

1984, chapter 39  
**AN ACT RESPECTING PUBLIC ELEMENTARY  
AND SECONDARY EDUCATION**

**Bill 3**

Introduced by Mr Yves Bérubé, Minister of Education

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Passage: 20 December 1984

**Assented to: 21 December 1984**

**Coming into force: 21 December 1984, except section 627 which comes into force on 1 July 1985 and sections 1 to 446, 478 to 486, 542 to 626, 628 to 651 and the schedules, which come into force on 1 July 1986**

**Acts amended:**

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

Teachers Scholarships Act (R.S.Q., chapter B-7)

Charter of the French language (R.S.Q., chapter C-11)

Professional Code (R.S.Q., chapter C-26)

Labour Code (R.S.Q., chapter C-27)

General and Vocational Colleges Act (R.S.Q., chapter C-29)

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 municipal and intermunicipal transit corporations (R.S.Q., chapter C-70)

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 respecting municipal taxation (R.S.Q., chapter F-2.1)

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 Affaires intergouvernementales (R.S.Q., chapter M-21)

*(Continued on next page)*



**Acts amended (Con't):**

Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter 0-7.1)  
Photographic Proof of Documents Act (R.S.Q., chapter P-22)  
Public Protector Act (R.S.Q., chapter P-32)  
Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)  
Act respecting child day care (R.S.Q., chapter S-4.1)  
Act respecting grants to school boards (R.S.Q., chapter S-36)  
Act respecting transportation by taxi (R.S.Q., chapter T-11.1)  
Mining Towns Act (R.S.Q., chapter V-7)  
Act respecting the Société de Transport de la Ville de Laval (1984, chapter 42)  
Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98)  
Act respecting the School Board of the North Shore of the Gulf of St-Lawrence (1966-67, chapter 125)  
Act respecting the School Board of New Québec (1968, chapter 110)



## CHAPTER 39

### An Act respecting public elementary and secondary education

[Assented to 21 December 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### PUPILS

##### DIVISION I

##### RIGHT TO EDUCATIONAL SERVICES

**Entitlement**      **1.** Every person 5 years of age or over is entitled to developmental and cognitive learning services in preschool and instructional services to the end of secondary school.

**Services**        The person is also entitled to the other educational services provided for under this Act, within the scope of the programs offered by the school board.

**Adults**         **2.** Every person of full age who has ceased attending school for one year or more after attaining the age of majority, or after attaining twenty-two years of age in the case of a handicapped person, is entitled, within the scope of the programs offered by the school board to that category of persons, to the educational services provided for by this Act.

**School age**     **3.** The age at which a person is eligible for educational services is determined on 1 October, or on another date between 1 October and 1 January fixed by Government order. The order shall be published in the *Gazette officielle du Québec*.

- Free access**      **4.** Every person resident in Québec has a right of free access to the educational services offered in accordance with this Act.
- Choice of school**      **5.** The parents of a pupil, and pupils of full age, have a right to choose the school best suited to their preferences or having the educational plan best suited to their personal values.
- Criteria**      The exercise of the right is subject to the criteria established by by-law of the school board according to school capacity and the educational services offered in the school.
- Transportation**      The exercise of the right does not entail the right to require free transportation of the child if its cost exceeds the norms on pupil transportation prescribed by by-law of the school board.
- Religious instruction**      **6.** Every pupil has a right to choose, every year, between Catholic moral and religious values instruction, Protestant moral and religious values instruction and moral values instruction.
- Religious instruction**      He also has a right to choose, every year, moral and religious values instruction of a religious denomination other than Catholic or Protestant where such instruction is given at the school in accordance with this Act.
- Parents**      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 services**      **7.** Pupils enrolled as Catholics are entitled to auxiliary services of pastoral care and guidance.
- Religious guidance**      Pupils enrolled as Protestants are entitled to auxiliary services of religious care and guidance.
- Free use of textbooks**      **8.** Pupils have a right to the free use of textbooks and other instructional equipment and supplies required for the programs of studies as well as of the teaching materials used in classrooms or workshops.
- Restriction**      The right of free use does not extend to documents in which pupils write or draw.
- Pupil's responsibility**      **9.** Every pupil shall take good care of the property placed at his disposal and return it at the end of the school activities.
- Parents' responsibility**      If a pupil fails to comply with the first paragraph, the school board may claim the value of the property from the parents of the pupil if a minor or from the pupil himself if of full age.
- Public Protector**      **10.** A pupil or his parents may appeal to the Public Protector to see that his rights are respected.

**Investigation** **11.** The Public Protector shall, of his own initiative or upon the application of a pupil or his parents, make an investigation whenever he has reason to believe that a person holding a position or office with a school body has, in the performance of administrative duties, wronged a pupil in the exercise or enjoyment of a right recognized under this Act.

**“school body”** For the purposes of this section, the words “school body” mean a school, a school board or a school committee or school board committee established pursuant to this Act.

**Procedure** **12.** Any application to the Public Protector by a pupil or his parents is deemed to be made in accordance with the Public Protector Act (R.S.Q., chapter P-32).

**“parent”** **13.** In this Act, the word “parent” means the person having parental authority or, except if the latter objects, the person having custody *de facto* of the pupil.

## DIVISION II

### COMPULSORY SCHOOL ATTENDANCE

**Compulsory attendance** **14.** Every person who attains 5 years of age on or before 1 October in any year shall attend school from the first day of the school calendar in that year to the end of the school year in which he attains 15 years of age.

**Attendance excused** Notwithstanding the first paragraph, a school board, at the request of the parents, shall excuse a person under 6 years of age on 1 October in any year from compulsory school attendance.

**Minimum age** The Government may, by order, fix a date between 1 October and 1 January for determining the minimum age for school attendance. The order shall be published in the *Gazette officielle du Québec*.

**Attendance excused** **15.** The following pupils are excused from compulsory attendance at public school:

(1) a pupil attending a private educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9);

(2) a pupil excused from compulsory attendance by the school board by reason of illness;

(3) a pupil receiving at home the instruction to which he is entitled and considered by the school board to be equivalent to the instruction provided at school, and the other educational services determined by the school board.

**16.** No person may employ a pupil during school hours before the last day of the school calendar of the school year in which he attains 15 years of age.

Every person who contravenes this section is guilty of an offence and liable, in addition to costs, to a fine of \$50 to \$200.

**17.** Proceedings for an offence under section 16 are brought by the school board or by the Attorney General in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) before a judge of the Youth Court having jurisdiction in the territory where the school is situated.

The fine imposed is paid to the school board where the proceedings are brought by the school board.

**18.** Parents have an obligation to take the necessary measures to ensure that their child attends school regularly.

**19.** The principal shall ascertain that the pupils attend school regularly.

Where a pupil is repeatedly absent, the principal shall advise the parents to take the necessary measures to cause their child to attend school regularly.

**20.** If the parents do not see to it that their child attends school regularly, the principal shall refer the child to a person in the health services and social services of the school.

DIVISION III

EDUCATIONAL SERVICES

**21.** Educational services comprise developmental and cognitive learning services, instructional services, auxiliary services and special services.

The services are designed to foster the full development of pupils, whether young or adult, while respecting their individual values.

The services shall also foster the growth and development of the community.

**22.** Developmental and cognitive learning services are designed to foster the well-balanced development of the personal abilities of the preschool pupil through participation in the life of the community beyond his immediate family and neighbourhood.

Instructional services

**23.** Instructional services comprise the aggregate of the required and elective courses.

Aims

Instructional services are designed,

(1) at the elementary level, to foster the pupil's acquisition of the basic learning necessary for a well-balanced development, assimilation of experience and social integration;

(2) at the secondary level, to pursue the pupil's personal development and foster his personal and social orientation with a view to allowing him to pursue his studies or to have access to the labour market.

Auxiliary services

**24.** Auxiliary services include, in particular,

(1) services to promote the rights and sense of responsibility of the pupil, in particular to further the exercise of his right of association;

(2) services to foster involvement of the pupil in the life of the school;

(3) supervisory services;

(4) educational counselling and vocational guidance;

(5) health services and social services;

(6) Catholic pastoral care and guidance services or Protestant religious care and guidance services;

(7) services of school psychology;

(8) services of speech therapy and psychological counselling;

(9) job placement services for pupils.

Aims

**25.** Auxiliary services are designed to foster the pupil's continuing progress at school

(1) by providing support for the developmental and cognitive learning services, instructional services and special services;

(2) by ensuring the development of the pupil's self-reliance, sense of responsibility, feeling of belonging to the school and personal initiative and creativity;

(3) by helping to solve difficulties facing the pupil;

(4) by ensuring the pupil's mental and physical well-being.

Special  
services

**26.** Special services include, in particular,

- (1) services for handicapped pupils or pupils with social maladjustments or learning disabilities;
- (2) language habilitation services for admission to French language school;
- (3) support services in remedial French;
- (4) educational support services;
- (5) instructional services in the home, in hospital or in a reception centre.

Rehabilita-  
tion and  
remediation

**27.** Services for handicapped pupils or for pupils with social maladjustments or learning disabilities are intended for pupils in need of rehabilitation or remediation.

Language  
habilitation  
services

**28.** Language habilitation services are intended for pupils not admissible to instruction in English according to law, whose knowledge of French is insufficient for placement in a regular class and who are enrolled for instruction in French for the first time.

Remedial  
French

**29.** Support services in remedial French are intended for pupils not admissible to language habilitation services and enrolled for instruction in French for the first time who, in the opinion of their parents or the school staff, are not adequately proficient in the French language.

Educational  
support  
services

**30.** Educational support services are intended to identify learning disabilities in a pupil, assist him with remedial work or facilitate his promotion from one grade to another or his transfer from one program of instruction to another.

Home in-  
struction

**31.** Instructional services in the home, in hospital or in a reception centre are intended for pupils who are temporarily unable to attend school while receiving specialized health care or social services.

School year

**32.** For the purposes of this Act, the school year extends from 1 July in any year to 30 June the following year.

## CHAPTER II

## TEACHERS

## DIVISION I

## RIGHTS AND OBLIGATIONS

Educational  
plan

**33.** Every teacher is entitled to participate, in collaboration with the parents, the other members of the staff and the pupils in defining the educational plan of the school.

Individual  
rights

**34.** Subject to the educational plan and to the provisions of this Act governing the school, every teacher is entitled

(1) to enrich the objectives of the approved programs and adapt their optional content;

(2) to select his methods of instruction;

(3) to select the teaching materials corresponding to the educational services he provides;

(4) to select the techniques used in evaluating the progress of the pupils entrusted to his care.

Religious  
instruction

**35.** 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.

Prohibition

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

Exercise of  
right

**36.** A teacher wishing to exercise his right to refuse to give instruction in religious and moral values of a religious denomination shall so inform the principal, in writing.

Time limit

The right is exercisable before 1 April for the next school year.

Duration

A staff member's 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

## TEACHING PERMIT

Teaching  
permit

**37.** Every person holding a teaching position shall hold a teaching permit except a teacher giving instruction on a one-lesson basis, a casual

supply teacher or a person who provides instruction that does not lead to obtaining a diploma granted by the Minister.

§ 1.—*Issue of permit*

**38.** The Minister of Education shall issue a teaching permit to every person who satisfies the requirements he fixes by regulation.

**39.** The Minister may issue a temporary permit, on the conditions and for the period he determines, to a person who does not meet all the requirements prescribed for the issue of a permanent permit.

§ 2.—*Revocation or suspension of permit*

**40.** On the recommendation of an investigating committee, the Minister may suspend, revoke, or maintain subject to conditions a person's teaching permit for exceptional cause such as misconduct or immorality or for any serious offence in the performance of his duties.

The Minister shall forward his substantiated decision to the teacher and to the school board.

**41.** Any interested person may file a complaint with the Minister against a teacher to have his teaching permit withdrawn.

**42.** The complaint must be in writing and be substantiated.

The Minister shall transmit a copy of the complaint to the teacher.

**43.** The Minister may, if he considers it necessary, require the school board to relieve the teacher of his duties for the duration of the investigation.

**44.** The complaint shall be referred to an investigating committee composed of three members appointed by the Minister.

The Minister shall fix their salaries.

**45.** The committee has the immunity and powers of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**46.** Three members are a quorum of the committee.

**47.** The committee may establish its rules of procedure and proof; if rules are established, it shall send a copy of them to the teacher.

Right to be heard **48.** The committee shall give the teacher an opportunity to be heard.

Frivolous request **49.** The committee may refuse to carry out or to continue an investigation where it is of opinion that the request for an investigation is frivolous, vexatious or in bad faith.

Notification **50.** Whenever the committee refuses to carry out an investigation, it shall notify the complainant and the teacher of its refusal and give them the reasons for its refusal. It shall also make a report to the Minister.

Recommendation **51.** The committee shall examine the merits of the complaint and make a recommendation to the Minister.

Conditions The committee may recommend to the Minister that he impose conditions for the maintenance of the permit.

### CHAPTER III

#### THE SCHOOL

##### DIVISION I

##### ESTABLISHMENT

Object **52.** The object of the school is to provide education to the pupils within the scope of an educational plan.

Object A further object of the school is to promote the social and cultural interests of the community.

Deed of establishment **53.** The school is established, under the authority of a principal, by the school board, which shall determine the name and location of the school, the immovable property placed at its disposal and the programs of instruction offered by that school; the deed of establishment shall, in addition, indicate the numbers of seats assigned to the parents and teachers on the school council in accordance with Division II of this chapter.

Amendment **54.** The school board may amend or revoke the deed of establishment of a school in accordance with its three-year plan of allocation and destination of immovable property.

Amendment Every school council may, at any time, request the school board to amend or revoke its deed of establishment. The school board shall amend it where the request concerns the name of the school or the number of seats assigned to parents or teachers on the school council.

In the latter case, the request must be consistent with the rules prescribed in sections 57 and 59.

Status

**55.** The school is public and common.

Regional schools

**56.** The Minister may, following an agreement with a school board, establish a school open to pupils of a region or of the whole province under the jurisdiction of the school board.

Deed of establishment

If a school contemplated in the first paragraph is established, the deed of establishment shall indicate, in addition to the name and location of the school, the immovable property put at its disposal, the program of instruction and services offered, and its mode of management and operation.

## DIVISION II

## SCHOOL COUNCIL

§ 1.—*Composition*

School council

**57.** Every school shall have a school council composed of the following persons:

- (1) parents of pupils attending the school, who are not members of the school staff, elected by their peers;
- (2) two or more of the teachers at the school, elected by their peers;
- (3) one person representing the professionals and the members of the support staff assigned to the school, elected by them;
- (4) two pupils in the second stage of secondary level elected by the pupils of secondary level.

Community representative

The assembly of parents may designate a representative of the community to sit as a parent on the school council.

Principal

**58.** The principal is a non-voting member of the school council.

Commissioner

The commissioner representing the electoral ward where the school is situated may take part in the meetings of the school council but is not entitled to vote.

Rules of composition

**59.** The composition of a school council is subject to the following rules:

- (1) in no case may the number of voting members of the school council be greater than 15;

(2) the representatives of parents, including, as the case may be, the representative of the community, shall hold a majority of the voices on the school council;

(3) the teachers shall determine the number of their representatives on the school council, subject to this section and to section 57.

§ 2.—*Establishment*

Election of parents

**60.** Before 30 September each year, the principal shall convene in writing the parents of the pupils who attend the school to a meeting for the election of their representatives to the school council.

Commencement

The elected parents take office on the day they are elected.

Representatives of teachers

**61.** Before 30 September each year, the teachers of the school shall hold a meeting for the election of their representatives to the school council in accordance with such terms and conditions as may be provided in a collective agreement.

Commencement

The elected teachers take office on the day they are elected.

Professionals and support staff

**62.** Every other year, the professionals and the members of the support staff assigned to the school shall hold a meeting before 30 September for the election of their representative to the school council in accordance with such terms and conditions as may be provided in a collective agreement.

Commencement

The elected representative takes office on the day he is elected.

Representative of pupils

**63.** Before 30 September each year, the principal shall preside over the election of the representatives of the pupils to the school council in accordance with the rules he establishes after consultation with the pupils of the secondary school.

Commencement

The elected pupils take office on the day they are elected.

Representatives not elected

**64.** Failure by the teachers, the professionals, the members of the support staff or the pupils to elect their representatives does not prevent the formation of a school council.

Term of office

**65.** The term of office of the members of a school council is two years.

Term of office

Notwithstanding the foregoing, where a group elects more than one representative to the school council, the term of office of one-half of the first representatives designated by the group is one year.

Continuance  
in office      **66.** The members of the school council remain in office until they are reappointed or replaced.

Vacancies      **67.** A vacancy following the departure or disqualification of a member of the school council 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      **68.** The school council shall choose its chairman from among the representatives of the parents who are not members of the staff of the school board.

Interim      **69.** The principal shall chair the school council until the chairman is elected.

Term of  
office      **70.** The term of office of the chairman is one year, and is renewable.

Duties      **71.** The chairman of the school council shall conduct the meetings of the council and perform the other duties assigned to him by the council.

Replace-  
ment      **72.** The school council shall appoint one of its members to replace the chairman in case of his absence.

Quorum      **73.** A majority of the voting members is a quorum of a school council. A quorum is never less than three persons.

Lack of  
quorum      Where the school council is unable to form a quorum for six consecutive weeks, the school board may order that the functions of the school council be suspended for the period it determines and that they be exercised by the principal.

Decisions      **74.** The decisions of the school council 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.

Internal  
manage-  
ment      **75.** The school council shall establish its rules of internal management.

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

§ 4.—*Functions*

Aims and objectives

**77.** The school council shall determine aims and objectives of the school consistent with its neighbourhood or community.

Educational plan

The aims and objectives are components of the educational plan of the school.

Religious beliefs

**78.** The school council may integrate the religious beliefs and values of a particular denomination or of several denominations into its educational plan.

Recognition of confessional status

**79.** The school council may, after the parents of the pupils of the school have been consulted by the school board in accordance with the regulations of the Minister, apply to the Catholic or Protestant committee established under the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) for recognition as a Catholic school or as a Protestant school; it may also apply for the withdrawal of such recognition.

Freedom of conscience and religion

**80.** Notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12), the integration of the religious beliefs and values of a particular denomination into the educational plan of a school or the recognition of the confessional status of a school does not prejudice the right to equal recognition and exercise of freedom of conscience and religion, merely because all the persons attending the school do not share the same religious beliefs and values.

Educational plan

**81.** The school council shall satisfy itself that the educational plan of the school is being pursued and evaluate it.

Functions

The school council also has the following functions:

(1) to promote communication and coordination between the persons involved with the school;

(2) to adopt rules of conduct and safety rules for the pupils and other users of the school;

(3) to approve the choice of educational activities that require changes to the pupils' regular schedule or cause them to travel to places outside the school.

Functions

**82.** The school council shall advise the school board

(1) on any matter conducive to the implementation of the educational plan of the school;

(2) on any proposal that may lead to better organization of the services provided by the school board;

(3) on the prevention or solution of conflicts that may arise in the school.

Con-  
sultation

The school council shall also examine any question on which the school board may consult it.

School's re-  
quirements

**83.** On the date and in the form determined by the school board, the school council shall inform the school board

(1) of the school's staffing requirements for each category of personnel;

(2) of the school's requirements in respect of goods and services;

(3) of the school's requirements in respect of the improvement, equipment, construction, conversion or repair of its premises.

Budget es-  
timates

**84.** The school council shall prepare the annual budget estimates of the school and submit them to the school board for approval. The budget estimates shall make provision for the amounts allocated to the operation of the committees of the school.

Use of  
school  
premises

**85.** The school council 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 by by-law;

(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 school premises for electoral purposes.

Activities  
on school  
premises

**86.** The school council may organize educational services other than those provided for by this Act, or sociocultural or sports services, on the school premises, subject to the power of the school board to provide day care for preschool pupils or pupils in elementary school. Where such services are provided, users may be required to make a financial contribution.

Revenues

Revenues derived from the services organized by the school are the school's own revenues and the school board shall not take them into consideration in determining the rules of apportionment of financial resources except where the revenues are derived from leasing school premises.

Activities  
on school  
premises

**87.** The school council may authorize a person or a body to organize educational services other than those provided for by this Act, or sociocultural or sports services, on the school premises.

Day care  
services

The school council shall, notwithstanding the foregoing, allow day care services to be organized on the school premises for pupils in elementary school, where their parents have so requested.

Delegated  
functions

**88.** The school council also has any function that may be delegated to it by the school board with the consent of a majority of the parents and a majority of the teachers who are members of the school council.

Delegated  
functions

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

Annual  
report

**89.** The school council shall make an annual report of its activities and make it public in the manner it determines.

### DIVISION III

#### SCHOOL PRINCIPAL

#### § 1.—*Appointment*

School  
principal

**90.** The principal of each school is appointed by the school board in accordance with the selection criteria it establishes after consultation with the school council.

Assistants

**91.** The school board may appoint one or several assistants to the principal in accordance with the selection criteria it establishes after consultation with the school council.

Selection

The principal shall take part in the selection of his assistant.

Duties

**92.** An assistant principal shall assist the principal in the performance of his duties and shall perform the duties delegated to him in writing by the principal.

Interim

The assistant principal designated by the principal, where required, shall perform the duties of the principal in his absence.

#### § 2.—*Duties*

Duties

**93.** The principal, under the authority of the director general of the school board, shall direct the day-to-day management of the school and enforce the provisions governing it.

Assistance to the school council

**94.** The principal shall assist the school council in the performance of its functions and, for that purpose, he shall

(1) preside over the implementation and evaluation of the educational plan of the school;

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

Official school policy

**95.** The principal shall ensure that the official school policy established by the Government is put into application and that educational services of quality are provided in the school.

Schedule and attendance

The principal shall, in particular, be responsible for establishing the schedule of school activities, subject to the school calendar fixed by the school board, and for seeing that the pupil attendance rolls are kept.

Services for handicapped pupils

**96.** The principal shall establish a program of services adapted to each handicapped pupil or each pupil with social maladjustments or learning disabilities, after consultation with the pupil, his parents and the staff providing services to the pupil, and in accordance with the norms established by by-law of the school board.

Management of the personnel

**97.** The principal is responsible for personnel management of the school staff and he shall determine the duties and responsibilities of each member of the staff in accordance with the provisions of the collective agreements or, as the case may be, the applicable regulations of the Minister.

Moral and religious instruction

The principal shall also satisfy himself that every teacher he assigns to Catholic or Protestant moral and religious values instruction and every professional he assigns to pastoral care and guidance or religious care and guidance has the qualifications required by the Catholic or the Protestant committee, as the case may be.

Material and financial resources

**98.** The principal is responsible for the management of the material and financial resources of the school.

Delegated duties

**99.** The principal shall also perform the duties delegated to him in writing by the school board.

Other duties

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

## DIVISION IV

## SCHOOL COMMITTEES

**Parents' committee** **100.** Before 30 September each year, the principal shall, in writing, call a meeting of the parents of pupils attending the school to form a parents' committee.

**Composition** The meeting of the parents shall determine the composition of the committee and elect its members. In no case may a committee have more than 15 members.

**Functions** **101.** The functions of the parents' committee are

(1) to advise the school council on defining the aims and objectives of the school;

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

(3) to advise the school council or the principal on any matter about which the parents are concerned and on which the committee demands to be consulted;

(4) to examine any question on which it is consulted.

**Education committee** **102.** An education committee consisting of teachers and professionals assigned to the school shall be established in each school.

**Rules** The rules governing the composition, establishment and mode of consultation of a committee may be stipulated in a collective agreement.

**Functions** **103.** The functions of the education committee are

(1) to advise the school council on defining the aims and objectives of the school;

(2) to promote participation of the teachers and professionals in defining, implementing and evaluating the educational plan of the school;

(3) to advise the school council or the principal on any matter about which the teachers and professionals are concerned and on which the committee demands to be consulted;

(4) to examine any question on which it is consulted.

**Functions** **104.** Subject to the educational plan of the school and any by-laws of the school board, the education committee shall also

(1) decide on the implementation of new methods of instruction in the school;

(2) select the instructional equipment and supplies required for the teaching of the official programs of studies and of the programs of studies adopted by the school board, subject to the budgetary estimates of the school; in the case of the official programs of studies, the selection is made from the list of instructional equipment and supplies approved by the Minister;

(3) define the long term objectives governing the selection of teaching materials by the teachers.

Duties performed by the principal

The principal shall perform the duties of the education committee prescribed in this section where the committee fails to perform them.

Pupils' committee

**105.** Before 30 September each year, the principal of a secondary school shall see to the establishment of a pupils' committee and preside over the election of its members.

Composition

The pupils shall determine the composition of the committee but in no case may the number of members exceed 15.

Association of pupils

The pupils may choose to entrust the functions devolved on the pupils' committee to an association of pupils of the school.

Functions

**106.** The functions of the pupils' committee are

(1) to advise the school council on defining the aims and objectives of the school;

(2) to promote participation of the pupils in defining, implementing and evaluating the educational plan of the school;

(3) to promote the participation of pupils in school activities;

(4) to advise the school council or the principal on any matter about which the pupils are concerned and on which the committee demands to be consulted;

(5) to examine any question on which it is consulted.

Use of school premises

**107.** Committees are entitled to meet on the school premises.

Use of services and equipment

Committees are also entitled to use the school's administrative services and equipment in accordance with the terms and conditions established by the principal; in the case of the education committee, the terms and conditions may be stipulated in a collective agreement.

- 108.** Each committee shall establish its rules of internal management.
- 109.** The principal or his assistant shall take part in the meetings of the committees of the school, unless the rules of internal management of a committee provide otherwise.
- Neither the principal nor his assistant has the right to vote.

## CHAPTER IV

## SCHOOL BOARDS

## DIVISION I

## ESTABLISHMENT

- 110.** The territory of Québec shall be divided into territories for French-speaking school boards and territories for English-speaking school boards. English-speaking school boards shall be established for the education of those children who may receive instruction in English according to law, and for adult education as determined by the school board and according to demand.
- A school board shall be established in each territory determined by order of the Government published in the *Gazette officielle du Québec*.
- After consultation with the school board and on the favourable advice of the Commission de toponymie established by the Charter of the French language (R.S.Q., chapter C-11), the Government shall determine the name of the school board by an order published in the *Gazette officielle du Québec*.
- 111.** Each school board has jurisdiction over every elementary or secondary school to which it issues a deed of establishment.
- 112.** A school board is a public legal person having the necessary powers to carry out the functions conferred on it by this Act.
- 113.** At the request of the school boards concerned and in accordance with their request, the Government, by order, may divide, annex or amalgamate their territories or change their boundaries.
- The order shall set the effective date of the changes and be published in the *Gazette officielle du Québec* within forty-five days of its passage.
- 114.** Where the territory of a school board is amalgamated with that of another or totally annexed to that of another, the rights and

obligations of the amalgamated school boards or of the annexed school board become the rights and obligations of the new school board resulting from the amalgamation or of the annexing school board.

Formation  
of new  
school  
board

Where the territory of a school board is carved up as a result of the formation of a new school board 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 carved up, taking into account

- (1) the distribution of the school population;
- (2) the distribution of the staff;
- (3) the geographic location of the school immovables;
- (4) the standardized assessment of the taxable immovables, within the meaning of section 345.

Approval

The Government shall approve the apportionment with or without amendments, and publish a notice in the *Gazette officielle du Québec* indicating which school board succeeds to the obligations of the school board whose territory has been carved up.

Transfer of  
ownership

In the case of transfer of ownership of an immovable, registration is made by deposit of a notice describing the immovable.

## DIVISION II

### COUNCIL OF COMMISSIONERS

#### § 1.—*Composition*

Council of  
commis-  
sioners

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

- (1) commissioners elected by universal suffrage;
- (2) parent-members of the school councils, elected by the members of the school councils;
- (3) one parent-member of the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities.

Director  
general

**116.** The director general of the school board is a non-voting member of the council of commissioners.

**Wards**            **117.** During the year preceding election year, the council of commissioners shall divide the territory of the school board into wards, assign a name or number to each and give public notice thereof.

**Number of electors**        The boundaries of each electoral ward shall be drawn in such a way that the number of electors in a ward does not deviate by more than 15 per cent from the quotient obtained by dividing the total number of electors in the school board by the number of wards.

**Number of wards**        **118.** The number of wards shall vary from 8 to 16 according to the following norms:

- (1) 8 wards if there are fewer than 3 000 pupils;
- (2) 10 wards if there are 3 000 pupils or more but fewer than 6 000;
- (3) 12 wards if there are 6 000 pupils or more but fewer than 15 000;
- (4) 14 wards if there are 15 000 pupils or more but fewer than 25 000;
- (5) 16 wards if there are 25 000 pupils or more.

**Additional number of wards**        Notwithstanding the foregoing, on the application of the council of commissioners, the Government, by order, may authorize a school board having fewer than 3 000 pupils to establish two or four electoral wards more than the number prescribed in this section, or authorize a school board having fewer than 6 000 pupils to establish two more electoral wards, where it considers the application justified by reason of

- (1) the exceptional size of the territory;
- (2) the number of municipalities in the territory; or,
- (3) the isolated location of a territory.

**Publication**            The order shall be published in the *Gazette officielle du Québec*.

**Rule not applicable**        The rule on the drawing of the boundaries of the wards set forth in the second paragraph of section 117 does not apply to a school board contemplated by an order made under this section.

**Commissioner**            **119.** Every electoral ward shall be represented by a commissioner.

**Parents**                **120.** The number of parents elected by the school councils is established in proportion to the number of wards.

**Number of parents**        The number of parents varies from three to seven according to the following norms:

(1) two parents from the councils of elementary schools and one from the council of a secondary school, if there are eight wards;

(2) two parents from the councils of elementary schools and two from the councils of secondary schools, if there are ten wards;

(3) three parents from the councils of elementary schools and two from the councils of secondary schools, if there are twelve wards;

(4) three parents from the councils of elementary schools and three from the councils of secondary schools, if there are fourteen wards;

(5) four parents from the councils of elementary schools and three from the councils of secondary schools, if there are sixteen wards.

Elections

**121.** Before the third Sunday in October, the director general of the school board shall preside over the election of the parents representing the school councils to the council of commissioners, in accordance with the rules established by by-law of the school board.

Representatives

Before the third Sunday in October, the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities shall choose its representative from among the parent-members of the committee to sit on the council of commissioners.

Disqualification

**122.** No person disqualified for the office of commissioner pursuant to section 131 may be designated as a representative of the school councils or as a representative of an advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities.

Terms of office

**123.** The term of office of the representatives of the school councils, and of the representative of the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities, is two years.

Continuance in office

The representatives shall remain in office until they are reappointed or replaced.

Vacancies

**124.** Any vacancy resulting from any of the causes stated in section 213 among the seats of the representatives of the school councils or of the representative of the advisory committee shall be filled according to the prescribed mode of appointment of the person to be replaced, but only for the unexpired portion of his term.

§ 2.—*Election of commissioners by universal suffrage*

## 1. Election officers

Returning officer

**125.** The director general of the school board is the returning officer.

Replacement

If the director general is absent or unable to act, the chairman of the school board shall designate a person to replace him.

Powers

**126.** The returning officer has the powers of a justice of the peace from the last day for nomination of candidates till the day after polling-day.

Election officers

**127.** The returning officer shall designate the election officers required to assist him in the performance of his duties and may delegate to them, in writing, his duties under this subdivision.

Oath

**128.** The returning officer, as well as every person he appoints to assist him in the performance of his duties, shall make an oath or solemn affirmation to faithfully discharge the duties of his office to the best of his judgment and ability.

Tariff

**129.** The school board may, by by-law, set a tariff of fees and expenses for the returning officer and the other election officers.

## 2. Qualifications required to be a commissioner

Qualifications

**130.** Every Canadian citizen of full age may be elected commissioner of an electoral ward of a school board if, on polling-day,

(1) he has been domiciled in the territory of the school board for at least six months;

(2) he is entered on the electoral list of the school board;

(3) he is not legally disqualified.

Disqualification

**131.** The following persons are disqualified for the office of commissioner:

(1) Members of the National Assembly;

(2) Members of the Parliament of Canada;

(3) justices of any court of justice;

(4) a member of the personnel of the school board or a person having an undertaking or contract with the school board;

(5) a person sentenced to imprisonment, for the term of the sentence.

### 3. Qualifications required to be an elector

**Electors** **132.** Every person who is a Canadian citizen of full age may vote at an election of commissioners if, on polling-day,

(1) he has been domiciled in Québec for twelve months or is the owner of an immovable taxable by the school board and is entered as such on the assessment roll established in accordance with the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(2) he is not under any disqualification to vote set out in the Election Act (R.S.Q., chapter E-3.1).

**Single vote** **133.** No person may vote in more than one ward of the school board for which he is entered on the list of electors.

**Right to vote** **134.** To exercise his right to vote, an elector must be entered on the list of electors.

**Domicile** **135.** An elector domiciled in the territory of the school board shall exercise his right to vote in the electoral ward where his domicile is situated on the day of coming into force of the list of electors.

**Place of vote** **136.** An elector who is not domiciled in the territory of the school board and who is the owner of an immovable that is taxable by the school board shall exercise his right to vote in the electoral ward where the taxable immovable is situated or, in the case of an owner who owns taxable immovables in several wards, in the electoral ward where the immovable of highest standardized assessment within the meaning of section 345 according to the assessment roll is situated.

### 4. Preparation of the list of electors

**List of electors** **137.** The returning officer of each school board shall prepare the list of electors

(1) by proceeding, in the manner which he and the returning officer of each school board having jurisdiction over common territory jointly determine, to make an enumeration of the electors domiciled in that territory;

(2) from the assessment roll prepared in accordance with the Act respecting municipal taxation for electors who are owners of immovables that are taxable by the school board and who are not domiciled in its territory.

Indications  
on the list

In making the enumeration, the enumerators shall ask each elector who is a natural person and who is domiciled in the territory of the school boards which of the boards he chooses to vote for; he shall also ask him whether he is Catholic, Protestant or other.

Deposit

**138.** No later than six weeks before polling-day, the returning officer shall deposit the list of electors at the corporate seat of the school board and give public notice of the deposit, indicating the place where the list may be examined.

5. Examination and putting into force of the list of electors

Corrections

**139.** Within 5 days after the notice of deposit of the list of electors, any person who believes that his name or the name of another person has been wrongfully omitted from or entered on the list of electors or that his designation or that of another person is erroneous may file with the returning officer a written application to have such name entered on or struck from the list or corrected.

Date of ex-  
amination

**140.** At the expiration of 5 days, the returning officer shall fix the date, within the next ten days, when the council of commissioners are to examine any applications to have a name entered on or struck from the list of electors or corrected.

Notice

The returning officer shall notify in writing every applicant and every person contemplated in an application.

Hearing of  
parties

**141.** On the appointed day, the council of commissioners shall examine the applications and give the parties concerned an opportunity to be heard.

Oath

The council may hear the interested parties and their witnesses under oath or, as the case may be, solemn affirmation.

Decision

**142.** The council of commissioners may confirm or correct the list of electors.

Initials

The returning officer shall initial every alteration made to the list of electors.

Coming into  
force

**143.** The list of electors comes into force on the twenty-first day preceding the date of the poll.

Copy of the  
list

**144.** The returning officer shall send to each candidate, free of charge, a copy of the list of electors for the ward in which he is a candidate.

Copy of the list      The returning officer, upon request, shall send a copy of the list of electors to any other person on payment of the copying cost.

Clerical errors      **145.** No clerical error in the preparation, revision or putting into force of the list of electors affects the validity of the list unless it results in actual injustice.

Effect of ss. 137 to 145      **146.** Sections 137 to 145 have effect notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

6. Election period

Date of election      **147.** An election of commissioners shall be held every three years on the third Sunday in the month of October.

Notice of election      **148.** No later than twenty-nine days before the poll, the returning officer shall publish a notice of election indicating the date fixed for the polling and the final date for the nomination of candidates.

Appointment by the Government      **149.** If the election is not held on the prescribed date, the Government, on the recommendation of the Minister, may appoint the required commissioners to complete the council of commissioners. The commissioners so appointed must have the required qualifications of commissioners.

Power of the Government      The Government may, however, order the holding of an election and fix the date thereof.

7. Nomination

Nomination      **150.** Any person wishing to be a candidate shall, no later than five o'clock in the afternoon on the fourteenth day preceding that of the poll, file a nomination paper in the office of the returning officer.

Support      Each nomination must be supported by ten electors in the ward.

Candidate      **151.** No person may be a candidate in more than one ward.

Withdrawal      **152.** A candidate may withdraw at any time before the closing of the poll, by sending to the returning officer a written and signed notice to that effect; all votes cast in favour of such candidate shall then be cancelled.

Declaration of election      If, after the withdrawal of a candidate, only one candidate remains for the position to be filled, the returning officer shall declare him elected.

Death of  
candidate

**153.** If a candidate dies after having been nominated but before the close of the poll, the returning officer shall immediately recommence the election proceedings for the ward concerned.

Notice

The returning officer shall, in that case, issue a public notice indicating the final date for the nomination of candidates and the polling date.

Single can-  
didate

**154.** If, at the end of the period provided for the nomination of candidates, the returning officer has received only one nomination for an electoral ward, he shall declare the candidate elected.

Lack of  
quorum

**155.** If the returning officer does not receive nomination papers in a sufficient number of wards to form a quorum of the council of commissioners, he shall so inform the Minister.

Appoint-  
ment by the  
Government

The Government, on the recommendation of the Minister, shall appoint a commissioner in each ward where there is no candidate. These commissioners must have the required qualifications of commissioners.

Appoint-  
ment by the  
council of  
commis-  
sioners

**156.** If there are no candidates in one or several of the wards but there is a sufficient number of wards to enable the board of commissioners to form a quorum, the returning officer shall inform the new board of commissioners which, within fifteen days after polling-day, shall appoint commissioners from among persons qualified for election.

Notice

The school board shall give public notice of the full names of the persons appointed under the first paragraph.

#### 8. Polling

Polling

**157.** If the returning officer receives more than one nomination in a ward, he shall order that a poll be held.

Public  
notice

**158.** The returning officer, within four days after the period for nomination of candidates, shall give public notice of:

- (1) the surnames, given names, addresses and occupations of the candidates, in alphabetical order and by wards;
- (2) the place, day and time fixed for the polling;
- (3) the full names of the candidates elected without opposition.

Publication

**159.** Before the holding of a poll, the returning officer shall cause to be published in the form and in the manner determined by by-law of the school board, any information the candidates may provide him

with respecting their identity, training and professional or social activities.

**Equal consideration**      The returning officer shall give equal consideration to each candidate.

**Election expenses**      **160.** After the holding of a poll, every candidate having obtained 15 per cent or more of the votes is entitled, upon production of vouchers, to be reimbursed for his election expenses by the school board up to the maximum amount determined by regulation of the Minister.

**Election expenses**      Every candidate is entitled to the reimbursement even if the election does not take place by reason of the withdrawal or death of the other candidate before the poll is held.

**Secrecy**      **161.** Voting is secret.

**Hours**      **162.** Polling takes place on the appointed day, from nine o'clock in the morning to seven o'clock in the evening.

**Hours**      The returning officer may, however, fix the opening of the poll at eight o'clock in the morning and the closing at eight o'clock in the evening.

**Extension**      If it was impossible to begin the polling at the appointed time or if it was interrupted for an unavoidable cause or was not completed by reason of a lack of ballot papers, it shall continue until it has lasted ten hours.

**Electors present at closing time**      **163.** Electors present on the premises of a polling station who were unable to vote before the time prescribed for the closing of the poll may exercise their right to vote.

**Polling stations**      **164.** The returning officer shall determine the location of the polling stations and the list of electors of each polling station.

**Number of electors**      So far as possible no polling station shall have more than 300 electors.

**Deputy returning officer and poll clerk**      **165.** The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.

**Rights and obligations**      Each deputy returning officer has in respect of his polling station the same rights and obligations as the returning officer.

**Ballot boxes**      **166.** The returning officer shall procure all necessary ballot boxes for each polling station.

- Ballot box** The ballot box shall be made of durable material, with lock and key, and with a slit or narrow opening in the top, and so constructed that the ballots may be introduced therein, but cannot be withdrawn therefrom unless the box be opened.
- Ballot papers** **167.** The returning officer shall have the ballot papers printed according to the form provided in Schedule A.
- Paper** The ballot papers shall be printed on writing paper sufficiently thick so that a pencil mark does not appear through it.
- Ballot paper** The ballot paper is provided with a stub and a counterfoil, both bearing the same number on the reverse. The ballot papers must be numbered consecutively.
- Names of candidates** The given names and the surname of each candidate are listed in alphabetical order on the obverse of the ballot paper.
- Printer** **168.** Ballot papers shall bear the name of the printer by whom they were printed.
- Exclusive design** The printer shall ensure that the design of the ballot paper ordered by the returning officer has not been furnished to any other person.
- Late withdrawal** **169.** If a candidate withdraws too late to allow for the printing of new ballot papers, and polling is proceeded with for other candidates, the returning officer shall make use of the ballot papers on hand, after striking out the name of the candidate who has retired, and these ballot papers shall serve for all the purposes of the election.
- Presence of candidate** **170.** A candidate may be present with the deputy returning officer and the poll clerk at a polling station.
- Representative** Each candidate may also designate, in writing, a person to represent him at a polling station.
- Inspection of ballot papers** **171.** The persons entitled to be present in the polling station during polling hours are entitled to have the ballot papers used for the poll counted in their presence before the opening of the poll and to inspect the ballot papers and all other documents relating to the poll, provided that they are present at least fifteen minutes before the hour fixed for the beginning of the polling.
- Inspection of ballot box** **172.** At the time fixed for opening the poll, the deputy returning officer and poll clerk shall, in the presence of the candidates or their representatives, open the ballot box and ascertain that it is empty.

- Call to vote        Thereupon, the deputy returning officer shall lock the box and call upon the electors to vote.
- Protection of electors        **173.** The deputy returning officer shall secure the admittance of every elector into the polling station, and shall see that he is not impeded or molested at or about the polling station.
- Voter        **174.** Not more than one voter may be admitted to the polling station at the same time.
- Name and address        Upon entering the polling station, each elector shall declare his surname, given name and address and, when so required, his age.
- Admission of elector        **175.** The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors of the polling station and if his surname, given name, address, and age, where such is the case, correspond to those appearing on the list of electors.
- Ballot paper        The deputy returning officer, after initialling a ballot paper in the space reserved for that purpose, shall remit the ballot paper to the elector admitted to vote.
- Oath or affirmation        **176.** Any person tendering his vote shall make the following declaration before the deputy returning officer, a candidate or his representative, if required so to do by him:
- Oath        “I swear (*or*, solemnly affirm) that I am qualified to vote, and that I have not already voted at this election.”
- Refusal        If the elector refuses, he shall lose his right to vote at the election and his refusal is recorded in the poll book according to the form provided in Schedule B.
- Declaration required        **177.** An elector under whose name a person has already voted may be admitted to vote after having made the declaration provided in section 176.
- Voting        **178.** After receiving a ballot paper, the elector shall proceed into one of the compartments of the polling station, mark the ballot paper in one of the circles and then fold up the ballot paper; he shall leave the compartment and allow the initials of the deputy returning officer to be examined by that officer, by the poll clerk and by any candidate or his representative who wishes to do so; then the elector, in full view of those present, shall remove the counterfoil and remit it to the deputy returning officer, who shall destroy it. The elector himself shall then place the ballot in the ballot box.

Marking

**179.** The elector shall mark the ballot paper by making a cross, an "X", a check mark or a line with the pencil put at his disposal by the deputy returning officer.

Indication on the list

**180.** As soon as an elector has voted, the poll clerk of the polling station shall indicate it on the list of electors.

Cancellation

**181.** If the initials appearing on the obverse of the ballot paper are not those of the deputy returning officer, he shall cancel it and the poll clerk shall indicate that fact in the poll book.

Spoiled ballot paper

**182.** The deputy returning officer shall remit a new ballot paper to an elector who has inadvertently marked or spoiled his ballot paper and shall cancel the marked or spoiled ballot paper.

Assistance

**183.** An elector who declares under oath or solemnly affirms that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted by either the deputy returning officer or the poll clerk in the presence of the candidates or their representatives, or by an elector from the same school board who declares under oath or solemnly affirms that he has not assisted another elector during the polling and that he will not disclose the name of the candidate for whom the elector has voted in his presence. In either case, an indication of the fact is made in the poll book.

Secrecy

Where the vote takes place in the presence of the candidates or their representatives, they are required to declare under oath or solemn affirmation that they will not reveal the name of the candidate for whom a person has voted in their presence.

Powers of deputy returning officer

**184.** The deputy returning officer has, in the discharge of his duties, all the powers of a justice of the peace.

Peace and order

**185.** The returning officer, in order to preserve peace and good order, may require the assistance of peace officers or require the assistance of any other person.

#### 9. Proceedings after close of poll

Counting of the ballots

**186.** After the close of the poll, the deputy returning officer, in the presence of the poll clerk, the candidates or their representatives, shall count the ballots and add up the votes cast in favour of each of the candidates.

Initials omitted

**187.** If, at the counting of the ballots, the deputy returning officer notices that, through oversight or forgetfulness, he has omitted to initial any or all of the ballots on the reverse, he may then do so in the presence

of the persons who are in the polling station, and at the same time indicate it by a note initialed by him in the poll book.

- Declaration** Before affixing his initials, the deputy returning officer shall write, sign and attest, before the poll clerk, the following declaration:
- Oath** "I swear (*or* solemnly affirm) that, through forgetfulness or oversight, I did not affix my initials on (*state the number*) ballot papers, which I acknowledge as having been supplied by me during the polling, and which I have found in the ballot box."
- Deposit** The declaration shall be deposited with the other documents in the ballot box.
- Counting of the ballots** The ballots shall then be counted as if all formalities had been duly complied with in respect thereof.
- Return** **188.** Every deputy returning officer shall make a return to the returning officer of the counting of the ballots in the form prescribed in Schedule C.
- Addition of the votes** **189.** The returning officer shall add up the votes according to the returns of the deputy returning officers and shall declare elected the candidates who received the greatest number of votes in each electoral ward.
- Recount** **190.** In the case of a tie-vote, the returning officer shall proceed to recount the votes.
- Tie-vote** If the vote is still tied, a new poll is held. The returning officer shall then give public notice informing the electors of the new period fixed for the nomination of candidates and the new election date.
- Recount** **191.** A defeated candidate may, within four days of the declaration of election of a candidate, demand that the returning officer make a recount.
- Final decision** **192.** The decision of the deputy returning officer or the returning officer at the time of a recount respecting the admission or rejection of a ballot paper is final, and may be reversed only upon contestation of the election.
- Declaration of election** **193.** The returning officer, within eight days following a poll, shall declare elected the candidates who received the greatest number of votes in each electoral ward, and as the case may be, the candidates elected without opposition.

Public notice      He shall also, within the same time, give public notice stating the name of each candidate elected and the ward he represents.

Commencement      **194.** School commissioners shall take office on the day they are declared elected.

Continuance in office      They remain in office until they are reelected or replaced unless their seats become vacant for one of the reasons provided in section 213.

#### 10. Contestation of election

Contestation      **195.** The election of commissioner may be contested by any candidate or by five electors when it has been obtained by violence, corruption or fraud, or by the votes of persons who have voted without being qualified as electors, or on the ground of the non-observance of the prescribed formalities.

Non-observance of formality      **196.** No election may be declared void by reason of the non-observance of a formality prescribed for the procedures respecting the poll or the counting of votes or by reason of the non-observance of the prescribed time limits, if the electoral procedures have been conducted in accordance with the principles established in this subdivision and if the non-observance did not affect the result of the election.

Incapacity of officer      Similarly, no election may be declared void by reason of the incapacity of an electoral officer if the incapacity did not affect the result of the election.

Motion      **197.** An election is contested by way of a motion to the Superior Court of the judicial district in which all or part of the territory of the school board where the election was held is situated.

Time limit      **198.** The motion shall be presented within thirty days of the public notice of the declaration of election.

Time limit      The time limit is peremptory.

Affidavit      **199.** The motion must be supported by an affidavit attesting the accuracy of the facts alleged.

Contents      The applicants may indicate the person who has a right to be declared elected, and state the facts in support of such right.

Service      **200.** The motion, with a notice stating the day on which the motion will be presented to the court, shall be served upon every commissioner whose election is contested and upon the returning officer in charge of the contested election.

Proceedings **201.** Proceedings are conducted in accordance with the rules of the Code of Civil Procedure but the motion must be heard and decided by preference.

Decision **202.** The court may confirm or annul the election, or declare another person elected.

Decision **203.** The decision of the Superior Court is final.

New election **204.** Where the court annuls the election of the commissioners or of any of them, without designating other persons elected, it shall order a new election and fix the period for the nomination of candidates and the date of the polling.

#### 11. Offences

Offences **205.** Every person who

- (1) offers himself as a candidate, knowing he is disqualified;
  - (2) supports a nomination paper, when he is not an elector and is not domiciled in the electoral ward of the school board for which the nomination paper is filed;
  - (3) is a candidate in more than one electoral ward;
  - (4) knowingly spreads false news of the withdrawal of a candidate;
  - (5) is a returning officer and accepts a nomination paper which is incomplete or the nomination paper of a person disqualified for the office of commissioner,
- is guilty of an offence.

Offences **206.** Every person who

- (1) votes more than once at the same election;
- (2) permits a person to vote who is not registered on the list of electors;
- (3) votes without being entitled to vote;
- (4) votes or attempts to vote by fraudulently using the name and quality 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 as the representative of a candidate 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 knowingly admits to vote a person who has already voted;

(10) is an election officer and arrives late at the polling station in order to delay the opening of the poll,

is guilty of an offence.

Offences

**207.** 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 election;

(3) is a returning officer and makes a fraudulent election return or issues a fraudulent declaration of election,

is guilty of an offence.

Offences

**208.** Every person who is the returning officer or an election officer and fraudulently neglects or refuses to act, or acts against this subdivision, is guilty of an offence.

Offences

**209.** Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom of vote, prevents or attempts to prevent an operation related to the vote, or alters or attempts to alter the results of the election, is guilty of an offence.

Penalties

**210.** Every person who is guilty of an offence contemplated in sections 205 to 209 is liable, in addition to costs,

(1) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of a natural person and, in default of payment, imprisonment for not over three months and, in the case of a legal person, a fine of not less than \$300 nor more than \$3 000;

(2) for a subsequent offence within five years, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person and,

in default of payment, imprisonment for not over six months or, in the case of a legal person, a fine of not less than \$600 nor more than \$6 000.

**Complicity** **211.** Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is himself guilty of the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not that person has been prosecuted or found guilty.

**Proceedings** **212.** Proceedings under this subdivision are instituted in accordance with the Summary Convictions Act by the Attorney General, by any person generally or specially authorized by him for such purpose or by any elector of the school board.

12. Replacing commissioners when vacancies occur during their term of office

**Vacancies** **213.** The seat of a commissioner becomes vacant

- (1) if he dies;
- (2) if he ceases to be qualified;
- (3) if he resigns in writing;

(4) if he is absent from six consecutive sittings of the council of commissioners with an interval of at least seven days between each of them.

**Vacancy filled by the council** **214.** If twelve months or less remain before the end of the term of office of the commissioner whose seat is vacant, the council of commissioners shall fill the position within the following fifteen days, in such manner as it considers appropriate. The person appointed must be a qualified elector.

**Public notice** The school board shall give public notice of the given names and surname of the person appointed.

**Election** **215.** If twelve months or more remain before the end of the term of office of the commissioner whose seat is vacant, the returning officer of the school board shall proceed to hold an election to fill the position.

**List** The list of electors for the election is that used at the election of the commissioner whose seat is vacant, subject to applications for entry, striking off or correction.

**Applicable provisions** This subdivision applies to the election, adapted as required.

§ 3.—*Operation*

**216.** The director general shall convene the members of the council of commissioners to the first sitting of the council.

Convening  
of members

One member of the council of commissioners shall chair the first sitting until the members of the council appoint a chairman.

Chairman

**217.** The term of office of the chairman is one year and may be renewed.

Term of  
office

**218.** The chairman shall preside over the meetings of the council of commissioners and perform any other duties assigned to him by the council of commissioners.

Duties of  
the  
chairman

**219.** The council of commissioners shall designate one of its members to replace the chairman in his absence.

Repla-  
cement

**220.** A majority of the voting members constitutes a quorum of the council of commissioners.

Quorum

**221.** Decisions of the council of commissioners are taken by a majority of the votes of the members present.

Decisions

Only the commissioners elected by universal suffrage are entitled to vote on the fixing of the rate of the school tax. For that purpose, a majority of the commissioners elected by universal suffrage constitutes a quorum of the council of commissioners.

Voting on  
school  
tax-rate

In case of a tie-vote, the chairman has a casting vote.

Tie-vote

**222.** The council of commissioners shall establish its rules of internal management.

Internal  
mana-  
gement

The rules must provide, in particular, for

Rules

(1) the holding of not fewer than four meetings annually;

(2) the sending of a copy of the notice of meeting and the agenda of a meeting of the council to each school council;

(3) a period at each meeting of the council during which the persons attending may put oral questions to the members of the council; the rules may prescribe the length and time of the question period and the procedure to be followed to put a question.

The council of commissioners shall forward a copy of its rules of internal management to each school council.

Copies

- 223.** The council of commissioners may determine, by by-law, the remuneration that may be paid to its members for the services they render to the school board.
- Expenses** It may also determine the norms and modalities governing the repayment of expenses incurred by the members in the performance of their duties.
- Maximum amount** In no case may the maximum amount of remuneration that may be paid to all the members of the council of commissioners of a school board serving 500 pupils or less be greater than the product obtained by multiplying the number of members of the council of commissioners by \$800. Where a school board serves 500 pupils or more but less than 35 000, the multiplication is made by \$3 700 and where a school board serves 35 000 pupils or more, the multiplication is made by \$11 900.
- Annual adjustment** The maximum amount is adjusted annually in accordance with the rate of increase in the Consumer Price Index for Canada determined by Statistics Canada.
- Rate of increase** The Minister shall, every year, establish the rate of increase in the rules governing the allocation of financial resources.
- Public meetings** **224.** The meetings of the council of commissioners are public.
- In camera** The council may order the meetings held in camera if it considers that the proceedings may damage the reputation of a person or that, in the public interest, the matter should be dealt with confidentially.
- Secretary** **225.** The council of commissioners shall appoint a person to act as secretary to the council of commissioners and, as the case may be, to the executive committee.
- Minutes** **226.** The minutes of the meetings of the council of commissioners approved by the council and the copies certified true by the chairman and the secretary or by one of them and by a person so authorized by a rule of internal management are proof of their contents. The same applies to documents and copies emanating from the school board or forming part of its records if they have been so certified.
- Public access** The register of the minutes is public.
- Signatures** **227.** The signature of the chairman, director general or secretary of the school board may be an engraved, lithographed or printed facsimile, and this has the same effect as if the signature itself were affixed.

Delegation  
of functions

**228.** The council of commissioners may, in writing, delegate such functions as it may indicate to the executive committee, the director general, a principal or another member of the executive staff of the school board.

Notice

It shall give public notice of the delegation.

Applicability  
of  
c. F-6

**229.** The Act respecting municipal bribery and corruption (R.S.Q., chapter F-6) applies to the members of the council of commissioners in the same manner as it applies to the members of a municipal council, and a council of commissioners is deemed to be a municipal council within the meaning of the said Act.

Conflict of  
interest

However, sections 3 and 4 of the said Act do not apply to a member of a council of commissioners who has a direct or indirect interest in an undertaking or contract causing his personal interest to conflict with that of the school board if he discloses his interest in writing to the board of which he is a member and if he abstains from participating in any deliberation or decision concerning the matter in which he has an interest.

Immunity

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

### DIVISION III

#### SCHOOL BOARD COMMITTEES

Executive  
committee

**231.** The council of commissioners of a school board may establish an executive committee.

Composition

The committee, if established, is composed of the following members:

(1) the chairman of the council of commissioners, who is chairman of the committee;

(2) not fewer than four other members of the council of commissioners including at least one parent elected by the school councils.

Non-voting  
members

The director general and the assistant director general of the school board are members of the executive committee but they have no vote.

Powers

**232.** The executive committee shall exercise the powers delegated to it in writing by the council of commissioners.

Applicable provisions      **233.** The first paragraph of section 220 and sections 221, 224, 226, 229 and 230 apply to the executive committee, adapted as required.

Advisory committee on management      **234.** Every school board shall establish, under the direction of the director general, an advisory committee on management on which the school principals and the members of the executive staff of the school board shall sit.

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

Functions      **235.** The committee on management shall act in an advisory capacity to the director general and, through him, the school board on any matter coming under the authority of the school board, except the conditions of employment of principals and members of the executive staff of the school board.

Advisory committee on services for handicapped pupils      **236.** Every school board shall establish an advisory committee on services for handicapped pupils and pupils with social maladjustment or learning disabilities.

Composition      The committee is composed of

- (1) representatives of the parents of the pupils concerned designated by the regional advisory committee of parents;
- (2) representatives of the teachers and professionals who provide services to the pupils concerned, designated by the associations which represent them to the school board;
- (3) representatives of bodies which have experience in providing the relevant services, designated by the council of commissioners after consultation with those bodies.

Number of representatives      **237.** The council of commissioners shall determine the number of representatives in each group.

Representatives of the parents      The representatives of the parents must form the majority of the representatives.

Functions      **238.** The advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities has the following functions:

- (1) recommending to the school board norms governing the provision of special services to handicapped pupils and pupils with social maladjustments or learning disabilities designed to facilitate their integration into regular classes or groups and their participation in school

activities, where that is possible and conducive to the pupil's social integration and learning achievement;

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

Advice to  
school  
board

The committee may also advise the school board on the implementation of the program to provide services to handicapped pupils or pupils with social maladjustments or learning disabilities.

Advisory  
committee  
on pupil  
transportation

**239.** An advisory committee on pupil transportation shall be established in each school board that provides pupil transportation.

Composition

The committee is composed of

(1) the director general of the school board and the person responsible for pupil transportation;

(2) one representative of the support staff of the school board selected by the mode determined by the group;

(3) one representative of each public transit body operating in the territory of the school board;

(4) two members of school councils selected in the manner determined by the school board;

(5) one or more representatives of each other school board for which the school board provides pupil transportation;

(6) one representative of the private educational institution for which the said school board provides pupil transportation selected in the manner determined by the school board;

(7) one representative of the general and vocational college for which the school board provides pupil transportation selected in the manner determined by the school board;

(8) one representative of the pupils designated by the school board;

(9) one representative of the parents of handicapped pupils designated by the advisory committee on services for handicapped pupils and pupils with social maladjustment or learning disabilities.

Conflict of  
interest

No person having a direct or indirect interest in a pupil transportation service that operates in the territory served by the school board may be on the committee.

Functions **240.** The committee on pupil transportation is responsible for advising on

- (1) the guidelines and organization plan of pupil transportation;
- (2) the terms and conditions for awarding contracts for pupil transportation;
- (3) the criteria and modalities governing the use of the pupil transportation service by other persons;
- (4) the allocation of subsidies granted by the Minister of Transport;
- (5) any question on which the school board may consult it.

Regional advisory committee of parents **241.** A regional advisory committee of parents shall be established in each school board.

Composition The committee is composed of a representative of the parents' committee of every school.

Functions **242.** The regional committee of parents has the following functions:

- (1) ensuring such cooperation as is necessary for the proper functioning of the parents' committees and promoting the participation of parents in the school board's activities;
- (2) giving advice on any matter conducive to the most efficient possible operation of the school board;
- (3) giving advice on any matter in which the parents are concerned and on which it demands to be consulted;
- (4) examining any question on which the board of commissioners may consult it.

Regional education committee **243.** A regional education committee composed of teachers and professionals at the school board shall be established in each school board.

Composition The rules respecting the composition, establishment and mode of consultation of the committee may be stipulated in a collective agreement.

Functions **244.** The regional education committee has the following functions:

(1) ensuring the necessary cooperation for the proper functioning of the education committees of the schools and promoting the participation of teachers and professionals in the activities of the school board;

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

(3) giving advice on any question on which teachers and professionals are concerned and on which it demands to be consulted;

(4) examining any question on which the board of commissioners may consult it.

Other committees

**245.** The school board may establish any other advisory committee, in particular a regional secondary school pupils' advisory committee and an adults' advisory committee.

Composition and functions

Where committees are established under the first paragraph, the school board shall determine, after consultation with the persons concerned or their association, as the case may be, the composition, formation and functions of those committees.

Administrative regions

**246.** A school board may divide its territory into administrative regions and establish an advisory committee of parents and an advisory committee on management for each of those regions.

Central committees

If committees are established under the first paragraph, the school board shall establish a central advisory committee of parents and a central advisory committee on management composed of delegates from the committees of each region.

Composition and functions

The school board shall determine by by-law the composition of the central committees and which of the functions provided in sections 235 and 242 devolve to the central committee or to the committee of each region.

Use of premises

**247.** The committees are entitled to hold their meetings on the premises of the school board.

Use of services and facilities

The committees are also entitled to use the administrative services and the facilities of the school board according to the terms and conditions established by the director general; in the case of the regional education committee, the terms and conditions may be stipulated in a collective agreement.

Internal management

**248.** The committees shall establish their rules of internal management.

Participation of the director general **249.** The director general or the person he designates for that purpose shall participate in the meetings of the committees of the school board, unless the rules of internal management of a committee, subject to sections 231, 234 and 239, provide otherwise.

Vote The director general or the designated person has no vote.

Expenses **250.** The council of commissioners may determine the norms and modalities governing the repayment of expenses incurred by the members of school councils and members of the committees of the school and of the school board in the performance of their duties.

#### DIVISION IV

##### DIRECTOR GENERAL

Director general **251.** Every school board shall appoint a director general.

Assistant **252.** The school board may appoint an assistant to the director general.

Selection The director general shall take part in the selection of his assistant.

Duties of the assistant **253.** The assistant shall assist the director general in the performance of his duties and shall perform the duties delegated to him in writing by the director general.

Replacement The assistant may perform the duties of the director general when he is absent.

Full-time duties **254.** The director general shall discharge his duties on a full time basis; in no case may he be a member of a school council under the authority of the school board.

Appointment and dismissal **255.** The appointment or the dismissal of the director general or his assistant who performs his duties on a full time basis, and the non-renewal of their appointments are decided by the affirmative vote of two-thirds of the members of the council of commissioners.

Duties **256.** The director general shall assist the council of commissioners and, as the case may be, the executive committee in the performance of their functions.

Duties **257.** The director general is responsible for the day-to-day administration of the school board and the management of its resources.

**Duties** He shall see that the decisions of the council of commissioners and, as the case may be, of the executive committee are carried out and shall perform the duties that they assign to him.

**Accountability** **258.** The director general shall render account of his administration to the council of commissioners or the executive committee, as the case may be.

## DIVISION V

### FUNCTIONS

#### § 1.—*General functions*

**Functions of the school board** **259.** Every school board shall ensure that the population in its territory is provided with the educational services to which it is entitled.

**Functions** The school board shall also ensure that the persons who, within the boundaries of its territory, are committed or placed under custody 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) receive the educational services to which they are entitled.

**Plan of allocation and destination of immovables** **260.** Every three years, the school board shall determine, in accordance with the criteria it establishes by by-law, a plan of allocation and destination of its immovables.

**Establishment of schools** Once a plan is established under the first paragraph, the school board shall draw up a list of the schools in its territory and shall issue a deed of establishment to them in accordance with the plan.

**Public notice** The school board shall give public notice of the list of the schools and their deeds of establishment.

**Effect** The deeds of establishment have effect from the beginning of the school year.

**Adult education** **261.** The school board may establish schools for adult education and determine their mode of management and operation.

**Adult education** The school board may also organize educational services for adults on the premises of a school established under section 260 and determine their mode of management and operation.

**Agreements** **262.** The school board, in accordance with the norms it establishes by by-law, may enter into an agreement with another school board or a private educational institution within the meaning of the Act respecting

private education, for the provision of developmental and cognitive learning services or instructional services to the population in its territory.

**Agreement**      **263.** A school board may, in accordance with the norms it establishes by by-law, enter into an agreement with another school board, or any body or person, for school purposes other than the provision of developmental and cognitive learning services or instructional services.

**Fees**              **264.** A school board may, in accordance with the rules governing the allocation of financial resources established by the Minister, require registration and tuition fees from a person who attends one of its schools but who is not resident in Québec or from an adult who is taking courses that do not lead to the obtaining of a diploma granted by the Minister.

**Con-  
sulta-  
tion pro-  
cedure**              **265.** The school board, by by-law, shall adopt procedures for consulting the school councils.

**Approval**              The procedures come into force on approval by a majority of the school councils.

**Con-  
sul-  
ta-  
tion**                  **266.** The school board shall consult the school councils on matters determined by it.

**Con-  
sul-  
ta-  
tion**                  The school board shall also consult the councils on matters determined by a majority of the school councils.

**Support**              **267.** The school board shall provide information and support for the carrying out of the duties assigned to the school councils under this Act.

**Educational  
plan**                  **268.** The school board shall facilitate the carrying out of the educational plan of each school.

**Delegation**              For such purpose, it may delegate in writing certain duties conferred on it by this Act to a school council with the consent of a majority of the parents and a majority of the teachers who are members of the school council.

**Autority of  
the school  
board**                  **269.** If a school council neglects or refuses to comply with an Act or a regulation of the Government, of the Minister or with a by-law of the school board, the school board shall issue a formal notice enjoining its compliance; if the school council fails to comply, the school board shall take any measures necessary to ensure its compliance with the Act and the regulations thereunder, in particular, by substituting its own decisions for those of the school council.

Information  
to the  
Minister

**270.** The school board shall furnish to the Minister the information he requires for the carrying out of his duties, on the date and in the form he determines.

Nominative  
information

Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), a school board may furnish nominative information to the Minister if it concerns

(1) pupils attending the schools and the conditions of employment, the remuneration and the classification of the staff for the purposes of preparing and implementing rules for allocating financial resources;

(2) scholastic achievement for the purposes of issuing diplomas.

Information  
of the popu-  
lation

**271.** The school board shall, every year, inform the population in its territory of the educational and other services offered by it.

Annual  
report

**272.** The school board shall, every year, make a report of its activities, accompanied with a summary of the external auditor's report. The report is made public in the manner determined by the school board.

### § 2.—*Functions in respect of educational services*

Implemen-  
tation of  
official  
school  
policy

**273.** The school board shall ensure the implementation of the official school policy adopted by the Government and of the programs of studies established by the Minister.

Exemptions

**274.** The school board may, for humanitarian reasons or to avoid being seriously prejudicial to a pupil, at the request of a school principal, exempt a pupil from the application of any provision of the official school policy.

Educational  
services

**275.** The school board shall determine the educational services to be provided by each school.

Religious  
instruction

**276.** The school board shall see that Catholic moral and religious values instruction, Protestant moral and religious values instruction, or moral values instruction is provided in each school according to the choice of the pupil or his parents.

Content of  
programs

The provision of Catholic or Protestant moral and religious values instruction and moral values instruction must enable each pupil to achieve the objectives and acquire the content defined in the official program of studies.

Pastoral  
and reli-  
gious care

**277.** The school board shall see that each school offers

(1) auxiliary services of pastoral care and guidance for pupils enrolled as Catholics;

(2) auxiliary services of religious care and guidance for pupils enrolled as Protestants.

Catholic  
committee  
and Protes-  
tant com-  
mittee

**278.** Catholic or Protestant moral and religious values 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 deno-  
mination

**279.** The school board may, at the request of a school council and on the conditions the board fixes, organize the provision of moral and religious values instruction of a religious denomination other than Catholic or Protestant if parents express that wish.

Compulsory  
objectives

The school board shall, however, ensure that the compulsory objectives are achieved and that the compulsory contents defined in the official programs of studies are acquired, particularly regarding moral values instruction.

Consulta-  
tion of the  
parents

**280.** At the request of a school council, the school board shall consult, in accordance with the regulations of the Minister, the parents of the pupils of the school on the recognition of the confessional status of a school or on its withdrawal.

Enrollment  
criteria

**281.** The school board, by by-law, shall establish school enrollment criteria for pupils according to the capacity of each school and the educational services provided.

Adoption

The by-law must be adopted and put into force at least fifteen days before the beginning of registration.

Choice of  
parents and  
pupils

The school board shall, subject to its enrollment criteria, take into account the choice of the pupil's parents or of the pupil, if of full age, upon registration.

Grouping

**282.** A school board may, at the request of parents who advocate the same educational plan, assign an immovable for the purposes of that educational plan.

Grouping of  
pupils

In order to facilitate the grouping of pupils whose parents advocate the same educational plan, the school board may establish, as one of its enrollment criteria, that of the choice of the educational plan.

Religious  
choice

**283.** The school board shall, at the time of registration, see that the pupil or his parents indicate whether the pupil is to receive Catholic

moral and religious values instruction, Protestant moral and religious values instruction or moral values instruction.

Choice of  
previous  
year

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

Transfer  
and  
expulsion

**284.** The school board may, at the request of the principal and for just and sufficient cause, and after giving the pupil and his parents an opportunity to be heard, enrol him in another school or expel him from the schools in its territory; in the latter case, it shall inform the director of youth protection.

Enrichment  
of  
objectives

**285.** The school board shall determine the guiding principles for enriching objectives and adapting optional contents of official programs of studies.

Programs  
of studies

**286.** The school board may

(1) adopt programs of studies in elective subjects not established by the Minister to meet the special needs of the pupils;

(2) replace, in the cases provided for in the official school policy, an official program of studies in an elective subject established by the Minister by a local program of studies.

Methods  
and  
materials

**287.** The school board, by by-law, may adopt criteria for deciding on

(1) the introduction of new methods of instruction;

(2) the selection of instructional equipment and supplies required for the official programs of studies and for the programs of studies adopted by the school board;

(3) the selection of teaching materials.

Auxiliary  
educational  
services

**288.** The school board shall establish a program for each auxiliary educational service except in matters coming under a minister other than the Minister of Education.

Agreements

The school board may enter into an agreement with regard to the contents of the programs in those matters and on the mode of administration of such programs.

Special edu-  
cation

**289.** The school board shall establish a program for each special educational service.

Consul-  
tation Before providing special educational support services to any pupil, the school board shall consult the pupil, his parents and the staff who provide services to the pupil.

Special edu-  
cation  
services **290.** The school board, by by-law, shall adopt norms for providing special services for handicapped pupils and pupils with social maladjustments or learning disabilities with a view to facilitating their integration into regular classes or groups and into other school activities wherever that is possible and conducive to their social integration and learning achievement.

By-laws The by-law must particularly define

(1) modalities for evaluating handicapped pupils and pupils with social maladjustments or learning disabilities and the procedure for reviewing their condition;

(2) methods for integrating those pupils 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 required weighting to determine the maximum number of pupils per class or group;

(3) methods for grouping those pupils in specialized schools, classes or groups;

(4) the financial resources allocated to the services.

Recommen-  
dation The by-law is drafted on the recommendation of the advisory committee on services for handicapped pupils and pupils with social maladjustments or learning disabilities; the school board may adopt the recommendation with or without amendments.

Duties of  
the school  
board **291.** The school board shall determine the time allotted to each subject and satisfy itself

(1) that the compulsory objectives are achieved and the compulsory contents of the official programs of studies are acquired;

(2) that the time prescribed for Catholic or Protestant moral and religious values 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 provided in the official school policy are complied with.

School  
calendar **292.** The school board shall establish the school calendars of the schools.

**293.** The school board, by by-law, shall establish standards and modalities for the evaluation of pupils' learning achievement, taking into account what is provided in the official school policy and subject to the uniform examinations that may be imposed by the Minister.

The school board is responsible for the administration of the uniform examinations imposed by the Minister and it may also impose its own standard examinations in all the schools under its jurisdiction in the subjects it determines.

**294.** The school board, in accordance with the criteria or conditions of the Minister, shall issue a certificate of equivalency to persons who have acquired knowledge otherwise than as prescribed in the official school policy.

**295.** The school board, by by-law, shall establish the rules governing the placement of pupils and their promotion from one grade to a higher or from elementary school to secondary school, subject to the rules provided in the official school policy.

**296.** The school board shall collaborate in any periodical assessment by the Minister of the official school policy, the official programs of studies, the instructional equipment and supplies required for teaching the official programs of studies and the operation of the school system.

§ 3.—*Functions related to services to the community*

**297.** The school board shall participate, in its fields of competence, in the carrying out of community projects.

The school board shall encourage the use of school immovables by community organizations.

The school board may enter into agreements with any person or organization for the purposes of this section.

**298.** The school board, at the request of a school council, shall provide day care for pupils in elementary school on the school premises.

It shall also, at the request of a school council, provide day care for preschool pupils on the school premises, if any are available. It shall provide them in accordance with the Act respecting child day care (R.S.Q., chapter S-4.1).

**299.** The school board may require a financial contribution from the parents whose children are users of the day care services.

§ 4.—*Functions related to human resources*

**Employer**           **300.** The school board is the employer of the personnel required for its own operation and that of the schools in its territory.

**Teachers**           In the case of teachers, the school board may engage only persons holding a teaching permit, except in the cases provided in section 37 of this Act.

**School board personnel**           **301.** The personnel required for the management of the school board shall perform their duties under the authority of the director general of the school board.

**School personnel**           The personnel assigned to each school shall perform their duties under the authority of the principal.

**Person responsible for Catholic instruction**           **302.** The school board shall appoint a person responsible for administrative support to Catholic schools and for services of moral and religious values instruction and pastoral care and guidance to the Catholic pupils of the schools in its territory; that person must be a member of the executive staff and be authorized by the bishop of the diocese in which the corporate seat of the school board is situated.

**Person responsible for Protestant instruction**           The school board shall appoint, on the recommendation of the Comité protestant du Conseil supérieur de l'éducation, a person responsible for administrative support to Protestant schools and for services of moral and religious values instruction and religious care and guidance to the Protestant pupils of the schools in its territory; the person responsible must be a member of the executive staff of the school board.

**Person responsible for adult education**           **303.** A school board that provides educational services to adults shall appoint a person responsible for adult education services.

**Staffing requirements**           **304.** The school board shall, in assigning personnel to the schools, take into account the staffing requirements submitted to it by the school councils and the applicable collective agreements.

§ 5.—*Functions related to material resources*

**Management and ownership**           **305.** The school board is responsible for the management of the property it owns.

**Use of premises**           **306.** The school board may, by by-law, establish norms governing the use of school premises.

**307.** The school board shall see that the property put at the disposal of its schools is maintained in a good state of repair and may take any measures necessary to make up for the failure of a school to do so.

**308.** The school board, by by-law, may establish rules on the supply of goods and services and their maintenance and replacement.

**309.** The school board shall place at the disposal of the pupils, free of charge, the textbooks and other instructional equipment and supplies required for teaching the programs of studies and the teaching materials used in classrooms or workshops.

**310.** The school board shall see that documentary resources are available to the pupils.

**311.** The school board may, if authorized by the Minister, appropriate an immovable for its purposes.

Notwithstanding the foregoing, no school board may, if not authorized by the Minister, expropriate an immovable exempt from school tax under the Act respecting municipal taxation.

§ 6.—*Functions related to financial resources*

**312.** The fiscal year of a school board begins on 1 July and ends on 30 June of the following year.

**313.** The school board shall every year determine rules and modalities for the allocation of financial resources to its schools.

The rules must provide for the amounts allotted to the operation of the school councils and school committees.

**314.** The school board shall approve the budget estimates of its schools with or without amendments. Where it proposes to make amendments, it shall give advance notice to the school council.

**315.** The budget estimates of a school have no effect until approved by the school board.

In case of necessity, the school board may, on the conditions it determines, authorize a school council to make expenditures that have not been approved.

**316.** The school board shall adopt its annual budget and forward it to the Minister in the form and on the date he determines. The budget

shall include the budget estimates of each school and make provision for the amounts allotted to the operation of the committees of the school board.

Public  
notice

**317.** Not later than fifteen days before the date contemplated for the adoption of its budget, the school board shall give public notice of its intention.

Balanced  
budget

**318.** The budget must 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.

Surplus

**319.** The school board may include any surplus for the preceding year in its budget, as revenue.

Deficit

**320.** The school board shall include any deficit for the preceding year in its budget, as expenditure.

Deficit

The Minister may, however, authorize a school board to spread its deficit or surplus over a period on the conditions and according to the modalities he determines.

Unforeseen  
expenses

**321.** In case of necessity, the school board may incur expenses before the adoption of its budget or any expenses not provided for in its budget.

Accounta-  
bility

**322.** The school board is accountable for its financial operations and those of the schools under its jurisdiction.

Statement  
of revenues  
and  
expenses

**323.** The school board shall provide each principal, periodically or on request, with a statement of its revenues, expenses and commitments.

Interim  
report

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

External  
auditor

**324.** At the beginning of each fiscal year, each school board shall appoint an external auditor who shall file a report of his audit of the financial transactions respecting its operation and that of the schools under its jurisdiction.

Mandate

The Minister may specify the auditor's general mandate after consultation with the school boards.

Annual  
report

**325.** The school board shall transmit to the Minister, on the date and in the form he determines, its annual financial report accompanied with the external auditor's report.

Borrowing  
powers

**326.** Notwithstanding any inconsistent provision of any general law or special Act, a school board may, with the authorization of the Minister and on the conditions and according to the modalities he determines, borrow money by any mode recognized by law.

Loans on  
foreign  
market

**327.** Where a school board wishes to contract 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, it must be previously authorized to do so by the Minister of Finance and the Minister of Education. Furthermore, every registration formality permitting access to a money market other than the Canadian market and any negotiation of a loan contemplated in this paragraph must be authorized by the Minister of Finance and the Minister of Education.

Amount of  
loan

Where the authorization is granted and the school board contracts a loan in accordance with the legislative provisions governing it in such matters and the Act or resolution authorizing the loan limits the amount thereof, the amount of the loan 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. 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.

Information  
to the  
Minister

**328.** At the request of the Minister, the school board shall furnish him with any information he may require on its financial position and authorize the financial institutions with which it does business to furnish that information.

Subsidies

**329.** The Minister may, on the terms and conditions he determines, grant on behalf of the Government a subsidy to any school board for the payment, in whole or in part, out of the funds voted annually by the National Assembly, of the principal and interest of any loan contracted or to be contracted by the school board.

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 bonds issued 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 bonds and, out of the proceeds or revenues of the fund, the loans contracted by any school board.

§ 7.—*Functions related to pupil transportation*

- 330.** The school board may provide partial or full pupil transportation in its territory and, by by-law, establish norms for that purpose.
- 331.** Pupil transportation provided by a school board is free of charge.
- Notwithstanding the foregoing, the school boards providing pupil transportation at noon to allow pupils to have their meal at home may claim the cost from the pupils, provided the service is optional.
- Whether or not school boards provide transportation at noon to allow pupils to have their meal at home, they are required to ensure the supervision of the pupils who are not provided with transportation or who choose not to use such transportation.
- 332.** Any school board may enter into an agreement to provide transportation for the pupils of another school board, a private school or a general and vocational college.
- 333.** A school board may grant a contract for pupil transportation after negotiating an agreement or following a call for public tenders.
- In the case of a call for public tenders, the school board may reject every tender and call for other tenders or retain 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.
- The contract for the transportation of pupils must be made in writing and in accordance with government regulation.
- No contract may be for a longer term than that fixed by the Minister of Transport or, failing that, three school years.
- 334.** A school board, after having determined the number of available seats and with the authorization of the Minister of Transport, may allow persons other than pupils to use the services of pupil transportation until the number of seats available is filled, and determine the fare.

Obligation of the carrier      The person who effects pupil transportation is bound by the decision, notwithstanding any contrary provision contained in a contract for the transportation of pupils.

Transportation costs      **335.** A school board, whether or not bound by a contract for the transportation of pupils, may pay directly to the pupils an amount to cover all or part of their transportation costs.

Subsidies      **336.** A school board providing pupil transportation shall receive a subsidy for pupil transportation in the amount determined according to the budgetary rules established by the Minister of Transport after consultation with the Minister of Education and approval by the Conseil du trésor.

Information to the Minister      A school board shall provide the Minister of Transport with the information he may request for purposes of subsidies on the date and in the form he determines.

Transportation by other school board      School boards entrusting the transportation of their pupils to another school board are not considered to provide pupil transportation for the purposes of this section.

Nominative information      Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information, a school board may provide the Minister of Transport, for the purposes of the preparation and implementation of the budgetary rules, with nominative information concerning pupils using a transportation service.

Subsidy withheld or reduced      **337.** The Minister of Transport may withhold the amount of any subsidy for pupil transportation in case of refusal to comply with this subdivision or the regulations under section 450, or reduce it where the service for which the subsidy is made is not furnished or the conditions for obtaining the subsidy are not complied with.

#### § 8.—*Pooling of technical services*

Pooling of services      **338.** At the request of not fewer than two school boards and on the recommendation of the Minister, the Government may establish, by letters patent under the great seal, a non-profit company whose object is the pooling of technical support services for such school boards.

Application      **339.** The application must set out the objects of the company and its mode of operation.

By-laws      The by-laws of internal management of the company must be attached to the application. The by-laws must provide for the possibility of other school boards joining the company, the mode of apportionment

of the expenditures of the company between the school boards being members thereof and the mode of distribution of the property of the company in case of dissolution.

Letters  
patent

**340.** The letters patent must indicate the name of the company, the names of the first administrators, the place of its head office and its objects. They may also include any other stipulations consistent with this Act.

Cancellation

**341.** At the request of the majority of the school boards forming part of the company and on the recommendation of the Minister, the Government may amend or cancel the letters patent of the company.

Notice

**342.** Notice of every issue or cancellation of letters patent or supplementary letters patent shall be published in the *Gazette officielle du Québec*.

Legal  
person

**343.** The company is a legal person with the necessary powers to carry out the objects set forth in its letters patent.

Financial  
resources

**344.** The Minister may, on the conditions he determines, allocate financial resources to a company established pursuant to section 338.

## DIVISION VI

### TAXATION

Interpre-  
tation

**345.** In this division

«municipa-  
lity»,  
«clerk»

(1) the words “municipality” and “clerk” have the same meaning as in the Act respecting municipal taxation;

«standardi-  
zed  
assessment»

(2) “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipal corporation by the 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 by that paragraph if the reference is not to its entirety;

«owner»

(4) “owner” means the person in whose name a taxable immovable is entered.

Special  
school tax

**346.** A school board, other than a school board situated on the island of Montréal, may levy a tax for the payment of expenses which are not otherwise provided for by government subsidies and by its other revenues for the current school year.

Immovables

The tax is levied on all taxable immovables situated in the school board's territory except on the immovables whose owners are described on the assessment roll drawn up in accordance with the Act respecting municipal taxation as having elected to be taxed by another school board which has jurisdiction over the same territory.

Proportion

**347.** In the case of a taxable immovable owned by a legal person, a company, or an owner not identified on the assessment roll as French-speaking or English-speaking or, as the case may be, Catholic or Protestant, the school tax is levied by each school board on a portion of the standardized assessment of the taxable immovable computed in proportion to the number of pupils who, on 30 September of the preceding year, are under the jurisdiction of each school board and who are domiciled in the common territory of the interested school boards.

Proportion

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

Approval of  
electors

**348.** Where the total amount of expenses for the payment of which a tax must be levied exceeds 6% of the subsidies allocated by the Government to the school board for the year in which the tax is levied, less the subsidies for servicing the debt or for pupil transportation, or if the rate of the levying of the tax exceeds 25 cents per hundred dollars of the standardized assessment of taxable immovables included in the real estate base of the school board, the tax is subject to the approval of the electors in accordance with sections 395 to 403.

### § 1.—*Levy of school tax*

Tax base

**349.** The tax base of the school tax is the standardized assessment of taxable immovables made by the municipalities.

Copy of the  
roll

**350.** The clerk of every municipality shall furnish to every school board wholly or partly included in the territory of the municipality a true copy of the standardized assessment roll corresponding to the territory of the school board.

Sending

The clerk shall send the copy within fifteen days of a written request to that effect.

Fee

Copies or extracts shall be furnished upon payment of a fee at the applicable rate for the issue of municipal documents.

**351.** Fixing of school tax The commissioners elected by universal suffrage shall fix the school tax rate after the adoption of the budget of the school board.

New budget If the tax rate imposed does not allow the rule for balancing the budget described in section 318 to be maintained, the school board shall adopt a new budget.

Tax rate **352.** The school tax rate of a school board is the same for all taxable immovables.

Payment **353.** School tax is payable by the owner of the taxable immovable. In default of payment, the amount of the tax with any interest due constitutes a privileged debt exempt from registration.

§ 2.—*Collection of school tax*

Collection roll **354.** Once the school tax has been levied, the director general of the school board shall prepare a collection roll.

Preparation **355.** The school tax collection roll shall be prepared in accordance with the municipal assessment roll in force while the collection roll is being prepared.

Deposit **356.** After completing the collection roll, the director general of the school board shall give public notice that the roll has been deposited.

Notice The notice must indicate where the roll may be examined by interested persons for fifteen days from the day of the notice.

Notice The notice must also mention that following the fifteen day period for examining the collection roll, the roll will be homologated at a school board meeting, and indicate the date of the meeting, which must be within ten days after the examining period.

Corrections **357.** Any owner may apply to have the collection roll amended by submitting a complaint in writing on or before the day for homologation of the roll or orally at the meeting.

Corrections **358.** On the appointed date, the trustees shall examine the collection roll. They may then amend it or correct any errors it may contain.

Complaints **359.** The council of commissioners shall take note of all complaints and hear the interested persons.

Corrections **360.** Every amendment to the collection roll shall be entered on the roll itself, or on a paper attached to it, and be initialled by the director general of the school board.

Statement  
of changes

**361.** A statement indicating the amendments, signed by the chairman and the director general, shall also be entered on or attached to the collection roll.

Homolo-  
gation

**362.** The council of commissioners shall homologate the roll, which thereupon comes into force.

Demand for  
payment

**363.** Except where collection of the school tax is entrusted to the municipal corporation or municipality, the director general, within twenty days of homologation of the collection roll, shall mail a demand for payment of school taxes to every owner entered on the roll.

Payment

**364.** School taxes are payable 31 days from sending of the tax account.

Payment

**365.** School taxes are payable in a single payment.

Interest

**366.** School taxes bear interest at the rate fixed by the school board when it levies the tax.

Prohibition

**367.** No school board may remit school taxes or interest.

Prescription

**368.** Any action for the recovery of school taxes brought against an owner is prescribed by the lapse of three years from the date they become payable.

Collection

**369.** The municipal corporation or municipality having jurisdiction to send municipal tax accounts in the territory of the school board or part thereof shall collect the school taxes of the school board if the board requests it to do so.

Collection

The municipal corporation or municipality shall collect, on behalf of the school board, the amount of the school tax in the manner it sees fit and with the same rights and obligations as for the collection of municipal real estate taxes.

Account

Notwithstanding the foregoing, the payment of school taxes of a school board must be demanded in one payment and there is no obligation to demand payment of the school tax in the same account as the municipal tax.

Collection  
expenses

**370.** The municipal corporation or municipality may deduct an amount to cover expenses incurred in collecting the school taxes by agreement with the school board or, failing agreement, in accordance with the rules the Government may prescribe by regulation.

Payment to  
the school  
board

**371.** The municipal corporation or municipality shall pay the amount of the school tax to the school board as and when it is collected.

**Additional amounts**      **372.** The municipal corporation or municipality shall remit to the school board any additional amount, including interest, owing by an owner under the Act respecting municipal taxation.

**Amounts remitted to the municipality**      The school board shall remit to the municipal corporation or municipality any amount, including interest, 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.

**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 rate applicable to the amount changes from passage of the order fixing the new rate.

**Contributions and subsidies**      **373.** Notwithstanding any Act to the contrary, every municipal corporation or municipality shall pay to the school board the contributions or subsidies that stand in lieu of the school tax within fifteen days of their receipt.

**Payment to school board**      Where a municipal corporation or 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 claim.

**Interest**      Every amount remitted after the time limit bears interest at the rate prescribed in the fourth paragraph of section 372.

**Information**      **374.** The clerk of the municipal corporation or municipality shall forward to the school board any information it requires in writing in respect of the school tax and the contributions or subsidies standing in lieu thereof.

### § 3.—*Recovery of school taxes*

#### 1. Seizure and sale of movables

**Seizure of movables**      **375.** The Code of Civil Procedure applies to seizure of movables except as provided in this subdivision.

**Seizures**      **376.** The director general may levy, with costs, the taxes due by owners by seizure and sale of their movable property not exempt from seizure that is found in the territory of the school board.

- Writ**           **377.** Seizure and sale of movable property are made under a writ signed by the chairman of the school board.
- Execution**   **378.** The writ is addressed to a bailiff, who shall execute it according to the same rules as a writ of seizure in execution of movable property issued by the Provincial Court.
- Notice**       **379.** The bailiff shall announce the day and place of sale of the movables seized by public notice given in accordance with the Code of Civil Procedure.
- Contents**     **380.** The public notice shall state the name and occupation of the person whose goods and chattels are to be sold.
2. Oppositions to the seizure and sale of movables  
and oppositions for payment
- Opposition**   **381.** The debtor and any person having a right of property or of pledge in the effects seized may oppose the seizure and sale, the former for any reason mentioned in article 596 of the Code of Civil Procedure, and the latter for any of the reasons mentioned in articles 597 and 604 of the said Code.
- Affidavit**     **382.** The opposition must be accompanied by an affidavit attesting that the allegations therein contained are true, and that it is not made with intent to unjustly retard the sale, but with the view of 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 Provincial Court, within eight days following service thereof.
- Stay of proceedings**   **383.** On the service of an opposition, the bailiff shall stay his proceedings, and, within eight days following such service, make a return of all his proceedings respecting the writ of seizure to the clerk of the court mentioned in the opposition.
- Procedure**     **384.** The opposition shall subsequently be contested, heard and decided according to the rules of procedure governing oppositions to the seizure and sale of movables before the court before which it is brought.
- Sale**           **385.** When the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with making the same, or any other bailiff, to proceed with 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 movables seized, after notice given in the manner provided in the Code of Civil Procedure.

Proceeds of sale

**386.** When no opposition to the distribution of the proceeds of the sale of the seized movables is made, the bailiff shall return the writ and his proceedings thereon, and pay over 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

**387.** If opposition be made to the payment of the proceeds of the sale, the bailiff shall pay over the moneys in his hands, 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.

Procedure

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

Proceeds of sale

The proceeds of the sale shall be distributed by the court, and paid by the director general according to its order.

Surplus

**388.** If there be any surplus, the director general shall pay it to the owner whose property was sold.

3. Sale of immovables

Statement of unpaid school taxes

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

Contents

The statement must show the names and occupations of the owners and describe the taxable immovables liable for the payment of school taxes, according to the assessment and collection rolls. The description of the taxable property is made in accordance with the provisions of the Cities and Towns Act (R.S.Q., chapter C-19) relating to the sale of immovables for non-payment of taxes.

Approval

**390.** The statement must be submitted to the council of commissioners for approval.

Transmission to municipal corporation

Before the beginning of the month of November, the director general shall transmit the approved statement to the secretary-treasurer of the local municipal corporation governed by the Municipal Code wherein the immovables are situated.

Application of Municipal Code

The provisions of the Municipal Code 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 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, adapted as required.

Claims

**391.** When the director general of a school board receives from the secretary-treasurer of the municipal corporation a statement of the immovable property to be sold by the secretary-treasurer of the regional county municipality for taxes, he shall, if he has not already done so under section 390, transmit 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.

Acquisition of immovables

**392.** 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 acquire immovables through its chairman or another person authorized by the school board, without being bound to pay the amount of adjudication forthwith.

Sheriff's sales

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

Amount of the bid

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 amount of the adjudication in the same manner as any other bidder.

Imposition of taxes

**393.** The school board shall, in its own name, enter 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. The municipal taxes so imposed shall not be collectable from the school board, however.

Price of redemption

If the right of redemption be exercised, the redemption price must include, in addition to the amount paid by the school board for such immovable and interest thereon at ten per cent, the amount of the municipal and school taxes imposed on such immovable from the date of the adjudication 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 have not been paid in the distribution of the moneys levied by the sale.

Undue instalments

After redemption, the undue instalments of special taxes shall continue to affect 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.

Sale of immovables      **394.** Immovables acquired at auction by the school board which have not been redeemed must be sold at auction or by private sale, as the school board may determine.

§ 4.—*Referendum*

Referendum      **395.** Where the levy of a school tax is subject to the approval of the electors, the vote is taken in accordance with sections 396 to 403, and sections 125 to 212 apply, adapted as required, to the holding of the referendum.

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

Date      **396.** The council of commissioners of the school board shall fix the referendum date and give public notice of it.

Deposit      **397.** The list of electors shall be deposited at least 60 days before the referendum date.

Ballot paper      **398.** The following shall be printed on the ballot paper:

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

YES	
NO	

Beneath this 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 government subsidies to the school board for the school year (*insert here the school year*), namely, (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 hundred dollars of assessment:*)

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

If this tax levy 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 government subsidies to the school board for the school year (*insert here the school year*), namely, (y)% more than the legal limit.

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

If this tax levy is approved, the rate of this tax and the 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.”

**Agents**            **399.** The returning officer for the referendum shall, if so requested in writing, appoint an agent at each polling station for those persons voting “YES” and an agent for those voting “NO”.

**Appointment**        The appointment of an agent shall be made in writing and signed by the returning officer for the referendum. It shall indicate the surname, given name, occupation and residence of the agent and the polling station in which he may act.

**Results**            **400.** If the results show a majority of “NO” votes, the tax levied is disapproved and the school board shall levy a tax within the limits prescribed in this Act.

**Tie-vote**            In the event of a tie-vote, the returning officer shall give a casting vote.

**Certification**      **401.** The returning officer shall certify the returns and declare, over his signature, whether the school tax has been approved or disapproved, giving the necessary particulars.

**Tabling**            The returning officer shall table the returns before the council of commissioners at its next meeting.

**Approval of tax**      **402.** Where the school tax is approved, the percentage or the rate higher than the limit provided in section 348 constitutes the new maximum percentage or rate for the purposes of that section for the current school year and the following two school years.

**New referendum**      **403.** Where, following a contestation, the court annuls a referendum, it may order a new referendum, fix the date of the poll and, where required, order the preparation of a new list of electors.

## DIVISION VII

### SPECIAL PROVISIONS FOR THE ISLAND OF MONTREAL

#### § 1.—*Incorporation and composition*

**«Conseil scolaire de l'île de Montréal»**      **404.** The Council established by the Education Act under the name of the “Conseil scolaire de l'île de Montréal” is hereby continued.

**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**      **405.** The Council is a public legal person having the powers necessary for the discharge of its functions under this Act.

**Corporate seat**      **406.** The corporate seat of the Council shall be in the City of Montréal, but the Council may transfer it elsewhere on the Island of Montréal; such a change shall come into force upon publication of a notice to that effect in the *Gazette officielle du Québec*.

**Composition**      **407.** The Council shall consist of members designated or appointed in the following manner:

(1) the Commission scolaire de (*insert here the name of the French school board having jurisdiction over the territory of the Commission des écoles catholiques de Montréal on 30 June 1986*) shall designate, within thirty days following the election of its members, five persons from among its members;

(2) each of the other school boards on the Island of Montréal shall designate, within thirty days following the election of its members, one person from among its members;

(3) the Government, on the recommendation of the Minister, who shall hold the appropriate consultations, shall appoint to the Council, within thirty days following the election of the school commissioners, three other members from among persons domiciled on the Island of Montréal.

Appoint-  
ment by the  
Government

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.

Substitute

Each school board having only one member on the Council may designate another of its commissioners as a regular substitute to sit and vote in place of the member when he is absent from the Council and for the same term of office. Such a substitute may also attend all sittings of the Council, but is not entitled to vote nor to participate in the proceedings.

Revocation

**408.** A school board may revoke the term of office of its representative on the Council.

Continuance  
in office

A member of the Council shall remain in office until he is replaced.

Prohibition

**409.** No officer or employee of a school board or of the Council shall be designated or appointed a member of the Council or a substitute; the same prohibition applies to any person who has an undertaking or contract with the Council or with a school board on the Island of Montréal.

### § 2.—*Operation*

Applicable  
provisions

**410.** Sections 213, 216 to 227, 229 and 230, adapted as required, apply to the Council.

Notice of  
meeting

For the application of section 222, the notice of meeting, agenda and rules of internal management shall be sent to each school board on the Island of Montréal.

Reimburse-  
ment by the  
Council

For the application of the third paragraph of section 223, in no case may the maximum amount of remuneration that may be paid to all the members of the Council be greater than the product obtained by multiplying the number of members of the Council by \$5 000. The remuneration and expenses which may be reimbursed to the members are paid by the Council.

Facsimile For the application of section 227, a signature by facsimile may be that of any person designated by the Council.

§ 3.—*Committees of the Council*

Executive committee **411.** The Council may establish an executive committee.

Composition Where an executive committee is established, it shall be comprised of the following members:

(1) the chairman of the Council, who shall be chairman of the committee;

(2) two or more other members of the Council.

Non-voting member The director general of the Council is a non-voting member of the committee.

Duties **412.** The executive committee shall perform such duties as the Council delegates to it in writing.

Applicable provisions **413.** Sections 220, 221, 226, 227, 229 and 230, adapted as required, apply to the executive committee.

Management committee **414.** The Council may establish a management committee comprised of the directors general of the school boards on the Island of Montréal, placing it under the director general.

Advisory capacity The committee shall act in an advisory capacity to the director general and, through him, to the Council on all matters within the jurisdiction of the Council.

Internal management **415.** The committees shall establish their own by-laws of internal management.

§ 4.—*Staff*

Director general **416.** The Council shall appoint a director general and the necessary staff for its operations.

Applicable provision Section 255, adapted as required, applies to the director general of the Council.

Functions **417.** The Council, in writing, may delegate the functions it determines to the director general or a member of its executive staff.

Duties of the director general **418.** The director general is responsible for day-to-day administration and management of the resources of the Council.

He shall see that the decisions of the Council and any decisions of the executive committee are carried out, and perform such tasks as they may assign him.

Repla-  
cement

**419.** The Council shall designate a member of its executive staff to perform the duties of the director general in case of his absence.

§ 5.—*Functions*

Borrowing  
powers

**420.** The Council, with the authorization of the Minister and on the conditions and modalities he determines, may borrow money by any legal mode for its purposes and, at the request of a school board on the Island of Montréal, the purposes of that school board.

Loans

The Council shall exercise alone the functions of the school boards on the Island of Montréal respecting any loan with a repayment term of more than one year.

Applicable  
provisions

Sections 327 and 328 and the first paragraph of section 329, adapted as required, apply to the Council.

Amorti-  
zation

**421.** 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 or that form part of the bonded debt of the Council on 1 July 1986 shall be derived from the general revenue of the Council and the school boards of the Island of Montréal; those bonds or other evidences of indebtedness or securities constitute a direct, general and unconditional undertaking of the Council and of the school boards ranking concurrently and *pari passu* with all other undertakings of the Council and of the school boards in respect of loans of money not secured by hypothec or other encumbrance.

Approval

**422.** Every bond issued by the Council by virtue of a resolution approved by the Minister of Municipal Affairs, stamped with the seal of the Minister of Municipal Affairs and provided with a certificate of the Minister of Municipal Affairs or of a person specially authorized by him attesting that the resolution authorizing its issue has been approved by the Minister of Municipal Affairs and that the bond is issued in accordance with that resolution, is indefeasibly valid.

Exception

This section does not apply to any issue of bonds made or loan contracted after 7 March 1982.

Register  
kept outside  
Québec

**423.** 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 indebtedness. 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.

- Exception        This section does not apply to any issue made after 7 March 1982.
- Corporation      **424.** The Council is a school corporation within the meaning of article 981<sup>o</sup> of the Civil Code.
- Underprivi-      **425.** The Council, by by-law, shall adopt measures calculated to  
leged areas      ensure the upgrading of instruction in underprivileged areas.
- Technical        **426.** The Council shall provide, on request, technical support  
support          services to the school boards on the Island of Montréal.
- Exception        Sections 338 to 344 do not apply to the school boards on the Island  
of Montréal.
- Financial        **427.** The Council shall determine what financial resources a school  
arran-          board shall allocate to it for the technical support services it provides  
gements        to the school board.
- School tax        **428.** The Council may levy a tax for the payment of its expenses  
as well as those of the school boards on the Island of Montréal which  
have not been otherwise provided for by government subsidies and  
their other revenues for the current school year.
- Applicable      Sections 345, 349, 350, 351, 353, 370, 372, 373 and 374, adapted  
provisions      as required, apply to the Council.
- Information      The school boards on the Island of Montréal shall, on request,  
to the          transmit such information or documents to the Council as it may require  
Council        for the purposes of school taxation.
- Territory        Where part of the territory of a school board of the Island of Montréal  
outside the      is outside the territory of the Island of Montréal, the Council shall  
Island of      exercise the powers of taxation of that school board on that part of  
Montréal      the territory in accordance with sections 345 to 403.
- Tax rate         **429.** The rate of the school tax levied by the Council shall be the  
same for all the taxable immovables on the Island of Montréal.
- Tax rate         The Council shall inform the clerk of each municipal corporation  
on the Island of Montréal of the tax rate within ten days of its adoption  
or of its approval by the electors.

Collection **430.** Every municipal corporation on the Island of Montréal shall collect the school tax levied by the Council.

Collection 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.

Single payment 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 account as the municipal tax.

Date of payment **431.** The municipal corporation shall pay the amount of the school tax to the Council not later than the first day of April each year; the remittance shall be made notwithstanding any Act governing the municipal corporation and regardless of whether that tax has been collected.

Interest Any amount paid after the specified time 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. If the maximum rate is changed after the expiration of that time but before the amount is paid, the rate applicable to the amount changes from passage of the order fixing the new rate.

Borrowing powers The municipal corporation may borrow any sufficient amount to pay the amount referred to in the first paragraph when due; the proceeds of the school taxes belong to it and it may use them to repay the loan.

Collection and apportionment **432.** The Council shall receive the proceeds of the school tax for its own account and for that of the school boards and it shall fix the amount it pays to the school boards each year on the dates it determines and apportioned as it determines.

Referendum **433.** Where the full amount of estimated expenditure towards the objects of the Council and school boards for the payment of which a levy of tax is required amounts to more than six per cent of the subsidies to the Council and school boards for the year in which the tax is levied, after deducting subsidies for debt service and school transportation, or where the rate of this tax levy is above 25 cents per hundred dollars of standardized assessment of taxable immovables on the Island of Montréal, the tax shall be submitted to the electors for approval in accordance with sections 395 to 403.

Budget **434.** The Council shall each year, on the date fixed by the Minister, prepare its budget for the ensuing school year and transmit it to the Minister. It shall transmit copy of it to the school boards.

- Fiscal year      **435.** The fiscal year of the Council begins on 1 July each year and ends on 30 June the following year.
- Balanced budget      **436.** The budget shall maintain a balance between expenditures, on the one hand, and the financial resources allocated to the Council, added to its own revenues, on the other.
- Surplus      **437.** The Council may incorporate its surplus, if any, for the preceding fiscal year into its budget, as revenue.
- Deficit      **438.** The Council shall incorporate its deficit, if any, for the preceding fiscal year into its budget, as expenditure.
- Deficit      Notwithstanding the foregoing, the Minister may authorize the Council to average its deficit on such conditions and according to the modalities he may determine.
- Applicable provisions      **439.** Sections 305, 324, 325, 440 to 446 and 475 to 477, adapted as required, apply to the Council.
- Applicable provisions      For the application of sections 440, 442 and 445, the obligations provided for in respect of the schools apply in respect of the school boards on the Island of Montréal.

## DIVISION VIII

## PROCEDURE

§ 1.—*By-laws*

- Notice of adoption      **440.** Fifteen days' public notice shall be given of the adoption of by-laws by a school board, indicating their object, the day appointed for their adoption and the place where they may be examined.
- Copies to school councils      A copy of the draft by-laws shall be transmitted to each school council seven days or more before adoption.
- Coming into force      **441.** By-laws come into force 10 days from publication of notice that they have been adopted or on any later date fixed in the notice.
- Copies to school councils      **442.** The director general shall transmit a true copy of the by-laws to each school council not more than 5 days after publication of the notice.
- Registry      **443.** 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 director general of the school board.

**Public access** **444.** Any person may examine the by-law registry during school board office hours.

§ 2.—*Public notice*

**Public notice** **445.** All public notices shall be posted up in each school in the school board and published in at least one newspaper circulated in the territory of the school board.

**Contents** **446.** The notice shall indicate its object and shall be published in the time prescribed by this Act or, where no time is prescribed, as soon as possible.

## CHAPTER V

### THE GOVERNMENT AND THE MINISTER OF EDUCATION

#### DIVISION I

#### REGULATIONS

**Official school policy** **447.** The Government, by regulation, shall establish an official school policy as the basis of organization of educational services.

**Regulations** The regulations on the official school policy shall concern

- (1) admission of pupils;
- (2) the school calendar;
- (3) the segments of elementary and secondary school;
- (4) the time prescribed for educational services;
- (5) the required and elective subjects;
- (6) the number of credits per subject;
- (7) the promotion of pupils from one grade to another and from elementary school to secondary school;
- (8) the evaluation of learning achievement and the certification of studies;
- (9) the information or documents to be transmitted to a pupil or his parents.

Regulations      The regulations on the official school policy may

(1) allow the admission of pupils or categories of pupils under five years of age and indicate, on conditions prescribed therein, the educational services that are provided to them;

(2) allow a school board, on conditions prescribed therein, to exempt a pupil from a subject other than Catholic or Protestant moral and religious values instruction or moral values instruction;

(3) allow the Minister to authorize a school board, on request, to assign a greater number of credits to a subject in which it adopts a local program of studies than that prescribed in the official school policy;

(4) permit the Minister to effect a gradual implementation of the prescriptions concerning the ratio of required subjects to elective subjects and concerning the rules of certification of studies;

(5) prescribe that certain prescriptions of the policy not apply to adult education or make special prescriptions applicable to adults alone.

Power of  
the confes-  
sional com-  
mittees

**448.** The power of the Government to establish an official school policy is, in respect of matters referred to in subparagraphs 4 to 6 of the second paragraph of section 447, exercised subject to the regulatory powers of the confessional committees provided under paragraph *a* of the first paragraph of section 22 of the Act respecting the Conseil supérieur de l'éducation.

Immovables  
of school  
boards

**449.** The Government may, by regulation,

(1) determine the norms, conditions and procedure governing the alienation of the immovables of a school board and prescribe the cases or circumstances where a school board is required to alienate an immovable for a nominal amount fixed by the Government;

(2) determine the norms, conditions and procedure for awarding contracts for the construction, enlargement, major equipment, reconstruction, demolition or major conversion of an immovable of a school board and for awarding contracts for related professional services; it may also prescribe forms for those purposes.

Authori-  
zation

The regulations contemplated in this section may require the authorization of the Minister for several stages; they may attach conditions to the authorization.

Pupil trans-  
portation

**450.** The Government may regulate pupil transportation, namely,

(1) determine the stages of the process for awarding contracts for the transportation of pupils;

(2) provide, for each stage, restrictions and conditions for awarding contracts;

(3) limit the carriers with whom a school board may make agreements;

(4) prescribe the minimum stipulations required to be included in a contract.

Fixing of costs

**451.** The Government may, by regulation, determine the rules for fixing the costs incurred by a municipal corporation or municipality in collecting school taxes where there is disagreement on the amount of those costs.

Conditions of employment

**452.** The Minister, by regulation, may establish

(1) for all or certain school boards, the conditions of employment, classification, 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;

(2) the requirements for the issue of a teaching permit and the procedure of issue of such a permit;

(3) the standards for evaluating the formal training of teachers for the determination of their qualifications.

Special educational services

**453.** The Minister, by regulation, may define the special educational services intended for handicapped pupils and pupils with social maladjustments or learning disabilities.

Confessional status of a school

**454.** The Minister, by regulation, after consultation with the confessional committees, shall define the conditions and modalities for consulting the parents of pupils 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.

Election expenses

**455.** The Minister, by regulation, shall establish the nature of election expenses that may be reimbursed to a candidate in an election of commissioners and the maximum amount of the reimbursement.

Publication

**456.** Every draft regulation of the Government or Minister shall be published in the *Gazette officielle du Québec* with a notice that any comment on the draft regulation must be forwarded to the Government or Minister, as the case may be, within sixty days, after which period it or he, as the case may be, may adopt the draft regulation with or without amendment.

Examination by the Conseil supérieur de l'éducation Notwithstanding the foregoing, the draft regulations contemplated in section 447, in paragraphs 2 and 3 of section 452 and in section 453 are subject to examination by the Conseil supérieur de l'éducation before their adoption.

Consultation mechanism **457.** The Minister, after consultation with the national associations or federations representing parents, school boards, employees or executive staff, shall establish consultation mechanisms in respect of the regulations contemplated in this division.

Consultation The Minister shall consult the associations or federations on the regulations designated by agreement with each of them.

Consultation The Minister shall also consult the associations or federations on the establishment of schools open to pupils of certain regions or of the whole province.

Publication **458.** Any regulation of the Government or of the Minister made under this chapter comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

## DIVISION II

### DUTIES OF THE MINISTER OF EDUCATION

Official programs **459.** The Minister shall establish the official programs of developmental and cognitive learning activities for preschool education and the official programs of required subjects and elective subjects for elementary and secondary schools.

Contents The programs shall include compulsory objectives and contents and optional objectives and contents that may be enriched or adapted according to the needs of the pupils who receive the services.

Approved instructional supplies **460.** The Minister shall establish the list of approved instructional equipment and supplies that may be selected for the teaching of the official programs of studies.

List of subjects **461.** The Minister may establish the list of elective subjects not mentioned in the official school policy and the list of subjects for which he imposes uniform examinations.

Technical and vocational programs The Minister may also establish a list of the programs in technical or vocational training, the list of subjects for each area of training, the number of credits assigned to each subject and the number of credits required to obtain a secondary school vocational diploma.

- 462.** The Minister shall publish in the *Gazette officielle du Québec* notice of the adoption of the programs or lists contemplated in sections 459 to 461.
- The notice shall indicate the date on which the programs or lists apply, and their object.
- 463.** A copy of the programs and lists established by the Minister shall be distributed free of charge to school boards, school councils, principals, the teachers concerned, the Conseil supérieur de l'éducation and the confessional committees established by the Act respecting the Conseil supérieur de l'éducation.
- 464.** The Minister shall establish criteria or conditions for granting equivalency certificates to persons who have acquired knowledge otherwise than in the manner prescribed in the official school policy.
- 465.** The Minister may, to avoid penalizing pupils unduly, review the results obtained by them in the uniform examinations he imposes, to compensate for any error or ambiguity in the examinations brought to his attention after they are taken.
- The Minister may also, in accordance with the criteria and modalities he establishes, weight the results obtained in the school examinations in subjects for which he imposes uniform examinations, to make the results comparable to those obtained in other schools.
- 466.** The Minister shall issue secondary school diplomas and secondary school vocational diplomas.
- 467.** After consultation with the school boards, the Minister shall establish, annually, and submit to the Conseil du trésor, the rules for allocating the funds granted by the National Assembly for preschool education, elementary and secondary education, adult education and the operation of the Conseil scolaire de l'île de Montréal.
- The rules may also concern
- (1) the financial management of school boards;
  - (2) the system of financial information;
  - (3) the audit of financial statements;
  - (4) the conditions of admission of a person not resident in Québec and the registration and tuition fees to be collected, subject to the Minister's power to exempt persons or categories of persons from their application;

(5) the maximum amount of registration and tuition fees that may be required of an adult who is taking courses that do not lead to a diploma issued by the Minister.

- 468.** The rules on the allocation of financial resources may provide that the allocation of financial resources may be made on the basis of general or specific standards, be subject to the authorization of the Minister or be made to one or certain school boards only.
- 469.** The Minister shall provide, in the rules on the allocation of financial resources, equalization allowances to school boards determined on the basis of the relative value of the standardized assessment, within the meaning of section 345, of the taxable immovables of each school board.
- 470.** A copy of the rules on the allocation of financial resources shall be sent free of charge to the school boards and school councils.
- 471.** The Minister may, on conditions he determines, pay a subsidy to a school board for damage to its property as the result of a disaster, theft or act of vandalism.
- The Minister is then subrogated to the rights of the school board against the third person responsible, up to the amount of the subsidy.
- 472.** The Minister, jointly with an organization representing school boards, may enter into an agreement with the holder of a copyright to allow the use of his copyright by the school boards. A copy of the agreement shall be sent free of charge to each school board.
- Every school board represented by an organization that is a party to the agreement and every school board designated by the Minister that is not a member of a representative organization is bound to enforce the agreement, where applicable.
- 473.** The Minister may withhold the amount of any grant or subsidy, other than a grant or subsidy for the transportation of pupils, intended for a school board if it refuses or neglects to comply with this Act and the regulations, or it may reduce it wherever the service for which a grant or subsidy is made is not rendered, or the conditions respecting its allocation are not respected.

**Exception** In no case, however, may the Minister withhold or reduce a grant or subsidy related to the payment in principal and interest of any duly authorized loan of a school board.

**Non-profit company** **474.** The Minister may request the Government to establish by letters patent under the great seal a non-profit company composed in the majority of teachers, and having as its object the evaluation of teaching materials or the production of teaching materials other than textbooks.

**Support** The Minister may allocate to the company the human and financial resources necessary for its operation.

**Request of the Minister** The company may perform other tasks at the request of the Minister or a school board.

### DIVISION III

#### TRUSTEESHIP

**Investigation** **475.** The Minister may request any person he designates to verify whether a school board is complying with the provisions of this Act and the regulations or to investigate the management or activities of a school board.

**Powers of commissioner** The person so designated has, for the purposes of an investigation, the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to impose imprisonment.

**Appointment of administrator** **476.** The Government may, during or after the verification or investigation, order the powers of a school board suspended for the period it determines and appoint an administrator to exercise the powers of the council of commissioners where the school board indulges in practices or tolerates situations that are incompatible with the pursuit of its purposes and those of sound management.

**Powers** **477.** The administrator appointed by the Government may annul any decisions made by the school board, subject to the rights of third persons in good faith.

## CHAPTER VI

## CONFESSIOAL AND DISSENTIENT SCHOOL BOARDS

## DIVISION I

## INTERPRETATION AND APPLICATION

**478.** Nothing in this Act may be interpreted to the prejudice of rights and privileges held by groups of persons at the time of the coming into force of the Constitutional Act of 1867 respecting confessional schools.

Constitutional rights

**479.** Every confessional or dissentient school board contemplated in Schedule D or E and every new dissentient school board is governed by this Act and by the Act respecting education in confessional school boards and northern communities (R.S.Q., chapter I-14) for provisions concerning confessionality, to the extent that this Act is inconsistent with those provisions.

Governing Acts

## DIVISION II

## CONFESSIOAL SCHOOL BOARDS

**480.** Notwithstanding any inconsistent provision of this Act, the confessional school boards referred to in Schedule D continue to exist in the territories described in the Schedule opposite their names for the education of pupils belonging to the groups of persons who have elected to remain under their jurisdiction.

Existence continued

**481.** From 1 July 1986, the names of the School Board of Greater Québec and the Protestant School Board of Greater Montréal are replaced by the following names: "Protestant School Board of Québec" and "Protestant School Board of Montréal".

Change of names

**482.** Natural persons domiciled in the territory of a confessional school board contemplated in Schedule D and natural persons who are the owners of taxable immovables situated therein may elect to remain under the jurisdiction of the confessional school board.

Confessional school boards

Without restricting the generality of the first paragraph, no person referred to therein may participate in the election of school commissioners of language-based school boards nor be taxed by them.

Elections

**483.** The Government, by order, may amalgamate, annex or divide the territories of the school boards listed in Schedule D or change their boundaries.

Change of territories

Resolution      An amalgamation, annexation, division or change of boundaries may be carried out only following a resolution of the council of commissioners of each confessional school board concerned.

### DIVISION III

#### DISSENTIENT SCHOOL BOARDS

Existence continued      **484.** Notwithstanding any inconsistent provision of this Act, the dissentient school boards referred to in Schedule E shall continue to exist in the territories described in the Schedule opposite their names, for the education of pupils who belong to the group of persons who have chosen to remain under their jurisdiction.

Dissentient school boards      **485.** Natural persons domiciled in the territory of a dissentient school board contemplated in Schedule E and the natural persons who are owners of taxable immovables situated in that territory may choose to remain under the jurisdiction of the dissentient school board.

Elections      Without restricting the generality of the first paragraph, no person referred to therein may participate in the election of commissioners of language-based school boards nor be taxed by them.

Right to dissent      **486.** In the territory of any school board, except those contemplated in Schedule D, the right to dissent guaranteed by section 93 of the Constitutional Act of 1867 may be exercised according to the formalities prescribed under Division II of Part III of the Act respecting education in confessional school boards and northern communities.

Elections      The persons who exercise their right to dissent are no longer under the jurisdiction of a language-based school board and, without restricting the generality of the foregoing, those persons shall not participate in the election of the commissioners of a language-based school board nor be taxed by it. The language-based school board shall delete the names of those persons from its electoral list.

## CHAPTER VII

## TEMPORARY PROVISIONS

## DIVISION I

## ORGANIZATION OF NEW SCHOOL BOARDS

§ 1.—*Election in June 1985*

**Notice**           **487.** The Minister shall indicate, by a notice published in the *Gazette officielle du Québec* before 1 March 1985, the territories of the new school boards established by order of the Government in which the election of a council of commissioners shall be held on the third Monday of June 1985.

**Elections**           The election of commissioners shall be held in the manner prescribed in section 495.

**Representative of school councils**           **488.** The seats that, according to sections 115 and 120, are reserved for parent-members of the school councils and for the representative of the advisory committee on handicapped pupils and pupils with social maladjustments or learning disabilities shall be filled, not later than the third Monday of June 1985, by parents designated by the members of the parents' committees of the existing school boards

(1) that on 30 September 1984 had 10% or more of their school population attending public schools at which the language of instruction was that of the new school board and which are situated in the territory of the new school board; or

(2) having at least one school situated in the territory of the new school board.

**Denomination**           The parents designated under this section shall be designated from the Catholic or Protestant denomination in proportion to the number of Catholic or Protestant pupils who, on 30 September 1984, 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.

**Designation of representatives**           The director general of an existing school board designated by the directors general of the interested existing school boards shall convene the members of the parents' committees to designate their representatives to the council of commissioners.

**Terms of office** **489.** The term of office of the first commissioners shall end on the date of declaration of election of the candidates elected on the third Sunday of October 1989.

**Vacancies** Any vacancy in the seat of a first commissioner shall be filled in accordance with sections 213 to 215 of this Act.

**Continuance in office** **490.** Parent-members of the council of commissioners of the new school board shall remain in office until the election of parents before the third Sunday of October 1986 in accordance with section 121 of this Act.

**Pre-emption** **491.** For the designation of the members of the Conseil scolaire de l'Île de Montréal in accordance with section 407, the councils of commissioners of school boards on the Island of Montréal are deemed to be elected on 1 July 1986.

§ 2.—*Provisional council or election in October 1985*

**New boundaries** **492.** The existing school boards that are not subject to the notice published pursuant to section 487 shall, before 1 June 1985, agree upon the boundaries of the new school board with the Minister.

**New territories** The Government shall then determine, by order published in the *Gazette officielle du Québec*, the territory of the new school board.

**Provisional council** **493.** The commissioners of the existing school boards shall next, before 1 June 1985, agree upon the establishment and formation of a provisional council.

**Composition** The provisional council shall be composed two-thirds of commissioners and one-third of parents representing the parents' committees of the existing school boards. The commissioners shall be designated by the councils of commissioners and the parents shall be designated by the parents' committees.

**Representatives of the parents** The director general of an existing school board designated by the commissioners of the provisional council shall convene the members of the parents' committees to designate their representatives to the provisional council. Section 488, adapted as required, applies to the designation of the parents.

**Notice of election** **494.** Failing an agreement, the Minister, by notice published in the *Gazette officielle du Québec*, shall issue a notice of election for the territories established by order of the Government. The election of the commissioners of the new school board shall be held on the first Monday of October 1985. In such case, section 488 applies for the designation of parents to the council of commissioners of the new school board.

§ 3.—*Election procedure*

List of electors

**495.** The chief electoral officer is responsible for the preparation of the list of electors, the drawing of the boundaries of the electoral wards and the holding of a poll in the territories contemplated by the notice of the Minister in accordance with sections 487 and 494.

Returning officers

The chief electoral officer shall appoint the number of returning officers he considers necessary to assist him in carrying out his responsibilities under this section.

Powers of the chief electoral officer

For those purposes, the chief electoral officer may use any appropriate means he deems necessary. He shall also have all the necessary powers to carry out his duties under this section. He shall have in particular, in respect of the preparation of the list of electors and of the holding of the poll, powers similar to his powers under the Election Act. The same applies for the election officers.

Applicable provisions

Without limiting the generality of the third paragraph, the provisions of this Act relating to the qualifications required to be an elector, the qualifications required to be a candidate and the drawing of the boundaries of the electoral wards apply.

Rules

The chief electoral officer shall establish all the rules he considers necessary for the preparation of the list of electors and the holding of the poll.

Immunity

No extraordinary recourse or provisional remedy provided for in the Code of Civil Procedure (R.S.Q., chapter C-25) lies against the chief electoral officer, any member of his personnel or any election officer, when exercising his functions under this Act. A judge of the Court of Appeal may, on motion, summarily annul any writ, order or injunction issued or granted contrary to this paragraph.

Consolidated revenue fund

The sums required for the administration of this section are taken out of the consolidated revenue fund; however, the Government may determine that all or part of the expenditures required for the administration of this section shall be borne by the existing school boards.

## DIVISION II

FUNCTIONS OF THE COUNCILS OF COMMISSIONERS  
AND OF THE PROVISIONAL COUNCILS  
OF NEW SCHOOL BOARDS

Preliminary measures

**496.** The council of commissioners or the provisional council of a new school board is responsible for the implementation of the preliminary measures required for the enforcement of this Act in its territory from 1 July 1986.

Applicability The provisions of this division apply to the extent that they are required for the attainment of the objects contemplated by this chapter.

§ 1.—*General functions*

Staff **497.** The council of commissioners or the provisional council of a new school board may, for its purposes, require staff from the existing school boards in its territory, but only after obtaining their authorization.

Director general The council shall appoint the director general of the new school board in accordance with the norms and modalities of transfer and reassignment established by the Minister.

Commencement The director general shall take office upon his appointment.

Powers **498.** The council of commissioners or the provisional council of a new school board may assign the exercise of the powers it determines to the director general in writing, on the conditions it determines.

Ownership of immovables **499.** The council of commissioners or the provisional council of a new school board, in collaboration with the other interested councils of commissioners or provisional councils, shall determine the distribution of the rights of ownership in the immovables of the existing school boards.

Three-year plan **500.** The council of commissioners or the provisional council of a new school board shall establish a three-year plan of allocation and destination of immovables distributed to the new school board in accordance with the criteria it establishes by by-law.

Deed of establishment Next, the council shall establish the list of schools in its territory and issue deeds of establishment to them.

Effect The deeds of establishment have effect from 1 July 1986.

Plan of distribution **501.** The council of commissioners or the provisional council of a new school board shall prepare, with the council of commissioners or the provisional council of another interested school board, a plan of distribution of rights and obligations of the existing school boards situated wholly or partly in its territory according to the criteria set forth in section 114.

Approval **502.** The plan of distribution of rights and obligations shall be transmitted to the Government for approval.

Approval The Government shall approve the plan of distribution, with or without amendment, and publish a notice in the *Gazette officielle du*

*Québec* indicating which new school board succeeds to the obligations of the existing school boards.

Registration      Registration of the transfer of ownership of the immovables is made by deposit of a notice describing the immovable.

Rights and obligations      **503.** From 1 July 1986, the rights and obligations of an existing school board become the rights and obligations of the new school boards having jurisdiction in its territory, in accordance with the plan of distribution of rights and obligations.

Functions      **504.** In addition, the council of commissioners or the provisional council of a new school board shall have the following functions in particular:

- (1) to establish the advisory committees of the new school board;
- (2) to adopt procedures for consulting the schools;
- (3) to allocate the educational services among the schools;
- (4) to enter into agreements on its own authority to organize pupil transportation and adult education services;
- (5) to establish criteria for the registration of pupils and carry out the registration for the school year 1986-87;
- (6) to allocate financial resources among the schools;
- (7) to approve the budget estimates of each school;
- (8) to adopt the budget of the new school board for the fiscal year 1986-87;
- (9) to fix the school tax rate for the school year 1986-87, for which purpose sections 345 to 403 of this Act apply, adapted as required; in the case of school boards of the Island of Montréal, sections 428 to 433 apply, adapted as required.

Functions      **505.** The council of commissioners or the provisional council of a new school board shall, during the year 1985-86, exercise only the functions conferred on them by this division.

Legal person      The council of a new school board is deemed to be a public legal person having the powers necessary for the discharge of the functions vested in it under this division.

Sums required      **506.** The sums required for the application of this division are taken out of the sums that the existing school boards are required to

pay to the new school boards; the sums are determined by the councils of commissioners or the provisional councils of the new school boards, with the approval of the Minister, and must be taken out of the revenues provided for in the budget for the school year 1985-86 of each existing school board, according to the terms and conditions determined by the Minister.

Information  
and  
assistance

**507.** The Minister shall see that the councils of commissioners and the provisional councils of the new school boards have received the information and assistance necessary for the carrying into effect of this Act in their territories.

Disputes

**508.** The Minister shall decide any dispute among the new 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.

Disputes

Where the dispute is between a confessional school board contemplated in Schedule D and a new school board, the Minister shall see, when deciding the dispute, that the confessional school board has the necessary property to function properly.

§ 2.—*Transfer and reassignment of personnel*

Transfer of  
personnel

**509.** The personnel of an existing school board shall be distributed and transferred among the interested new school boards, in accordance with the applicable norms and modalities of transfer and reassignment.

Transfer of  
personnel

**510.** The norms and modalities of transfer are all provisions by which the employer of a member of the personnel on 1 July 1986 may be determined. The transfer of a member of the personnel does not terminate his contract of employment.

Reassign-  
ment of  
teachers

The norms and modalities of reassignment of teachers are all provisions relating to the application of the rules respecting assignment prescribed in the applicable collective agreement.

Reassign-  
ment of  
employees

The norms and modalities of reassignment of employees who are members of the non-teaching personnel are all provisions by which a position or a place of employment may be assigned to such employees on 1 July 1986.

Regulations

**511.** For members of the personnel who are not members of a certified association within the meaning of the Labour Code, the norms and modalities of transfer and reassignment are determined by regulation of the Minister.

- Consultation Before making the regulations, the Minister shall hold joint consultations with the associations or federations representing the school boards and the associations representing the members of the personnel.
- Norms The regulations may prescribe different norms for English and French school boards and prescribe that the norms and modalities of transfer and reassignment apply to all or only certain members of the personnel.
- Negotiation **512.** For members of the personnel who are employees belonging to a certified association within the meaning of the Labour Code, the norms and modalities of transfer and reassignment, as well as the rights of action of employees who believe they have been wronged by their implementation, are negotiated and approved by the management and union parties in the education sector mentioned in the Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter O-7.1).
- Negotiation In addition, parties may negotiate and approve conditions of employment incidental to the employees' transfer and reassignment to the new school board.
- Arbitration tribunal **513.** Failing agreement between the management and union parties before 1 September 1985, the disagreement shall be referred to an arbitration tribunal.
- Composition **514.** The arbitration tribunal shall be composed of one person designated by the management party, one person designated by the union party and a chairman appointed by agreement between the persons so designated or, failing that, by the Minister of Labour.
- Representative not designated Where a party fails to designate its representative, the tribunal may proceed in his absence.
- Members of the tribunal The members of the tribunal shall be designated before 15 September 1985.
- Bargaining agents **515.** Where employees belonging to one class who are transferred to a new school board are represented by different bargaining agents, each such agent may appear before the arbitration tribunal and make any recommendations he considers just and expedient.
- Award **516.** The award of the arbitration tribunal determines the norms and modalities of transfer and reassignment as well as the rights of action of employees who believe they have been wronged by their implementation.

- Conditions of employment      In addition, the tribunal may decide respecting any condition of employment it considers to be incidental to an employee's transfer and reassignment to a new school board.
- Effect      In no case may the award in effect provide for conditions of employment involving costs that exceed those arising from the implementation of the collective agreement applicable at the time that the disagreement is referred to the arbitration tribunal.
- Effect      The award of the arbitration tribunal must in effect ensure the transfer and reassignment of all employees who would have been in the employ of an existing school board on 1 July 1986; in no case may the award in effect require a new school board to engage a greater number of employees than that corresponding to the total number of employees entitled to the transfer and reassignment.
- Decision      **517.** The tribunal shall render its decision not later than 1 December 1985.
- Agreement      **518.** The management and union parties may, by agreement, settle their disagreements otherwise than in the manner or time prescribed in sections 513, 514, 516 and 517.
- Administrative structure      **519.** The council of commissioners or the provisional council of the new school board shall establish the administrative structure of the new school board and, in collaboration with the other interested councils of commissioners or provisional councils, determine the distribution of the executive staff, management staff and school administrative staff of the existing school boards in accordance with the norms and modalities of transfer and reassignment established by the Minister.
- Staffing plan      **520.** The council of commissioners or the provisional council of the new school board shall draw up a staffing plan to determine the personnel requirements of the new school board for each class of employees who are members of a certified association within the meaning of the Labour Code and, in collaboration with other interested councils of commissioners or provisional councils, a transfer plan. The plans must be drawn up in accordance with the norms and modalities established pursuant to sections 512 to 518.
- Consultation      **521.** The council of commissioners or the provisional council of the new school board shall consult the associations representing the interested personnel regarding the establishment of the administrative structure of the new school board and the distribution plan for the executive staff, management staff and school administrative staff.

Consultation

The council of commissioners or the provisional council shall also consult the associations of employees to establish the administrative structure of the new school board.

Copies

**522.** The council of commissioners or the provisional council of the new school board shall transmit a copy of the distribution plan for the executive staff, management staff and school administrative staff and a copy of the transfer plan for the other members of the personnel to each association that, in an existing school board, represents a class of employees contemplated in the plans.

Notification

**523.** Not later than 28 February 1986, the council of commissioners or the provisional council of the new school board shall, in writing, inform each member of the non-teaching staff of the name of his employer on 1 July 1986.

Teachers

In the case of teachers, the notice shall be given not later than 30 June 1986.

Reassignment

**524.** The council of commissioners or the provisional council of the new school board shall reassign the members of the personnel who are employees belonging to a certified association within the meaning of the Labour Code in accordance with the collective agreements in force on 1 July 1986 and with the norms and modalities of transfer and reassignment established in accordance with sections 512 to 518.

### § 3.—*Union representation*

Applicability of the Labour Code

**525.** The Labour Code applies except where inconsistent with this subdivision.

Temporary appointment

Notwithstanding section 23 of the Labour Code, the labour commissioner general may appoint any person temporarily with a view to ensuring the administration of this subdivision.

#### 1. Teachers and Professionals

Amalgamation of bargaining unit

**526.** Notwithstanding any time limit prescribed in the Labour Code, employees of one and the same category, other than member of employees on the support staff, who are in the employ of a new school board, may, from 1 July 1986 to 1 January 1987, by common consent, group themselves into a single association of employees and ask a labour commissioner to amalgamate the bargaining units to take this new group into account.

Applicable collective agreement

The collective agreement applicable from 31 March 1987 is, in the case of this section, the agreement elected by the new association of

employees from among the collective agreements applicable to the employees before the new grouping.

Selection of provisions

Where the elected collective agreement has no provisions respecting the assignment of the teachers of the elementary level or secondary level, the new association shall select, from one or another of the collective agreements applicable before the new grouping, the provisions respecting the assignment of those teachers. The provisions then become part of the applicable collective agreement.

Applicable collective agreement

Before 31 March 1987, the school board and the new association may determine the collective agreement applicable otherwise than in the manner provided in this section. For that purpose, the parties referred to in section 512 shall determine the matters in which the school board and the association may amend the collective agreement which becomes applicable.

## 2. Support staff

Application for certification

**527.** Every association of employees representing support staff which, on 28 February 1986, is certified to represent a group of employees to an existing school board situated wholly or in part in the territory of the new school board is entitled to apply for certification to represent the group of employees on the support staff.

Petition

**528.** Certification is applied for by filing a petition in the office of the labour commissioner general during the month of March 1986.

Proof of certification

The petition must be accompanied with proof of certification of the petitioning association and all the other required information on the form provided for that purpose by the labour commissioner general.

Dismissal

**529.** Failure to file the petition for certification in the office of the labour commissioner general during the month of March 1986 entails dismissal of the petition.

Copies

**530.** The labour commissioner general shall send a copy of the petition for certification to the existing school boards and the new school board.

Decision of the labour commissioner general

**531.** On receiving one or several petitions, the labour commissioner general,

(1) if he concludes that the petitioning association is the only association that was certified in the territory of the new school board or is the only association that has filed a petition, shall certify it, indicating which group of employees forms the bargaining unit;

(2) if he concludes that the petitioning association has obtained the agreement of all the associations of employees qualified for certification to represent a group of employees, shall certify it, indicating which group of employees forms the bargaining unit;

(3) if he concludes that the petitioning associations agree to certification of one of their number to represent a group of employees, shall certify it, indicating which group of employees forms the bargaining unit;

(4) if he concludes that the petitioning associations do not agree to certification of one of their number to represent a group of employees, shall order a vote by secret ballot.

Secret  
ballot

**532.** Only the employees whose names appear in the transfer plan of the new school board on 28 February 1986 may participate in the vote by secret ballot.

Disa-  
greement

In case of a disagreement owing to the fact that the persons actually comprised in a bargaining unit on 1 July 1986 are not the persons whose names are on the transfer plan on 28 February 1986, any association qualified for certification or the new school board may file a petition with the labour commissioner general requesting him to decide the matter. No such petition shall prevent the association from being certified.

New vote

Where the labour commissioner to whom the matter has been referred decides that allowing the petition might affect the result of the voting, he shall declare that there is such a disagreement and order, if necessary, a new vote by secret ballot.

Applicable  
collective  
agreement

Where certification is granted to another association, the only collective agreement applicable from the date of final judgment is the collective agreement in force on 30 June 1986 and to which the association being certified in conformity with this section was a party.

Voting

**533.** The vote by secret ballot shall be held under the responsibility of the labour commissioner general not later than 30 June 1986, according to the terms and conditions he determines.

Certification

The certification shall be granted to the association having obtained the greatest number of votes.

Subrogation

**534.** From 1 July 1986, the newly certified association is subrogated *pleno jure* to the rights and obligations resulting from every collective agreement to which a certified association that it replaces was a party.

Applicable  
collective  
agreement

**535.** From 1 July 1986, the only collective agreement applicable to employees of the group is that which was in force on 30 June 1986 and to which the association certified under this subdivision was a party.

Other col-  
lective  
agreements

The other collective agreements applicable on 30 June 1986 to employees of the group are void for those employees from that date.

Existing  
rights

Notwithstanding the second paragraph, the employee retains

(1) his right to the reimbursement of the convertible days of sick leave to his credit if he is entitled thereto under the collective agreement applicable to him on 30 June 1986, according to the value, terms and conditions established under the collective agreement;

(2) the number of non-convertible days of sick leave accumulated to 30 June 1986, if he is entitled thereto under the collective agreement applicable to him on that date;

(3) his right to a dwelling if he is entitled thereto on 30 June 1986.

Employees  
belonging  
to certified  
associations

The parties referred to in section 512 may negotiate and agree on stipulations allowing the collective agreement applicable from 1 July 1986 to be determined otherwise than in the manner provided in this section, as well as the maintenance of the rights contained in a collective agreement becoming void.

### DIVISION III

#### EXISTING SCHOOL BOARDS

Terms of  
office

**536.** The terms of office of commissioners of existing school boards in office on 30 June 1986 expire on that date.

Extension

The terms of office of commissioners of existing school boards which expire between 1 June 1985 and 30 June 1986 are extended to 30 June 1986.

Terms of  
office

The terms of office of the members of the Conseil scolaire de l'Île de Montréal in office on 30 June 1986 expire on that date. The members remain in office until they are replaced.

Commis-  
sioners of  
existing  
school  
boards

**537.** In case of erection, division, annexation, amalgamation or change of boundaries of school boards before 1 July 1986 in accordance with section 36 or with section 449 of the Education Act, the council of commissioners, notwithstanding section 46 of the said Act, shall consist of the commissioners of the interested existing school boards.

- Transfer** Where a school board is carved up, the commissioner representing an electoral ward whose territory is transferred to another school board becomes a commissioner of the other school board.
- Transfer** If part of an electoral ward is transferred to another school board, the commissioner becomes a commissioner of the school board to which the greater part of the electors are transferred.
- Contracts** **538.** No existing school board may, from 1 July 1985 to 30 June 1986, validly contract an obligation extending beyond 30 June 1986 or having effect after that date, except with the authorization of the provisional council or the council of commissioners of the new school board, as the case may be.
- Surplus immovables** No existing school board may, from 21 December 1984 to 30 June 1986, declare an immovable to be surplus except with the authorization of the provisional council or the council of commissioners of the new school board to which the immovable is transferred nor may it change the language base of any school without the authorization of the Minister.
- Choice of school board for future years** **539.** Every existing school board or the Conseil scolaire de l'Île de Montréal shall see to it that the school tax account sent for the school year 1985-86 is accompanied with a notice to every owner who is a natural person requesting him to inform it of the name of the school board to which he chooses to belong for the purposes of the school tax for future years.
- Notice** The notice shall indicate that where the owner fails to choose the school board to which he wishes to belong, he will be taxed proportionately by the interested school boards, according to law.
- Obligation of the owner** The owner shall return the notice duly completed at the same time as his school tax payment. If he fails to do so, he shall be taxed in accordance with section 347.
- Transmission of information** The information shall be transmitted to the assessor of the municipal corporation for entry on the assessment roll for the municipal fiscal year 1987.
- Additional costs** Where a municipal corporation or a municipality collects the school tax, the school board or the Conseil scolaire de l'Île de Montréal shall bear the additional costs incurred in sending the notice referred to in this section.
- Duties of existing school boards** **540.** Every existing school board shall
- (1) make an inventory of its rights and obligations and transmit it to the council of commissioners or the provisional council of the new

school board in its territory, in accordance with the norms and modalities established by regulation of the Minister and within the time fixed by the council of commissioners or the provisional council of the new school board;

(2) furnish to the council of commissioners or 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 division with respect to the council of commissioners or provisional council of each interested new school board, where it is situated in the territory of more than one new school board.

#### DIVISION IV

##### REGULATIONS

Coming into  
force

**541.** The regulations of the Minister prescribed in this chapter come into force on the date of their publication in the *Gazette officielle du Québec*.

Coming into  
force

The by-laws of the provisional council and of the council of commissioners of the new school boards prescribed under this chapter come into force in accordance with the procedure described in Division VIII of Chapter IV of this Act.

### CHAPTER VIII

#### TRANSITIONAL AND FINAL PROVISIONS

##### DIVISION I

##### PROVISIONS OF CONCORDANCE

c. A-2.1,  
s. 6, am.

**542.** 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 school boards governed by the Act respecting public elementary and secondary education (1984, chapter 39), 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.”

c. B-7, s. 2,  
am.

**543.** Section 2 of the Teachers Scholarships Act (R.S.Q., chapter B-7) is amended by replacing paragraph *d* by the following paragraph:

«teaching or  
educational  
institution»

“(d) “teaching or educational institution”: a secondary school governed by the Act respecting public elementary and secondary education (1984, chapter 39), an independent secondary school and a classical college recognized by the Minister of Education;”.

c. C-11,  
s. 79, am.

**544.** 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 the second paragraph of section 262 of the Act respecting public elementary and secondary education (1984, chapter 39) to arrange for the instruction in English of any child declared eligible therefor.”

c. C-11,  
sched. am

**545.** The Schedule to the said Act is amended by replacing paragraph *c* of section 3 by the following paragraph:

“(c) the school bodies:

The school boards governed by the Act respecting public elementary and secondary education (1984, chapter 39) and the Conseil scolaire de l’île de Montréal”.

c. C-26,  
s. 37, am.

**546.** Section 37 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing paragraph *j* by the following paragraph:

“(j) the Corporation professionnelle des évaluateurs agréés du Québec: give in all respects a duly motivated opinion on the value of any immovable property or right and, in matters of expropriation, of any movable or immovable property or right and determine the value of property subject to assessment in accordance with the Act respecting municipal taxation, the Municipal Code, the Cities and Towns Act, any Act relating to the urban communities, the Act respecting public elementary and secondary education, the special charters of certain cities and towns and the special Acts applicable to municipal corporations and school boards;”.

c. C-27,  
s. 11, am.

**547.** Section 11 of the Labour Code (R.S.Q., chapter C-27) is amended

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

Exclusive  
mandate

“**11.** A school board may give an association of school boards an exclusive mandate for the purposes of sections 52 to 93.”;

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

Obligation  
of the man-  
datary

“ While it is in force, the obligations contemplated by sections 53 and 56 shall rest upon the mandatary only, but the latter may not require an association of employees to negotiate a collective agreement applicable to a territory greater than that of a school board.”

c. C-29,  
s. 6.1,  
replaced

**548.** Section 6.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

Transporta-  
tion  
agreement

“**6.1** A college may make an agreement, with a school board under section 332 of the Act respecting public elementary and secondary education (1984, chapter 39), for the bussing or transportation of persons who attend the college and claim from them, payment of the cost incurred by the college under such agreement, less the subsidies granted for these purposes.”

c. C-29,  
s. 6.3,  
replaced

**549.** Section 6.3 of the said Act is replaced by the following section:

Applicable  
provisions

“**6.3** Sections 330 to 337 and section 450 of the Act respecting public elementary and secondary education apply, *mutatis mutandis*, to every college that itself organizes the bussing or transportation of persons who attend the college.”

c. C-29,  
s. 8, am.

**550.** Section 8 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) six persons, of whom four are appointed after consultation with the public institutions of college education and the socio-economic groups in the territory principally served by the college, one is appointed from among those recommended by the institutions of higher learning, and one is appointed from among those recommended by the school boards of the territory principally served by the college;”.

c. C-37,  
s. 14, am.

**551.** Section 14 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37) is amended by striking out the words “and the school inspectors” in the seventh line of the first paragraph.

c. C-37.1,  
s. 196, am.

**552.** Section 196 of the Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1) is amended by replacing subsection 3 by the following subsection:

Contracts  
for pupil  
transporta-  
tion

“(3) The Transit Commission may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), 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.”

c. C-37.2,  
s. 289,  
am. **553.** Section 289 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing subsection 3 by the following subsection:

Contracts for pupil transportation “(3) The Commission may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), 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 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 over which the Commission operates under sections 236 and 257.”

c. C-37.3,  
s. 216, am. **554.** Section 216 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing subsection 3 by the following subsection:

Contract for pupil transportation “(3) The Transit Commission may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), 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 under section 169.”

c. C-48,  
s. 28, am. **555.** Section 28 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by adding, after the first paragraph, the following paragraph:

Audit “Nothing in this Act shall prevent a member of a professional corporation of accountants referred to in the Professional Code (R.S.Q., chapter C-26) or a person who has obtained, in accordance with section 85 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), a prior authorization in writing granted by the Commission municipale du Québec under that section, except if the authorization has been withdrawn, to audit the accounts of school boards.”

c. C-60,  
ss. 22, 23,  
replaced

**556.** Sections 22 and 23 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) are replaced by the following sections:

Duties

**“22.** The committees shall have the following duties:

(a) to make regulations respecting Catholic or Protestant instruction in moral and religious values, Catholic pastoral care and guidance or Protestant religious care and guidance provided in educational institutions;

(b) to make regulations respecting the conditions required of the teaching staff providing Catholic or Protestant instruction in moral and religious values and from the non-teaching staff providing services in Catholic pastoral care and guidance or Protestant religious care and guidance in educational institutions;

(c) to approve the programs, teaching guides, teaching materials and instructional equipment and supplies required for the official programs in respect of Catholic or Protestant moral and religious values instruction;

(d) to approve the statements of objectives and related curriculum guides for Catholic pastoral care and guidance or Protestant religious care and guidance;

(e) to make regulations to recognize educational institutions as Catholic or Protestant and to ensure their confessional character;

(f) to recognize educational institutions as Catholic or Protestant and to revoke such recognition when necessary;

(g) to advise the Council or the Minister on any matter within their competence.

Coming into  
force

Regulations made under this section come into force after their approval by the Government.

Powers

**“23.** The committees may

(a) advise the Minister, from a moral and religious standpoint, on the programs and instructional equipment and supplies required for instruction other than moral religious instruction that the Minister is required to transmit to them not later than 60 days before they are approved or authorized;

(b) receive and hear requests and suggestions from associations, institutions or any person on any matter within their competence;

(c) cause any survey or research they consider necessary or useful for their objects to be carried out;

(d) make by-laws for their internal management, subject to government approval.”

c. C-60,  
s. 30, am.

**557.** Section 30 of the said Act is amended by adding, at the end, the following paragraph:

Examina-  
tion by the  
Council

“Notwithstanding the foregoing, the matters referred to in this section and governed by the Act respecting public elementary and secondary education (1984, chapter 39) are subject to examination by the Council in accordance with that Act.”

c. C-70,  
s. 66,  
replaced

**558.** Section 66 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is replaced by the following section:

Contracts  
for pupil  
transportation

“**66.** The corporation may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), of 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.”

c. D-7, title  
replaced

**559.** 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,  
replaced

**560.** Section 15 of the said Act, amended by section 59 of chapter 27 of the statutes of 1984, is replaced by the following section:

Loans on  
foreign  
market

“**15.** When a municipal corporation, howsoever incorporated and by whatever Act governed, wishes to contract a loan from a money market other than the Canadian market or which is to be repaid in whole or in part in foreign currency, such corporation must previously be authorized to do so by the Minister of Finance and the Minister of Municipal Affairs. Furthermore, the execution of any registration formality allowing access to a money market other than the Canadian market and any negotiation in respect of a loan contemplated in this paragraph must previously be authorized by the Minister of Finance and the Minister of Municipal Affairs.

Value of  
loan

Whenever such authorization has been given and the municipal corporation has contracted a loan by complying with the legislative provisions governing it in that respect and that the Act, by-law or resolution authorizing the loan limits the amount thereof, such amount shall be deemed to be the nominal value of the bonds or other securities issued in connection with such loan, regardless of any premium that may be payable on redemption and regardless of the fact that such bonds or other securities may be sold at a premium or discount; and the loan shall be deemed to have been authorized in both foreign and Canadian currency, notwithstanding any difference in value existing between them at the time of the loan or after the same has been effected.”

c. D-7,  
s. 15.1, am.

**561.** Section 15.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

Information  
to the  
Minister

“**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,  
replaced

**562.** Section 16 of the said Act is replaced by the following section:

«municipal  
corporation»

“**16.** In this division, the words “municipal corporation” include any body entrusted with the administration of a territory for municipal purposes in Québec.”

c. D-7,  
s. 17, am.

**563.** 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.

**564.** Section 20 of the said Act is amended by striking out the second paragraph.

c. D-7,  
s. 21,  
replaced

**565.** Section 21 of the said Act is replaced by the following section:

Interpre-  
tation

“**21.** In this division:

«municipi-  
pality»

(1) The word “municipality” means any municipal corporation whatsoever, whether formed or governed by a general law or special Act;

«officer»

(2) The word “officer” means any member of a municipal council, and likewise includes every officer or employee of a municipality within the meaning of paragraph 1 of this section.”

c. D-7,  
s. 23,  
replaced

**566.** Section 23 of the said Act is replaced by the following section:

Register           **“23.** Every municipal corporation shall keep a register for the registration of the debentures issued for borrowing purposes.”

c. D-7,  
s. 26, am.           **567.** 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  
c. D-7,  
s. 36, am.           **568.** Section 26.1 of the said Act is repealed.

c. D-7,  
s. 36, am.           **569.** Section 36 of the said Act is amended by replacing the first paragraph by the following paragraph:

Report to  
the Minister  
of Finance           **“36.** A municipal corporation which has effected a loan for which a sinking-fund must be created under the laws governing the same, or which has issued bonds, shall, within the thirty days immediately following the completion of the loan, or the delivery of the bonds, make to the Minister of Finance a report, under the oath of office of the mayor and that of the secretary-treasurer or clerk.”

c. D-7,  
s. 42,  
replaced  
Offence by  
officer           **570.** Section 42 of the said Act is replaced by the following section:

**“42.** The mayor, secretary-treasurer or clerk of a municipality who refuses or neglects to comply with the provisions of section 36, or with the regulations made under section 41, or who gives false or obviously insufficient information, shall be liable to a fine of not less than fifty dollars, nor more than five hundred dollars.”

c. D-7,  
s. 44,  
repealed  
c. E-9, s. 1,  
am.           **571.** Section 44 of the said Act is repealed.

**572.** Section 1 of the Act respecting private education (R.S.Q., chapter E-9) is amended by replacing paragraphs *a, h* and *j* by the following paragraphs:

«general  
education»           **“(a)** “general education”: preschool education and elementary and secondary education within the meaning of the Act respecting elementary and secondary education (1984, chapter 39) and the regulations thereunder, and all education at the college level, within the meaning of the regulations contemplated in section 30 of the Act respecting the Conseil supérieur de l’éducation (R.S.Q., chapter C-60) and 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 pupils to pursue studies at a higher level;

«official  
curriculum  
or program»           **“(h)** “official curriculum or program”: a curriculum or program governed by the regulations contemplated in section 18 of the General and Vocational Colleges Act;

«school corporation» (j) “school corporation”: a corporation of commissioners, trustees or school administrators, by whatever law governed;”.

c. E-9,  
s. 14.1,  
replaced

**573.** Section 14.1 of the said Act is replaced by the following section:

Amount of  
grant

**14.1** For the school year 1981-82, the base amount is \$950 at the kindergarten or preschool level, \$1 400 at the elementary level and \$2 000 at the secondary or high school level. At the college level, the amount is \$2 630 for the general program, and for the vocational program the amount is

- (1) \$4 215 for biology technology;
- (2) \$2 692 for physics technology;
- (3) \$3 125 for humanities technology;
- (4) \$2 273 for management technology;
- (5) \$3 342 for arts.

Annual  
adjustment

The Government shall change those amounts every year before 1 May by readjusting them according to the variations in the amount of the grants made for the same year and for the same level, to the school corporations, to the Conseil scolaire de l'île de Montréal and to the general and vocational colleges. For that purpose, however, the Government shall take no account of the variations in the amount of the grants made to the latter institutions for expenses inherent in the public system.”

c. E-9,  
s. 17.1,  
replaced

**574.** Section 17.1 of the said Act is replaced by the following section:

Amount of  
grant

**17.1** For the school year 1981-82, the base amount is \$695 at the kindergarten or preschool level, \$1 025 at the elementary level and \$1 465 at the secondary or high school level. At the college level, the amount is \$1 930 for the general program, and for the vocational program the amount is

- (1) \$2 496 for biology technology;
- (2) \$1 965 for physics technology;
- (3) \$1 851 for humanities technology;
- (4) \$1 832 for management technology;
- (5) \$2 146 for arts.

Annual  
adjustment

The Government shall change those amounts every year before 1 May by readjusting them according to the variations in the amount of the grants made for the same year and for the same level, to the school corporations, the Conseil scolaire de l'île de Montréal and to the general and vocational colleges. For that purpose, however, the Government shall take no account of the variations in the amount of the grants made to the latter institutions for expenses inherent in the public system."

c. E-9,  
s. 20,  
replaced

**575.** Section 20 of the said Act is replaced by the following section:

Grants for  
handi-  
capped

"**20.** If it is declared to be of public interest or is recognized for the purpose of grants, an institution which provides education for handicapped children at the kindergarten or preschool, elementary, secondary or college level shall receive, notwithstanding sections 14 and 17, for each school year, a grant per pupil determined by regulation of the Government, after consultation with the Commission."

c. E-9,  
s. 21,  
replaced

**576.** Section 21 of the said Act is replaced by the following section:

Exclusion

"**21.** In computing the grants contemplated in sections 14.4 and 17.4, however, no account shall be taken of pupils for whom a school corporation assumes the tuition fees under an agreement entered into, according to section 262 of the Act respecting public elementary and secondary education, or of pupils who are the object of a contract for services contemplated in section 67 of this Act or of pupils registered for a self-improvement course."

c. E-9,  
s. 31,  
replaced

**577.** Section 31 of the said Act is replaced by the following section:

Requi-  
rements

"**31.** Every institution of general education shall:

(a) comply with the provisions of the Act respecting public elementary and secondary education and its regulations or with those of the General and Vocational Colleges Act respecting the conditions for admission of pupils to studies at the level of education that it gives;

(b) employ teachers having the required qualifications within the meaning of the regulations contemplated in section 452 of the Act respecting public elementary and secondary education or in section 18 of the General and Vocational Colleges Act;

(c) present its pupils for the uniform examinations of the levels concerned, held by the Minister or under his authority."

c. E-9,  
s. 32,  
replaced

**578.** Section 32 of the said Act is replaced by the following section:

Preschool  
program

**“32.** Every educational institution at the kindergarten or preschool level shall submit its curriculum or program for the advice of the Commission and the approval of the Minister.”

c. E-9,  
s. 33,  
replaced

**579.** Section 33 of the said Act is replaced by the following section:

Elementary  
school  
program

**“33.** With the exception of an institution in process of organization which must offer the curricula or programs authorized by the Minister, every educational institution at the elementary level shall offer, in accordance with the Act respecting public elementary and secondary education, the full range of compulsory and optional subjects prescribed by the official school policy or determined by the Minister and provide the official curriculum or programs of such level determined by the Minister or any curriculum or program deemed equivalent or approved by the Minister.”

c. E-9,  
s. 34,  
replaced

**580.** Section 34 of the said Act is replaced by the following section:

Secondary  
school  
program

**“34.** Every institution of general education at the secondary level shall offer, in conformity with the Act respecting public elementary and secondary education, the full range of compulsory and optional subjects prescribed by the official school policy or determined by the Minister and provide the official curriculum or program of that level established by the Minister.

Part of  
program

After obtaining the advice of the Commission, the Minister may, nevertheless, authorize an institution of general education at the secondary level to give a part only of the official curriculum or program.”

c. E-9,  
s. 38,  
replaced

**581.** Section 38 of the said Act is replaced by the following section:

Approved  
program

**“38.** An educational institution for handicapped children shall comply with the official curriculum or program approved by the Minister and employ teachers having the required qualifications within the meaning of the regulations contemplated in section 452 of the Act respecting public elementary and secondary education.”

c. E-9,  
s. 42,  
replaced

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

Official pro-  
gram of  
studies

**“42.** The permit shall oblige the institution holding it

(a) to offer the full range of compulsory and optional subjects prescribed by the official school policy or determined by the Minister and provide the official curriculum or program determined by the Minister under the Act respecting public elementary and secondary education or offer the curricula or programs adopted in accordance with the regulations contemplated in section 18 of the General and Vocational Colleges Act in each area of vocational training contemplated in the permit;

(b) to employ teachers who possess the required qualifications within the meaning of the regulations contemplated in section 452 of the Act respecting public elementary and secondary education or in section 18 of the General and Vocational Colleges Act;

(c) to present its pupils for the uniform examinations held by the Minister or under his authority, which certify the completion of such studies.”

c. E-9,  
s. 43,  
replaced  
Equivalent  
program

**583.** Section 43 of the said Act is replaced by the following section:

“**43.** The Minister may, however, after obtaining the advice of the Commission, recognize the curriculum or program of an institution for which he issues a permit as equivalent to the official curriculum or program.”

c. E-9,  
s. 44,  
replaced  
Approval

**584.** Section 44 of the said Act is replaced by the following section:

“**44.** If there is no official curriculum or program corresponding to the vocations or trades specified in the permit, the curriculum or program of the institution, the examinations which it holds and the form and content of the certificate that the institution may award to evidence completion of the studies must be approved by the Minister after consultation with the Commission. The Minister shall satisfy himself that the curriculum or program complies, if necessary, with the conditions governing the lawful practice of the vocation or trade for which the permit is issued.”

c. E-9,  
s. 45,  
replaced  
Intensive  
programs

**585.** Section 45 of the said Act is replaced by the following section:

“**45.** Notwithstanding sections 42, 43 and 44, an institution of vocational education which holds a permit may, in accordance with the regulations, provide intensive instruction comprising only the courses of vocational training contemplated in the official curriculum or program or in a curriculum or program recognized under section 43 or approved under section 44, as the case may be, provided that it admits thereto only pupils who have, where necessary, met the requirements of section 14 of the Act respecting public elementary and secondary education.”

c. E-9,  
s. 46,  
replaced  
Exemption

**586.** Section 46 of the said Act is replaced by the following section:

“**46.** No institution holding a permit for self-improvement education shall register any pupil to whom the first paragraph of section 14 of the Act respecting public elementary and secondary education applies, unless he is exempted under section 15 of the said Act.”

c. E-9,  
s. 48,  
replaced

**587.** Section 48 of the said Act is replaced by the following section:

Publicity

**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 pupils for the practice of a vocation or trade or leads to an uniform examination, certificate or diploma of the Ministère de l'Éducation."

c. E-9,  
s. 59,  
replaced

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

Transporta-  
tion  
agreement

**59.** An institution may make an agreement with a school corporation under section 332 of the Act respecting public elementary and secondary education for the bussing or transportation of persons who attend such institution, and claim from them payment of the cost incurred by the institution under an agreement, after deducting the subsidies granted for that purpose."

c. E-9,  
s. 59.2,  
replaced

**589.** Section 59.2 of the said Act is replaced by the following section:

Applicable  
provisions

**59.2** Sections 330, 333, 334 and 450 of the Act respecting public elementary and secondary education, adapted as required, apply to every institution that, itself, organizes the bussing of the persons who attend the institution."

c. F-2.1,  
s. 1, am.

**590.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing the definition of "school board" by the following definition:

«school  
board»

““school board” means the Conseil scolaire de l’île de Montréal or a school board governed by the Act respecting public elementary and secondary education (1984, chapter 39);”.

c. F-2.1,  
s. 177, am.

**591.** 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. 495,  
replaced

**592.** Section 495 of the said Act is replaced by the following section:

Taxation  
power

**495.** No school board may exercise a taxation power except within the limits provided by this Act and the Act respecting public elementary and secondary education, notwithstanding any general law or special Act or any charter conferring such power upon it.”

c. F-2.1,  
s. 501,  
repealed

**593.** Section 501 of the said Act is repealed.

c. M-15,  
s. 8, am.

**594.** Section 8 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is amended by replacing the third and the fourth paragraphs by the following paragraphs:

Duties of  
associate  
deputy  
minister

“Under the authority of the Minister and Deputy Minister, each associate deputy minister is responsible for ensuring that the confessional status of educational establishments recognized as Catholic or Protestant is respected and for securing the exercise of confessional rights by Catholics and Protestants in the other educational institutions.

Powers

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 competence.

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

**595.** The said Act is amended by inserting, after section 12, the following section:

Exercise of  
powers

“**12.1** The Government may, by order, 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 the Act respecting public elementary and secondary education or any duty entrusted to the Minister under that Act but, in the case of an officer, only to the extent determined by regulation of the Government.

Coming into  
force

Every order or 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-21,  
s. 20, am.

**596.** Section 20 of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21), amended by section 80 of chapter 27 of the statutes of 1984, is again amended by replacing the first paragraph by the following paragraph:

Restriction

“**20.** Except to the extent expressly provided for by law, no school board, municipal corporation, urban community or regional community or any agency to which it appoints a majority of the members or contributes over one-half of the financing, or the Conseil scolaire de l'île de Montréal shall,”.

c. O-7.1  
s. 1, am.

**597.** Section 1 of the Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter O-7.1) is amended

(1) by replacing paragraph *c* by the following paragraph:

«school board» “(c) “school board” means the Commission des écoles protestantes de Montréal, the Commission des écoles protestantes de Québec, the Commission des écoles catholiques de Québec, the Commission des écoles catholiques de Montréal, any school board governed by the Act respecting public elementary and secondary education (1984, chapter 39), and any other similar body designated by the Government for the application of this Act;”;

(2) by replacing paragraph *e* by the following paragraph:

«teacher» “(e) “teacher” means a teacher within the meaning of the Act respecting public elementary and secondary education or a member of the teaching staff of a college;”.

c. P-22, s. 1, am. **598.** 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 within the meaning of the Act respecting public elementary and secondary education (1984, chapter 39), the federally chartered banks, insurance companies carrying on business in Québec, by virtue of a licence 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;”.

c. P-32, s. 12, replaced **599.** Section 12 of the Public Protector Act (R.S.Q., chapter P-32) is replaced by the following section:

“**12.** The Public Protector shall define the duties of his assistant, public servants and employees.

Duties of assistant and employees  
Delegation

He shall direct their work and may delegate to them in writing each of his powers except those assigned to him by sections 26 to 29; he may, however, in respect of investigations made under the Act respecting public elementary and secondary education (1984, chapter 39) delegate to them in the same manner the powers assigned to him by sections 26 and 29.”

c. P-32, s. 13.1, added **600.** The said Act is amended by adding, after section 13, the following section:

“**13.1** The Public Protector shall also have the powers that are assigned to him by the Act respecting public elementary and secondary education.”

Other powers

c. P-32,  
s. 26, am.

**601.** Section 26 of the said Act is amended

(1) by replacing the sentence of the first paragraph that precedes subparagraph *a* by the following sentence:

Notice to  
incumbent  
minister

“**26.** The Public Protector shall notify the incumbent minister of the department or the chief executive officer of the agency concerned whenever he is of the opinion, after completing an investigation, that a person has been wronged in the circumstances contemplated in the first paragraph of section 13 or in the circumstances contemplated in the first paragraph of section 11 of the Act respecting public elementary and secondary education because a functionary, officer or employee”;

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

Notice to  
chairman of  
school  
council

“In the case of an investigation made under the Act respecting public elementary and secondary education, the notices and recommendations of the Public Protector provided for in this section are addressed to the chairman of the school council or to the chairman of the council of commissioners concerned.”

c. R-10,  
Sched. II,  
am.

**602.** Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing the second paragraph of paragraph 1 by the following paragraph:

“school boards within the meaning of the Act respecting public elementary and secondary education (1984, chapter 39) and general and vocational colleges”.

c. S-4.1,  
s. 1, am.

**603.** Section 1 of the Act respecting child day care (R.S.Q., chapter S-4.1) is amended

(1) by replacing the definition “nursery school” by the following definition:

«nursery  
school»

““nursery school” means day care services provided in an establishment that receives at least ten children from 2 to 5 years of age on a regular basis for periods of up to 3 hours a day;”;

(2) by striking out the definition “school day care”.

c. S-4.1,  
s. 2, am.

**604.** Section 2 of the said Act is amended by replacing the second paragraph by the following paragraph:

Choice

“The person having parental authority is entitled to choose the day care services most convenient for him, taking account of the available resources; a permit holder or a person responsible for home day care is entitled to receive or to refuse to receive a child.”

c. S-4.1,  
s. 3, am.

**605.** Section 3 of the said Act is amended by adding, at the end, the following paragraph:

Day care

“The day care services established in a school for the pupils of the elementary level are provided without a permit.”

c. S-4.1,  
s. 4, am.

**606.** Section 4 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a school board or a corporation of school trustees for preschool pupils;”.

c. S-4.1,  
s. 7, am.

**607.** Section 7 of the said Act is amended by replacing subparagraphs 4 and 5 by the following subparagraph:

“(4) a municipal corporation”.

c. S-4.1,  
s. 10, am.

**608.** Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph:

Committee  
of parents

“**10.** The permit holder contemplated in subparagraphs 3 and 5 of the first paragraph of section 4 and in subparagraphs 3 and 4 of the first paragraph of section 5 shall form a committee of five persons elected by and from among the parents of children who are or will be registered at the day care centre or nursery school.”

c. S-4.1,  
s. 22, am.

**609.** Section 22 of the said Act is amended by replacing the first paragraph by the following paragraph:

Registration  
and atten-  
dance card

“**22.** The holder of a day care centre, nursery school or stop-over centre permit, or the person responsible for home day care shall keep, in accordance with the regulations, a registration and attendance card for each child he or it receives, and must communicate it in writing or verbally or facilitate access to it of the person having parental authority, at his request.”

c. S-4.1,  
Chap. II,  
Div. II,  
repealed

**610.** Division II of Chapter II of the said Act, including sections 32 and 33, is repealed.

c. S-4.1,  
s. 34,  
replaced  
Inspection

**611.** Section 34 of the said Act is replaced by the following section:

“**34.** An inspector of the bureau may, at any reasonable time, during opening hours, enter any premises where he has reasonable grounds to believe that activities for which a permit is required under this Act are carried on to ascertain that this Act and the regulations are complied with.”

c. S-4.1,  
s. 38,  
replaced

**612.** Section 38 of the said Act is replaced by the following section:

Contri-  
bution

“**38.** The holder of a day care centre, nursery school or stop-over centre permit or a school board or corporation of school trustees, the person or the body providing school day care services for pupils of the elementary level shall fix the amount of the contribution he or it requires for the children he or it receives. That contribution shall be exacted from the person having parental authority or any other person determined by regulation.

Notice

Furthermore, he or it shall notify the bureau of the amount of the contribution referred to in the first paragraph and of any change in that amount, within fifteen days after it is fixed or changed.”

c. S-4.1,  
s. 40, am.

**613.** Section 40 of the said Act is amended by replacing the first paragraph by the following paragraph:

Exemption

“**40.** The bureau may, at the request of a person from whom payment of the contribution contemplated in section 38 or 39 is required, exempt the person from that payment in the cases and circumstances and in accordance with the conditions and modalities it determines by regulation.”

c. S-4.1,  
s. 41, am.

**614.** Section 41 of the said Act is amended by replacing paragraph 3 by the following paragraph:

“(3) to a school board, a corporation of school trustees, a person or body providing school day care for pupils of the elementary level.”

c. S-4.1,  
s. 41.1,  
added

**615.** The said Act is amended by inserting, after section 41, the following section:

Day care  
for pupils of  
elementary  
level

“**41.1** For the purposes of this division, every school board, corporation of school trustees, person or body providing school day care for pupils of the elementary level shall:

(1) within a period of 30 days after the day care services have been established, notify the bureau thereof;

(2) keep, in accordance with the regulations, an attendance card for each child he or it receives, and communicate it in writing or verbally and facilitate access to it of the person having parental authority, at his request.”

c. S-4.1,  
s. 44,  
replaced

**616.** Section 44 of the said Act is replaced by the following section:

Motion to  
obtain  
access to  
card

“**44.** A person having parental authority to whom the holder of a day care centre, nursery school or stop-over centre permit, or a person responsible for home day care refuses to give access to his child’s registration and attendance card or refuses to give written or verbal

communication of that card may, upon summary motion, apply to the Commission des affaires sociales to obtain access to that card or to obtain communication of it, as the case may be.”

c. S-4.1,  
s. 50, am.

**617.** Section 50 of the said Act is amended

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

“(1) five members, including the vice-chairman, are chosen from among the parents who, at the time of their appointment, have children who are provided with day care in a day care centre, in a nursery school, at home or at school, after consultation with the groups or bodies interested in child day care, and one of these parents must be the parent of a child who is 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);”;

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

“(3) one member is chosen from among employers who, at the time of their appointment, are parents of children who are provided with day care in a day care centre, in a nursery school, at home or at school, after consultation with the representative bodies of employers;”;

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

“(4) one member is chosen from among employees who, at the time of their appointment, are parents of children who are provided with day care in a day care centre, a nursery school, at home or at school, after consultation with the representative union association of employees;”.

c. S-4.1,  
s. 73, am.

**618.** Section 73 of the said Act is amended

(1) by replacing subparagraph 8 by the following subparagraphs:

“(8) determining the form and tenor of the registration and attendance card that the holder of a day care centre, nursery school or stop-over centre permit, or a person responsible for home day care must keep for each child he or it receives, and establishing standards for the keeping, examination and photographic reproduction of that card;

“(8.1) determining for the purposes of the application of paragraph 2 of section 41.1, the form and tenor of the attendance card that the school board, corporation of school trustees or the person or body providing school day care for the pupils of elementary level;”.

(2) by striking out subparagraph 16.

c. S-36,  
repealed **619.** The Act respecting grants to school boards (R.S.Q., chapter S-36) is repealed.

c. T-11.1,  
s. 2, am. **620.** Section 2 of the Act respecting transportation by taxi (R.S.Q., chapter T-11.1) is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) school transportation provided for in the Act respecting public elementary and secondary education (1984, chapter 39), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29);”.

c. V-7,  
s. 15, am. **621.** Section 15 of the Mining Towns Act (R.S.Q., chapter V-7) is amended by replacing the second paragraph by the following paragraph:

Notice “Notice of such erection must be published in the *Gazette officielle du Québec*. At the expiration of fifteen days after publication, the school municipality is incorporated and the inhabitants and ratepayers of the municipality shall be a school corporation whose commissioners must be elected on the sixth Monday following the notice of erection. Moreover, and except for the provisions of this section, the municipality and the corporation shall be ruled by the Act respecting public elementary and secondary education (1984, chapter 39).”

1984, c. 42,  
s. 50,  
replaced **622.** Section 50 of the Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is replaced by the following section:

Contract for  
pupil trans-  
portation **“50.** The corporation may make a contract for the transportation of pupils within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), 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 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 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.”

1971, c. 98,  
s. 76, am. **623.** Section 76 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98), amended by section 155 of chapter 55 of the statutes of 1972, by section 14 of chapter 91 of the statutes of 1973, by section 24 of chapter 26 of the statutes of 1981 and by section 77 of chapter 45 of the statutes of 1983, is again amended by replacing subsection 3 by the following subsection:

Contract for  
pupil trans-  
portation

“(3) The Commission may make a contract for the transportation of pupils within the scope of the Act respecting public elementary and secondary education (1984, chapter 39), of 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 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 under sections 19 and 38.2.”

1966-67,  
c. 125, s. 3,  
replaced

**624.** Section 3 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 section:

Act  
applicable

“**3.** The school corporation shall be governed by the Act respecting public elementary and secondary education (1984, chapter 39), 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. 5, am.

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

Powers of  
the adminis-  
trator

“**5.** The administrator shall exercise the powers of the school commissioners by means of orders; however, where a provision of the Act respecting public elementary and secondary education applicable to the school board established under this Act requires a public notice before a decision of the commissioners comes into force, no order made in lieu of a decision of the commissioners may, in that case, come into force before it has been published.”

1966-67,  
c. 125, s. 8,  
replaced

**626.** Section 8 of the said Act is replaced by the following section:

Separate  
school  
municipality

“**8.** 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 erected as a separate school municipality; subject to such conditions, such erection shall be effected in accordance with the Act respecting public elementary and secondary education and the territory concerned shall thereupon cease to be governed by this Act.”

1968,  
c. 110,  
repealed

**627.** The Act respecting the School Board of New Québec (1968, chapter 110) is repealed.

## DIVISION II

## TRANSITIONAL AND FINAL PROVISIONS

**628.** Every act performed by the provisional council or the council of commissioners contemplated in Divisions I and II respectively of Chapter VII binds the new school board in that territory as if it had performed it itself.

Acts performed by provisional council

**629.** Any deficit accumulated on 30 June 1980 by an existing school board or by the Conseil scolaire de l'île de Montréal or resulting from a court judgment 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 existing school board that incurred the deficit.

Accumulated deficit

Notwithstanding section 348, the tax contemplated in the first paragraph does not require the approval of the electors.

Special tax

If the special tax is collected on the same roll as the general tax, the roll must indicate the amount of each tax.

Indication on the roll

**630.** Any bonded debt of an existing school board becomes the bonded debt of the new school board in accordance with the rules established in sections 501 and 502.

Bonded debt

The special 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 tax is levied in the whole territory of the new school board according to the initial conditions and, notwithstanding section 348, does not require the approval of the electors.

Special tax

If the special tax is collected on the same roll as the general taxes, the roll shall indicate the amount of each tax.

Indication on the roll

**631.** The sections of the Act respecting municipal and school debts and loans amended by sections 559 to 571 continue to apply to an issue of bonds made before 1 July 1986 by a school board or the Conseil scolaire de l'île de Montréal to the extent that they were applicable before being amended.

Provisions applicable to bond issue

**632.** 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.

Interpretation

Regulation  
continued

**633.** Every regulation, resolution, order or ordinance passed, every agreement or deed signed and every commitment made by an existing school board remain in force, to the extent they are consistent with this Act and as long as their object has not been carried out or until they are amended, replaced or repealed by the new school board succeeding to the existing school board.

Subrogation

For the purposes of the first paragraph, the new school board is subrogated in the rights and obligations of the existing school board.

Confession-  
al status

**634.** Every school shall retain the confessional status it had on 1 July 1986. The school council shall, within three years, apply for the renewal or revocation of its status as a Catholic or Protestant school.

Confession-  
al status

If the school fails to make an application under the first paragraph, it shall lose its confessional status.

Teaching  
diploma

**635.** Every person holding a teaching diploma in force on 30 June 1986 is deemed to be the holder of a teaching permit required under this Act.

Rights and  
privileges

The person contemplated in the first paragraph shall continue to enjoy the rights and privileges attached to his teaching diploma.

Teaching  
permit

**636.** Every person holding a teaching permit issued under the Regulation respecting teaching permits and teaching diplomas made by order in council 592 dated 30 March 1966 and who has not completed his two-year probationary period is entitled to receive from the Minister a temporary teaching permit required under this Act.

Rights and  
privileges

The person continues to enjoy the rights and privileges attached to the permit he holds.

Temporary  
permit

**637.** A person whose temporary teaching permit, issued under the Regulation respecting teaching permits and teaching diplomas made by order in council 592 dated 30 March 1966, has expired and who did not teach during the period of validity of his permit, or who did not complete his two-year probationary period during the period of validity of his permit, is entitled to receive from the Minister a temporary teaching permit required under this Act, provided that the person applies for it in the year following the coming into force of Division II of Chapter II of this Act.

Teaching  
authori-  
zation

**638.** Every person holding a temporary teaching authorization in force on 1 July 1986 issued under order in council 3878 dated 17 November 1982 is deemed to hold a temporary teaching permit.

Rights and privileges      The person continues to enjoy the rights and privileges attached to the authorization.

Transfer of public servants      **639.** Any minister of the Government and any company established under section 338 or 474 may draw up a memorandum of agreement allowing the transfer of public servants with permanent tenure of a department to such a company.

Sick leave and vacation      The memorandum shall preserve the accumulated days of sick leave and vacation of the public servants. It shall stipulate that the salary of a public servant who agrees to be transferred to such a company shall not be reduced for that fact alone.

Transfer      Such a company shall employ every public servant contemplated in the memorandum who agrees to be transferred to the company.

Settlement of disagreement      The memorandum shall establish mechanisms for settling disagreements arising from its interpretation.

Transfer and promotion      **640.** Where a public servant becomes an employee of a company under the terms of a memorandum of agreement contemplated in section 639, he has the privilege, as long as he remains employed by the company, of applying for a transfer or taking part in a competition for promotion for a position in the public service in accordance with the Public Service Act (1983, chapter 55).

Classification      **641.** An employee contemplated in section 639 may, while he is employed by a company contemplated in that section, require the Office des ressources humaines established by the Public Service Act to give him an opinion on the classification he would have in the public service. The opinion must take into account the classification that the employee had in the public service and the experience and years of formal training he has acquired since he has been in the employ of the company.

Classification      In addition, the Office des ressources humaines shall issue, for such an employee applying for a transfer or taking part in a competition for promotion, an opinion on classification established in the manner prescribed in the first paragraph.

Placement on reserve      **642.** Where all or some of the activities of the company cease or in case of a lack of work, the employee contemplated in section 639 is entitled to be placed on reserve in the public service with the classification he had before the date of his termination of employment.

Classification      In the case of this section, the Office des ressources humaines shall, where applicable, assign the employee a classification that takes account of the criteria provided in the first paragraph of section 641.

Placement  
on reserve

**643.** Where the Office des ressources humaines is unable to place an employee contemplated in section 642, the employee is placed on reserve with the Office until he is placed.

Appeal

**644.** Subject to any rights of action which may exist under a collective agreement, an employee contemplated in section 639 who is dismissed may appeal therefrom in accordance with section 33 of the Public Service Act.

Representa-  
tive associa-  
tions of  
employees

**645.** The associations of employees certified in accordance with Chapter IV of the Public Service Act, which, on the date of the drawing up of a memorandum of agreement made under section 639, represent groups of public servants who agree to be transferred to a company, continue to represent those employees at the company until the date of expiry of the collective agreement which applies to them and is in force at the time of the transfer.

Future  
employees

The associations of employees also represent, until the date of expiry of the collective agreement then in force, any other person who becomes an employee of the company. However, in no case may the provisions of the collective agreement that regard security of employment apply to those persons.

Applicabi-  
lity of col-  
lective  
agreements

The collective agreements applicable to the associations of employees continue to apply until the date for which they were made and to the extent they are applicable. The collective agreements shall bind the associations of employees and the company as if they had made the agreements.

Conditions  
of em-  
ployment

Any employee contemplated in section 639 who was not a member of a bargaining unit at the time of his transfer to the company shall continue to have the same conditions of employment as those applying to a public servant who is not a member of a bargaining unit and whose classification is that of the employee at the time of his transfer, until the expiry of the collective agreement contemplated in the first paragraph.

Pension  
plans

**646.** The public servants contemplated in section 639 shall continue to participate in the Civil Service Superannuation Plan or in the Government and Public Employees Retirement Plan in which they were participating.

Pension  
plans

Companies referred to in section 639 shall also participate in the plans referred to in the first paragraph.

Education  
Act repla-  
ced in part  
from 1 July  
1986

**647.** From 1 July 1986, this Act shall replace the Education Act, except:

- (1) as regards confessional or dissentient school boards in the cases and to the extent provided in Chapter VI;
- (2) as regards the Cree School Board and the Kativik School Board;
- (3) as regards educational services for Naskapi beneficiaries.

Northern  
commu-  
nities

The Government may, however, by regulation, at the request of the Cree School Board, the Kativik School Board or the Comité Naskapi de l'éducation and in accordance with the request, render a provision or part of a provision of this Act or, as the case may be, of regulations made under this Act, applicable to such school board or committee, with the necessary adjustments of concordance. The regulation may specify which provision of the Education Act for confessional school boards and northern communities or of a regulation made under the said Act ceases to have effect.

Regulations

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 fixed therein.

Title of Act  
replaced

**648.** From 1 July 1986, the title of the Education Act is replaced by the following title:

“Act respecting education in confessional school boards and northern communities”.

Interpre-  
tation

**649.** In any Act, regulation, proclamation, order, ordinance, contract or other document,

(1) a reference to the Education Act or to any of its provisions is deemed to be a reference to this Act or to the equivalent provision of this Act;

(2) the expressions “corporation of school trustees” and “school trustees” mean a dissentient school board and the council of commissioners of a dissentient school board contemplated in this Act, respectively.

Confession-  
nal or dis-  
sident  
school  
boards

With regard to the confessional or dissentient school boards contemplated in Chapter VI of this Act, a reference to this Act or a reference to the Education Act is deemed to be a reference to the Act respecting education in confessional school boards and northern communities for provisions on the confessional status, to the extent that this Act is inconsistent with such provisions.

Northern  
commu-  
nities

With regard to the northern communities contemplated in Parts X to XII of the Act respecting education in confessional school boards and northern communities, a reference to this Act or to the Education

Act is deemed to be a reference to the Act respecting education in confessional school boards and northern communities, subject to section 647.

Regulations continued

**650.** Every regulation made and every decision made by the Minister under the Education Act 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 in force, to the extent that it is consistent with this Act, until it is replaced, amended or repealed under this Act.

Rights and obligations maintained

**651.** Every right, power or obligation conferred by law on the secretary-treasurer of a school board shall be exercised by the director general of the school board. The school board may, however, by by-law, distribute certain of such rights, powers or obligations among the director general, the assistant director general and the persons holding an administrative office.

Transitional provisions

**652.** The Government may adopt, by regulation, any other provisional or transitional provision to remedy any omission in order to ensure the carrying out of this Act.

Coming into force of regulations

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any other date fixed in it. A regulation may, however, once published and if it so provides, apply from any date not prior to 1 July 1985.

Effect

This section shall cease to have effect on 1 January 1988.

Minister responsible

**653.** The Minister of Education is responsible for the administration of this Act, except sections 330 to 337 and section 450 which are under the responsibility of the Minister of Transport, and section 495 which is under the responsibility of the chief electoral officer.

Exception

**654.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into force

**655.** This Act comes into force on 21 December 1984, except section 627 which comes into force on 1 July 1985 and sections 1 to 446, 478 to 486, 542 to 626, 628 to 651 and the schedules, which come into force on 1 July 1986.

SCHEDULE A

BALLOT PAPER

OBVERSE

	<b>Marie BONENFANT</b>	<input type="radio"/>
	<b>Jean-Charles BUREAU</b>	<input type="radio"/>
	<b>Pierre-A. LARRIVÉE</b>	<input type="radio"/>

REVERSE

<b>No</b>						
	<b>No</b>					
		School board of	_____			
			_____	Initials of the returning officer		
				Electoral ward of:		
					Date: _____	
						Printer: _____

**SCHEDULE B**

**POLL BOOK**

Names of the voters	Number of the voters
Occupation	
Place of residence	
Owners	
Objections	
Sworn or affirmed	
Voters refusing to take the oath or affirmation	
Votes given	
Electors voting after others have voted in their names	
Ballot papers prepared with the assistance of the returning officer	
General remarks	

SCHEDULE C

STATEMENT OF THE POLL

School board of .....

Electoral ward of .....

Poll no. ....

Number of ballot papers received by the returning officer .....		
Number of ballot papers cast for ..... <i>(name of the first candidate)</i>	.....	
Number of ballot papers cast for ..... <i>(name of the second candidate)</i>	.....	
Number of ballot papers cast for ..... <i>(name of the third candidate)</i>	.....	
Number of ballot papers cast for ..... <i>(name of the fourth candidate)</i>	.....	
Number of ballot papers spoiled (not placed in the box) .....	.....	
Number of ballot papers rejected in counting the ballots .....	.....	
Number of ballot papers not used .....	.....	
Totals .....	.....	.....

Given under my hand, at .....  
this ..... 19 .....

.....  
Deputy returning officer

## SCHEDULE D

## CONFESSIONAL SCHOOL BOARDS

1. The Commission scolaire catholique de Montréal and the Commission scolaire protestante de Montréal having jurisdiction in the following territory:

— that comprehend all that tract or parcel of land (being part and parcel of the County of Montreal) bounded in front by the River St. Lawrence, and in the rear by a line parallel to the general course of the fortification walls on the rear of the said (City) at the distance of one hundred chains from the Gate commonly called the St. Lawrence Gate, and bounded on the easterly or lowermost side by a line running parallel to the general course of the fortification walls on the easterly or lowermost side of the said (City), at the distance of one hundred chains from the Gate towards the Québec Suburbs, commonly called the Québec Gate, and on the westerly or uppermost side by a line running parallel to the general course of the fortification walls on the westerly or uppermost side of the said (City) at the distance of one hundred chains from the gate towards the St. Anthony Suburbs, commonly called the Recollets Gate...

(Proclamation of 7 May 1792, adopted under the Act 14-15 Victoria, chapters 96 and 97).

Note: *The limits of the City of Montréal in 1867 correspond to the limits of the cadastre of the City of Montréal in the following wards: Centre, Est, Ouest, Sainte-Anne, Saint-Antoine, Saint-Jacques, Saint-Laurent, Saint-Louis and Sainte-Marie.*

2. The Commission scolaire catholique de Québec and the Commission scolaire protestante de Québec having jurisdiction in the following territory:

The whole extent of land within the limits assigned to the said city by a certain proclamation of His Excellency Sir Alured Clarke, bearing date the seventh day of May, one thousand seven hundred and ninety-two, and in addition thereto, all land extending to low water mark of the River St. Lawrence, in front of the said city, including the shore of the River St. Charles, opposite the said city, as limited by high water mark on the north side of the said river, from the prolongation of the west line of St. Ours street, to the west line of the farm of the Nuns of the Hôtel-Dieu, thence running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water mark; thence running due east, about eight hundred feet, to the intersection of the line limiting the beach grants of the seigniorship of Notre-Dame des Anges, at low water; and

finally thence along the said beach line running north forty degrees east, to the intersection of the prolongation of the line of the Commissioners for the Harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the city, the said city also comprises all wharves, piers and other erections, made or to be made in the said River St. Lawrence, opposite to or adjoining the said city, though extending beyond the low water mark of the said river, and being within the said Commissioners' line and even beyond the same, should it be hereafter extended or reduced.

*Note: The limits of the City of Québec in 1867 correspond to the limits of the cadastre of the City of Québec in the following wards: Champlain, Jacques-Cartier, Montcalm, Palais, Saint-Jean, Saint-Louis, Saint-Pierre and Saint-Roch.*

## SCHEDULE E

## DISSENTIENT SCHOOL BOARDS

1. The dissentient Protestant school board of Baie-Comeau, having jurisdiction in the territory of the former town of Baie-Comeau, as it was on 31 December 1982.

2. The dissentient Catholic school board of Greenfield-Park, having jurisdiction in the territory of the town of Greenfield-Park, as it was on 18 April 1983.

3. The dissentient Protestant school board Laurentienne, having jurisdiction in the territory of the municipalities of Sainte-Agathe-des-Monts (town), Sainte-Agathe (parish), Sainte-Agathe-Sud (village), Val-David (village), Lantier, Ivry-sur-le-Lac, Saint-Adolphe-d'Howard, Sainte-Lucie-des-Laurentides and Val-des-Lacs, as it was on 18 April 1983.

4. The dissentient Catholic school board of Portage-du-Fort, having jurisdiction in the territory of the village of Portage-du-Fort, in part of the territory of Litchfield (township), namely, lots 18 to 28 of Range 1, lots 20 to 28 of Range 2 and Range 3, in part of the territory of Clarendon (township), namely, lots 23 to 28 of Ranges 1 and 2, as it was on 18 April 1983.

5. The dissentient Protestant school board of Rouyn, having jurisdiction in the territory of the city of Rouyn, as it was on 18 April 1983.

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