
replaced

689. Section 3 of the said Act is replaced by the following section:

Act
applicable

“3. The school corporation shall be governed by the Education Act (1988, chapter 84), with the exception of such provisions as may be inconsistent with those of this Act and of those which the Government declares inapplicable in whole or in part.”

1966-67,
c. 125, s. 4,
am.

690. Section 4 of the said Act is amended by replacing the word “secretary-treasurer” in the fourth line of the first paragraph by the words “director general”.

1966-67,
c. 125, s. 5,
am.

691. Section 5 of the said Act is amended by replacing the first paragraph by the following paragraph:

Orders

“5. The manager shall exercise the duties and powers of school commissioners by means of orders. However, when a provision of the Education Act applicable to the school board constituted under this Act requires a public notice before the coming into force of a decision of the school commissioners, the order replacing it shall not come into force until published.”

1966-67,
c. 125, s. 8,
replaced

692. Section 8 of the said Act is replaced by the following section:

Detachment
and
annexation

“3. Any part of the school municipality erected under this Act may be detached therefrom, upon the recommendation of the Minister of Education or at the request of those interested, and be annexed to one or more contiguous school board.

Annexation

Such annexation is carried out according to the provisions of the Education Act as if for a Catholic or Protestant school board or a French-language or English-language school board; the detached territory shall cease from that time to be governed by this Act.”

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

1987, c. 65
s. 26, am.

693. Section 26 of the Act respecting prearranged funeral services and sepultures (1987, chapter 65) is amended by replacing the words “or school corporation in Canada” in the sixth and seventh lines of the second paragraph by the words “corporation or school board or by the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING FARM FINANCING

1987, c. 86,
s. 130, am.

694. Section 130 of the Act respecting farm financing (1987, chapter 86) is amended by replacing the words “or school corporation” by the words “corporation or school board or the Conseil scolaire de l’île de Montréal”.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

1987, c. 95,
s. 203, am.

695. Section 203 of the Act respecting trust companies and savings companies (1987, chapter 95) is amended

(1) by striking out the words “school or” in the second line of subparagraph 4 of the first paragraph;

(2) by inserting the words “, by a school board or by the Conseil scolaire de l’île de Montréal” before the word “under” in the second line of subparagraph 4 of the first paragraph;

(3) by replacing the words “or school corporation” in the fourth line of subparagraph 4 of the first paragraph by the words “corporation, the school board or a school board of the île de Montréal”.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

Reference

696. In section 285 of the Act respecting municipal territorial organization (1988, chapter 19), the reference to the Education Act (R.S.Q., chapter I-14) is a reference to this Act.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES

1988, c. 41,
s. 23, am.

697. Section 23 of the Act respecting the Ministère des Affaires internationales (1988, chapter 41) is amended by striking out the words “regional school board,” in the first paragraph.

OTHER CONCORDANCE PROVISIONS

Reference

698. In the following legislation, any reference to the Education Act (R.S.Q., chapter I-14) is a reference to the Education Act (1988, chapter 84) and to the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14):

(1) section 37 of the Professional Code (R.S.Q., chapter C-26);

(2) section 5 of the Student Loans and Scholarships Act (R.S.Q., chapter P-21);

(3) paragraph 2 of section 2 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1).

Reference

699. In the following legislation, any reference to the Education Act (R.S.Q., chapter I-14) is a reference to the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14):

(1) Schedule A to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) section 97 of the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(3) section 35 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

*Words
replaced*

700. The words “school corporation” and “school corporations” are replaced by the words “school board” and “school boards”, respectively, in the following legislation:

(1) paragraph 7 of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) paragraph *a* of section 20 and section 26 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(3) paragraph *f* of section 1 of the Act respecting the cinema (R.S.Q., chapter C-18);

(4) subparagraph *c* of paragraph 4 of section 415 of the Cities and Towns Act (R.S.Q., chapter C-19);

(5) sections 11 and 68 of the Labour Code (R.S.Q., chapter C-27);

(6) subparagraph 2 of the first paragraph of article 564 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(7) paragraph *a* of section 2 of the Act respecting private education (R.S.Q., chapter E-9);

(8) the first paragraph of section 53.15 of the Expropriation Act (R.S.Q., chapter E-24);

(9) the second paragraph of section 3 of the Act respecting the Ministère des Communications (R.S.Q., chapter M-24);

(10) paragraph 4 of section 30 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

(11) paragraph *a* of section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1);

(12) paragraph 12 of section 1 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1);

(13) paragraph *b* of section 1 of the Act respecting real estate tax refund (R.S.Q., chapter R-20.1);

(14) section 31 of the Act respecting safety in sports (R.S.Q., chapter S-3.1);

(15) the second paragraph of section 40 of the Cooperative Syndicates Act (R.S.Q., chapter S-38);

(16) subparagraph *a* of paragraph 2 of section 41 and paragraph 9 of section 44 of the Securities Act (R.S.Q., chapter V-1.1).

Words
replaced

701. In the following legislation, the words “or school corporation”, “and school corporations” and “school” are replaced, adapted as required, by the words “corporation or school board”, “corporations and school boards” and “school boards”, respectively:

(1) the fourth and fifth lines of section 225 of the Act respecting insurance (R.S.Q., chapter A-32);

(2) paragraph *h* of section 136 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1);

(3) subparagraph *a* of the first paragraph of section 83 of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

(4) paragraphs 1 and 3 of article 35 and the first paragraph of article 36 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(5) section 40 of the Labour Code (R.S.Q., chapter C-27);

(6) section 27 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

(7) subparagraph *g* of the third paragraph of section 2 of the Environment Quality Act (R.S.Q., chapter Q-2).

Interpreta-
tion

702. For the application of any other Act, or any regulation, ordinance, order in council, order, contract or other document,

(1) the expressions “corporation of commissioners” or “school commissioners” or the words “corporation” or “commissioners”, where the two latter words are used to mean the two former expressions, shall designate a school board other than a dissentient school board;

(2) the expressions “corporation of trustees” or “school trustees” or the words “corporation” or “trustees”, where the two latter words are used to mean the two former expressions, shall designate a dissentient school board;

(3) the expression “school municipality” or the word “municipality” where the latter is used to mean the former, shall designate a school board or the territory thereof, according to the context;

(4) the expression “school corporation” or the word “corporation”, where the latter is used to mean the former, shall designate a school board;

(5) the word “secretary-treasurer”, where it refers to a school board, shall designate the director general of a school board.

Reference **703.** In any other Act, and in any regulation, ordinance, order in council, order, contract or other document, any reference to the Education Act (R.S.Q., chapter I-14) or to any of the provisions thereof is a reference to this Act or to the corresponding provision of this Act.

Reference Concerning the Cree School Board, the Kativik School Board and the Naskapi Education Committee contemplated in Parts X to XII of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), a reference to the Education Act shall be considered a reference to the Education Act for Cree, Inuit and Naskapi Native Persons.

“school board” **704.** In any Act other than this Act and the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14), and in any regulation, ordinance, order in council or order, unless the context indicates a different meaning, “school board” means a school board governed by this Act, including a regional school board, and a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons.

Reference **705.** In any Act, proclamation, regulation, order in council, order, ordinance, contract or other document, any reference to the

Act respecting municipal and school debts and loans is a reference to the Act respecting municipal debts and loans.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Presumption **706.** Every commissioner, school trustee, representative of the parents' committee and every chairman or vice-chairman of a school board who is in office on 30 June 1989 is deemed to have been elected or appointed pursuant to the Act respecting school elections or to this Act, as the case may be.

Presumption Such trustees and representatives of the parents' committee are considered commissioners within the meaning of this Act.

Continuance in office Every commissioner and school trustee and every chairman and vice-chairman shall remain in office until the third Sunday of November 1990 or until he is replaced by a person elected or appointed pursuant to the Act respecting school elections or to this Act, as the case may be.

Continuance in office Every representative of the parents' committee shall remain in office until he is re-elected or replaced pursuant to this Act.

Representatives of parents of minority of students **707.** In a school board contemplated in sections 146 and 498, the members referred to in section 706 shall exercise alone the duties and powers of the council of commissioners until the parents' representatives of the minority of students contemplated in these sections have been appointed.

Kativik School Board **708.** The commissioners of the Kativik School Board in office on 30 June 1989 are deemed to have been elected or appointed pursuant to the Education Act for Cree, Inuit and Naskapi Native Persons.

Continuance in office They shall remain in office until the third Wednesday in November 1990 or until they are replaced by persons appointed or elected pursuant to the said Act.

Presumption **709.** Every principal of a school and every member of an orientation committee, school committee or parents' committee in office on 30 June 1989 is deemed to have been elected or appointed pursuant to this Act.

Continuance in office He shall remain in office until he is reelected, reappointed or replaced pursuant to this Act.

- Presumption** **710.** The members of the Conseil scolaire de l'île de Montréal and the chairman and vice-chairman of the Conseil in office on 30 June 1989 are deemed to have been designated or appointed pursuant to this Act.
- Continuance in office** They shall remain in office until the first meeting of the Conseil following the third Sunday of November 1990 or until they are replaced by persons designated or appointed pursuant to this Act.
- Presumption** **711.** Every school and adult education centre in existence on 30 June 1989 is deemed to have been established in conformity with this Act.
- Confessional recognition** Every school shall retain the confessional recognition that it has on 30 June 1989 until the Catholic committee or Protestant committee revokes it *ex officio* or upon application therefor by the school board.
- Teaching licences** **712.** Teaching permits and teaching certificates or diplomas issued under the Regulation respecting teaching permits and teaching diplomas (R.R.Q., c. C-60, r. 7) are teaching licences within the meaning of this Act and are deemed to have been issued pursuant thereto.
- School board deficit** **713.** Any deficit of a school board on 30 June 1980 or any expense arising from a court judgment, a judgment of the Bureau de révision de l'évaluation foncière or an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the school board that incurred the deficit or expense.
- Special tax** Notwithstanding sections 308, 440 and 444, the special tax is not subject to the approval of the electors.
- Effect** This section has effect from 30 June 1980.
- Bonded debt** **714.** Any bonded debt contracted by a school board before 1 July 1980 is taken out of the general fund of the school board and must be discharged by means of a special tax levied in the whole of the territory of the school board and, notwithstanding section 308, the special tax is not subject to the approval of the electors.
- Payment of school tax** **715.** Any election in respect of the payment of the school tax made before 1 July 1989 under the Education Act, as it read before

that date, constitutes an election within the meaning of section 305 of this Act.

Presumption The person who signs a notice provided for in section 55 or 59 of the Education Act, as it read before 1 July 1989, and served on a dissentient school board before that date, is deemed to have made the election contemplated in section 305 of this Act in respect of the dissentient school board.

Catholics and Protestants Catholics are deemed to have made the election contemplated in section 305 of this Act in respect of the school board for Catholics; Protestants are deemed to have made such election in respect of the school board for Protestants.

Distribution of rights and obligations **716.** A dissentient school board which, on 1 July 1989, must acquire jurisdiction over new levels of instruction and a school board for Catholics or for Protestants of which all or part of the territory includes that of the former, shall distribute between themselves the rights and obligations of the school board for Catholics or for Protestants.

Disputes The Minister shall rule on every dispute between the school boards involved, except disputes relating to the transfer or integration of employees belonging to certified associations within the meaning of the Labour Code or of employees who are provided a special remedy by government regulation. The Minister shall ensure that his ruling does not deprive the dissentient school board of the property it requires to function.

Transfer of ownership In the case of the transfer of ownership of an immovable, a notice stating the facts which resulted in the transfer and containing a description of the immovable transferred shall be registered by deposit in the registry office of the registration division in which the immovable is situated.

Provisions applicable **717.** The provisions of the Act respecting municipal and school debts and loans as they read before 1 July 1989 continue to apply to an issue of bonds made before 1 July 1989 by a school board or by the Conseil scolaire de l'île de Montréal to the extent that they were applicable before being amended.

Regulations in force **718.** Every regulation, by-law, resolution, order or ordinance of a school board or the Conseil scolaire de l'île de Montréal in force on 1 July 1989 remains in force, to the extent that it is consistent with this Act and as long as its object has not been carried out or until it is replaced or repealed.

Acts to
retain
effects

Every act performed before 1 July 1989 by a school board or the Conseil scolaire de l'île de Montréal pursuant to a provision replaced or repealed by this Act retains its effects if it is still useful and is deemed, in that case, to have been performed pursuant to the corresponding provision of this Act.

Adult
educational
services

719. For the school years 1989-90 and 1990-91, the Minister shall establish and submit to the Government, for approval, instructions in respect of adult educational services pertaining to the matters listed in the second paragraph of section 448 and, if he considers it expedient, to those listed in the third paragraph of the said section.

Act not
applicable

The Regulations Act (R.S.Q., chapter R-18.1) does not apply to the instructions or to their drafts. The instructions come into force on 1 July following the date of their publication in the *Gazette officielle du Québec*.

Reference

For the purposes of the provisions of this Act, except section 458, during the school years 1989-90 and 1990-91, any reference to the basic school regulations (régime pédagogique) applicable to adult educational services is a reference to the instructions established by the Minister under the first paragraph.

Cessation
of effect

This section ceases to have effect upon the coming into force of the basic school regulations (régime pédagogique) applicable to adult educational services made under section 448.

Duties and
powers

720. The Government and the Minister of Education may validly exercise, before 1 July 1989, their duties and powers under Chapter VII and section 719 so that the provisions of this Act may be given effect as early as 1 July 1989.

Regulations
and decisions
applicable

721. Every regulation and every decision made by the Government, the Minister of Education or the Minister of Transport under the Education Act as it read before 1 July 1989, or under section 30 of the Act respecting the Conseil supérieur de l'éducation and applicable to the persons or bodies contemplated in this Act remains applicable thereto, to the extent that it is consistent with this Act, unless otherwise provided under this Act.

"school
bussing or
transporta-
tion"

The words "School bussing or transportation" used in any regulation, decision or contract mean "student transportation".

Restriction

722. This Act, except sections 620 to 656, does not apply to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

Cree and
Kativik
school
boards

The Cree School Board and the Kativik School Board are governed by the Education Act as it read on 8 June 1978 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. They are also governed by the regulations made under that Act to the extent that they are expressly applicable.

Naskapi
Education
Committee

The Naskapi Education Committee is governed by the Education Act as it read on 22 June 1979 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. It is also governed by the regulations made under that Act, to the extent that they are expressly applicable.

Government
prerogative

The Government may, however, by regulation, at the request of the Cree School Board, the Kativik School Board or the Naskapi Education Committee, render a provision or part of a provision of this Act applicable to such school board or committee, with the necessary adjustments of concordance, and indicate the provision of the Education Act applicable to Cree, Inuit and Naskapi Native Persons it replaces.

Regulation

Such regulation may specify what provision or part of a provision of a regulation made under this Act applies, or ceases to apply, to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

Coming into
force

The regulation shall be published in the *Gazette officielle du Québec* and comes into force on the date of its publication or on any later date indicated therein.

c. I-14,
replaced,
with
exceptions

723. This Act replaces the Education Act (R.S.Q., chapter I-14), except as regards the Cree School Board, the Kativik School Board and the Naskapi Education Committee.

Applicable
provisions

724. Sections 48, 49 and 78 to 168 of the Education Act (R.S.Q., chapter I-14), as they read on 30 June 1989, stand in lieu of the Act respecting school elections and apply in respect of school boards governed by this Act, subject to the following:

(1) the date of the next general election of commissioners shall be the third Sunday in November 1990;

(2) the director general of the school board shall exercise the duties and powers of the secretary-treasurer or the general secretary;

(3) where the domicile of a person is situated in the territory of more than one school board, such person may vote and present himself as a candidate only at the election of commissioners in the territory of the school board in which his child is registered;

(4) a person whose child is not registered in the schools of either school board and who declares himself to be of a religious denomination, Catholic or Protestant, may vote and present himself as a candidate only at the election of commissioners of a school board which declares itself to be of the same religious denomination;

(5) a person declaring himself neither of Catholic religious denomination nor of Protestant religious denomination may vote or present himself as a candidate at the election of commissioners of either school board, at his own choosing;

(6) the owner of a taxable immovable situated in the territory shared by more than one school board may vote or present himself as a candidate only at the election of commissioners of the school board to which he has chosen to pay his school taxes;

(7) the choice in respect of the exercise of the right to vote shall, to be valid during a school election, be made before the expiry of the period in which to request an amendment to the list of electors;

(8) "corporation of commissioners" or "corporation", where the latter is used to mean the former, refers to a school board other than a dissentient school board;

(9) "corporation of trustees" or "corporation", where the latter is used to mean the former, refers to a dissentient school board;

(10) "school municipality" or "municipality", where the latter is used to mean the former, refers to a school board or its territory, depending on the context;

(11) "school corporation" or "corporation", where the latter is used to mean the former, refers to a school board;

(12) "school trustee" or "trustee" refers to the council of commissioners or a commissioner of a dissentient school board, as the case may be;

(13) "school commissioner" or "commissioner" refers to the council of commissioners or a commissioner of a non-dissentient school board.

Minister
responsible

725. The Minister of Education is responsible for the administration of this Act, except sections 291 to 301, 385, 453 and 454, which are under the responsibility of the Minister of Transport.

Provisions
applicable

726. The provisions of this Act which grant rights and privileges to a religious denomination shall apply despite sections 3

and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

Exception **727.** The provisions of this Act which grant rights and privileges to a religious denomination shall operate notwithstanding the provisions of paragraph *a* of section 2 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom), and section 15 of that Act.

Coming into force **728.** The provisions of this Act will come into force on 1 July 1989 except

(1) those of sections 111, 112, 123, 124 and 131, the fifth paragraph of section 134, sections 137, 139, 205 to 207, 210, 262, 263, 354, 355, 402 and 509 to 540, which will come into force on the later dates fixed by the Government;

(2) those of sections 716 and 720, which come into force on 23 December 1988.

Restriction However, the provisions of section 5, the second paragraph of section 49, paragraph 3 of section 80, paragraph 2 of section 89, the second paragraph of section 218, the second paragraph of section 223, sections 225 and 227, the second paragraph of section 230, section 241, the third paragraph of section 261 and section 457 will not apply to confessional or dissentient school boards until the later dates fixed by the Government.

TABLE OF CONTENTS

	<i>Sections</i>
CHAPTER I	STUDENTS
Division I:	Students' rights 1
Division II:	Compulsory school attendance 14
CHAPTER II	TEACHERS
Division I:	Teachers' rights 19
Division II:	Teachers' obligations 22
Division III:	Teaching licence 23
	§ 1.— <i>Issue of teaching licence</i> 24
	§ 2.— <i>Revocation or suspension of teaching licence</i> 26
CHAPTER III	SCHOOLS
Division I:	Establishment 36
Division II:	School principal
	§ 1.— <i>Appointment</i> 41
	§ 2.— <i>Duties and powers</i> 44
Division III:	Orientation committee
	§ 1.— <i>Composition</i> 55
	§ 2.— <i>Establishment</i> 58
	§ 3.— <i>Operation</i> 66
	§ 4.— <i>Functions and powers</i> 77
Division IV:	School committees 83
Division V:	School visitors 94
CHAPTER IV	ADULT EDUCATION CENTRE
Division I:	Establishment 97
Division II:	Principal of an adult education centre
	§ 1.— <i>Appointment</i> 100
	§ 2.— <i>Duties and powers</i> 103
CHAPTER V	SCHOOL BOARDS
Division I:	Establishment of French language and English language school boards 111
Division II:	Confessional and dissentient school boards
	§ 1.— <i>Confessional school boards</i> 122
	§ 2.— <i>Dissentient school boards</i> 125
	§ 3.— <i>General provisions</i> 140
Division III:	Council of commissioners
	§ 1.— <i>Composition</i> 143
	§ 2.— <i>Operation</i> 154

Division IV:	School board committees	179
Division V:	Director general	198
Division VI:	Functions and powers of the school board	
	§ 1.— <i>Preliminary provisions</i>	204
	§ 2.— <i>General functions</i>	208
	§ 3.— <i>Functions and powers relating to educational services provided in schools</i>	221
	§ 4.— <i>Functions and powers relating to educational services provided in adult education centres</i>	245
	§ 5.— <i>Functions and powers relating to community services</i>	255
	§ 6.— <i>Functions and powers relating to human resources</i>	259
	§ 7.— <i>Functions and powers relating to material resources</i>	266
	§ 8.— <i>Functions and powers relating to financial resources</i>	274
	§ 9.— <i>Functions and powers relating to student transportation</i>	291
Division VII:	Taxation	
	§ 1.— <i>Preliminary provisions</i>	302
	§ 2.— <i>Levy of school taxes</i>	310
	§ 3.— <i>Collection of school taxes</i>	314
	§ 4.— <i>Recovery of school taxes</i>	
	1. Seizure and sale of movable property	325
	2. Oppositions to seizure and sale of movable property and oppositions to payment out of proceeds of sale	331
	3. Sale of immovable property	339
	§ 5.— <i>Referendum</i>	345
Division VIII:	Regional school boards	
	§ 1.— <i>Establishment</i>	354
	§ 2.— <i>Council of commissioners</i>	
	1. Composition	372
	2. Operation	379
	§ 3.— <i>Committees of regional school boards and director general</i>	381
	§ 4.— <i>Functions and powers</i>	384
	§ 5.— <i>Taxation</i>	387
Division IX:	Procedure	
	§ 1.— <i>By-laws and resolutions</i>	392
	§ 2.— <i>Public notices</i>	397

CHAPTER VI	CONSEIL SCOLAIRE DE L'ÎLE DE MONTRÉAL	
Division I:	Incorporation and composition	399
Division II:	Operation	408
Division III:	Executive committee	416
Division IV:	Staff	420
Division V:	Functions and powers	423
CHAPTER VII	THE GOVERNMENT AND THE MINISTER OF EDUCATION	
Division I:	Regulations	447
Division II:	Duties and powers of the Minister of Education	459
Division III:	Trusteeship	478
CHAPTER VIII	OFFENCES AND PENALTIES	480
CHAPTER IX	INTERIM ADMINISTRATION	
Division I:	Period of application	493
Division II:	Provisional school boards	494
Division III:	Confessional and dissentient school boards	503
Division IV:	Special provisions for the island of Montréal	505
CHAPTER X	ORGANIZATION OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL BOARDS	
Division I:	Definitions	509
Division II:	Provisional council	
	§ 1.— <i>Establishment and composition</i>	510
	§ 2.— <i>Functions and powers</i>	516
Division III:	Existing school boards	524
Division IV:	Election of the first commissioners	528
Division V:	Miscellaneous and transitional provisions	531
CHAPTER XI	CONCORDANCE PROVISIONS	541
CHAPTER XII	TRANSITIONAL AND FINAL PROVISIONS	706