



CHAPTER 28

An Act to amend the Education Act

[Assented to 22 June 1979]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

R.S.,
c. 235,
s. 66,
replaced.

1. Section 66 of the Education Act (Revised Statutes, 1964, chapter 235), enacted by section 18 of chapter 67 of the statutes of 1971, is replaced by the following sections:

School
committee.

“66. Before 20 May each year, the principal or the person responsible for each school administered by a school board or a regional board shall call a general meeting of the parents of the children who attend such school and are registered for the following school year, to establish a school committee therein.

Delegate
to parents'
committee.

Not later than that date, the members of the school committee shall hold their first meeting and choose one delegate to the parents' committee contemplated in section 68 for each of the elementary and secondary levels, where that is the case.

Member
with no
voting
right.

The principal or the person responsible for the school and one representative designated by the teachers of the school are members of the school committee but they are not entitled to vote on it or be appointed chairman or delegate to the parents' committee.

Disquali-
fication.

The school commissioners or trustees of the school board or of the regional board which administers that school cannot, however, be members of that school committee.

Condition
to be a
member.

No parent may continue to act as a member of the school committee or as a delegate to the parents' committee if his child ceases to attend that school.

Election of
members
of school
committee.

“66a. Between 1 and 15 October each year, the chairman of a school committee must call a general meeting of the parents of the children who attend the school to elect at least two other

members to sit on the school committee until the holding of the next general meeting of the parents provided for in section 66."

R.S.,
c. 235,
s. 68, am.

2. Section 68 of the said act, enacted by section 18 of chapter 67 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

Parents'
committee.

"68. A parents' committee is established for each school board or regional board; it consists of the delegates from each school committee."

R.S.,
c. 235,
ss. 68a,
68b, added.

3. The said act is amended by inserting after section 68 the following sections:

Chairman
of the
parents'
committee.

"68a. Before 1 June each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the corporation of trustees shall call the members of the parents' committee to elect the chairman of that committee.

Represent-
ative of
elementary
and
secondary
levels.

After the election of the chairman, the parents' committee shall immediately elect one representative contemplated in section 90 for each of the elementary and secondary levels, where that is the case. That representative is elected by the majority vote of the members present.

Term of
office.

"68b. The representative of the parents' committee so elected remains in office until 1 June of the year following that of his election.

Vacant
office.

Where the office of a representative of the parents' committee becomes vacant for one of the causes indicated in the first paragraph of section 184, the parents' committee must, within the ensuing thirty days, elect a person to replace him. The term of the latter ceases at the time when the term of the person he replaces would have expired."

R.S.,
c. 235,
s. 70,
replaced.

4. Section 70 of the said act, enacted by section 18 of chapter 67 of the statutes of 1971, is replaced by the following section:

"Parent",
"school".

"70. For the purposes of sections 66 to 69, the word "parent" means the father, mother or, failing them, the guardian of a child, and the word "school" means one or more groups of children and teachers under one principal or one person responsible, if there is no principal."

R.S.,
c. 235,
s. 90, am.

5. Section 90 of the said act, replaced by section 22 of chapter 67 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

Corporation constituted.

"90. The school commissioners, the trustees and the representative or representatives of the parents' committee in each municipality are a corporation having perpetual succession, which may sue and be sued and do all the acts which a corporation may do with regard to the purposes for which it was constituted."

R.S.,
c. 235,
s. 91, am.

6. Section 91 of the said act, replaced by section 22 of chapter 67 of the statutes of 1971, is amended by replacing the first and second paragraphs by the following paragraphs:

Council of Commissioners.

"91. Each corporation of school commissioners is subject to the authority of a Council of Commissioners composed of all the school commissioners of the corporation and of the representative or representatives of the parents' committee.

Executive committee.

An executive committee, consisting of five commissioners including the chairman of the school board, appointed annually by the Council of Commissioners at the session contemplated in section 189, is also constituted for each corporation; however, the executive committee consists of three commissioners including the chairman of the school board if the Council of Commissioners comprises only nine commissioners. Every representative of the parents' committee is also a member of the executive committee but he does not have the right to vote."

R.S.,
c. 235,
s. 91a,
added.

7. The said act is amended by adding after section 91 the following section:

Powers of representative of parents' committee.

"91 a. Unless otherwise provided in this act, the representative of a parents' committee has the same rights, powers and obligations as school commissioners and trustees.

Restriction.

However, he cannot vote on any motion submitted to the school commissioners or trustees or participate in the appointment of members to the executive committee, or of commissioners to membership on the Council of Commissioners of the regional board.

Restriction.

Futhermore, no representative of the parents' committee of any school board which is a member of a regional board may be appointed to or be a member of that regional board in conformity with sections 480, 480a, 480b and 481."

R.S.,
c. 235,
s. 95, am.

8. Section 95 of the said act, amended by section 25 of chapter 67 of the statutes of 1971, is again amended by replacing the second paragraph by the following paragraph:

Spouse.

"No person may be elected as school commissioner or trustee or hold such office on a school board of which his spouse is a member or is the representative of the parents' committee."

R.S.,
c. 235,
ss. 103,
104, added.

9. The said act is amended by inserting after section 102 the following:

“ § 3.—*Qualifications required to be a representative of a parents' committee*

Qualifi-
cation.

“103. To be a representative of a parents' committee, it is necessary

(a) to be a delagate of a school committee;

(b) to have been domiciled in the school municipality for at least six months;

(c) not to be affected by any legal incapacity.

Spouse
disquali-
fied.

No person may be elected as representative of a parents' committee in a school board on which his spouse is a school commissioner or trustee or a representative of the parents' committee.

Provisions
applicable.

“104. Sections 96, 97 and 98 apply, *mutatis mutandis*, to the representative of a parents' committee.”

R.S.,
c. 235,
s. 373, am.

10. Section 373 of the said act, replaced by section 2 of chapter 79 of the statutes of 1975, amended by section 1 of chapter 65 of the statutes of 1977 and by section 1 of chapter 79 of the statutes of 1978, is again amended by replacing the last paragraph by the following paragraph:

Real value
defined.

“For the purposes of this section, the Lieutenant-Governor in Council may define, for the year 1978/1979 and for the year 1979/1980, the real value of the property entered in the valuation rolls in force in the local municipality or municipalities of their territory.”

R.S.,
c. 235,
s. 474a,
am.

11. Section 474a of the said act, enacted by section 76 of chapter 67 of the statutes of 1971, is amended by adding at the end the following paragraph:

No voting
right.

“The director-general and the assistant director-general contemplated in section 204 and the representative of the parents' committee are also members of the executive committee but they do not have the right to vote.”

R.S.,
c. 235,
s. 480,
am.

12. Section 480 of the said act, replaced by section 78 of chapter 67 of the statutes of 1971 and amended by section 3 of chapter 68 of the statutes of 1971, is again amended by replacing the first paragraph by the following paragraph:

Composi-
tion of
Council of
Commis-
sioners.

“480. The Council of Commissioners contemplated in section 91 consists, in the case of every regional board, of all the

commissioners or trustees of the school boards which are members of it and of the representative of the parents' committee of that regional board."

R.S., c.
c. 235,
s. 486, re-
placed.

13. Section 486 of the said act, replaced by section 83 of chapter 67 of the statutes of 1971, is again replaced by the following section:

Auditor.

"486. The provisions of this act respecting the auditor of a school board and his report apply, *mutatis mutandis*, to the regional board."

R.S.,
c. 235,
s. 616, am.

14. Section 616 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is amended by adding at the end of the first paragraph the following: "In addition, each school board consists of one representative elected for each of the elementary and secondary levels in accordance with section 68a or the second paragraph of section 619."

R.S.,
c. 235,
s. 619, am.

15. Section 619 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is amended:

(a) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(b) a central parents' committee consisting of delegates of regional parents' committees, at the school board.";

(b) by inserting after the first paragraph the following paragraphs:

Chairman
of the
central
parents'
committee.

"Notwithstanding section 68a, the secretary-general of the school board, before 1 June each year, shall call the members of the central parents' committee to elect the chairman of that committee. After the chairman is elected, the central parents' committee shall immediately elect two representatives contemplated in section 616, one for each of the elementary and secondary levels, to sit on the Council of Commissioners and the executive committee. These representatives are elected by the majority vote of the members present.

Provision
applicable.

Section 68b applies, *mutatis mutandis*, to a central parents' committee and its representatives."

R.S.,
c. 235,
s. 629, re-
placed.

16. Section 629 of the said act, enacted by section 4 of chapter 60 of the statutes of 1972, is replaced by the following section:

Complaint.

"629. The secretary of the Montreal division of the Bureau de révision de l'évaluation foncière du Québec shall, if he receives, in accordance with section 66 of the Real Estate

Assessment Act, a complaint respecting an entry contemplated in the preceding section, make a copy of the complaint and deliver or mail it forthwith to the Council, which may then intervene in the dispute. The notice of hearing contemplated in section 69 of the Real Estate Assessment Act must also be sent to the Council."

R.S.,
c. 235,
s. 675, re-
placed.

17. Section 675 of the said act, enacted by section 1 of chapter 78 of the statutes of 1978, is replaced by the following section:

Provisions
applicable.

"675. The provisions of this act respecting elections, school taxes and valuation of property, school and parents' committees and those respecting the representative of the parents' committee do not apply to the school board."

R.S.,
c. 235,
s. 733, am.

18. Section 733 of the said act, enacted by section 1 of chapter 78 of the statutes of 1978, is amended by replacing the last paragraph by the following paragraph:

Functions.

"The education committees shall be consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board. Sections 66 to 70 and the provisions respecting the representative of the parents' committee do not apply."

School
year
beginning
in 1979.

19. For the school year beginning 1 July 1979, the dates 20 May and 1 June mentioned in sections 1, 3 and 15 of this act are replaced by the dates 15 October and 1 November, respectively.

Term of
office.

For the school year referred to in the first paragraph, parents whose children attend a school and are registered therein may be members of the school committee, delegates and representatives. Their term of office ends on the day of the election of the person replacing them before 20 May and 1 June 1980.

Coming
into force.

20. This act comes into force on the day of its sanction, except section 66a enacted by section 1 and section 4 of this act, which will come into force on 1 March 1980.