



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 83

**An Act respecting the Commission
d'évaluation de l'enseignement
collégial and amending certain
legislative provisions**

Introduction

Introduced by
Madam Lucienne Robillard
Minister of Higher Education and Science

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill establishes the Commission d'évaluation de l'enseignement collégial. The Commission, which will consist of three members appointed by the Government, will have jurisdiction over the college instruction offered by general and vocational colleges and the other public or private educational institutions governed by the College Education Regulations established under the General and Vocational Colleges Act.

The Commission's mission will consist in evaluating, for each educational institution, whenever it considers it appropriate, the institutional policies on the evaluation of learning achievement and the evaluation of programs of studies and the manner in which the programs of studies are implemented.

After completing its evaluation, the Commission will make a report of its findings and conclusions, transmit the report to the institution concerned and to the Minister of Higher Education and Science and make it public. In its report, the Commission may recommend to the Minister that an institution be authorized to award the Diploma of College Studies.

In addition, the bill confers on the Conseil supérieur de l'éducation some of the functions of the Conseil des collèges and of the Conseil des universités and repeals their constituting Acts. One of the functions of the Conseil supérieur de l'éducation will be to advise the Minister of Higher Education and Science regarding the College Education Regulations. The bill also provides that the Minister of Higher Education and Science will be consulted for the appointment of the members of the Conseil supérieur de l'éducation and provides that the Deputy Minister of Higher Education and Science will be, ex officio, a non-voting associate member of the Council.

Finally, the bill amends a provision concerning the recognition process of university-level institutions which currently requires the

advice of the Conseil des universités, and ensures the concordance of various other legislative provisions.

LIST OF ACTS REPEALED OR AMENDED BY THIS BILL:

- Professional Code (R.S.Q., chapter C-26);
- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1);
- Act respecting the Conseil des universités (R.S.Q., chapter C-58);
- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);
- Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02);
- University Investments Act (R.S.Q., chapter I-17);
- Act respecting the Collège militaire Royal de Saint-Jean (1985, chapter 68).

Bill 83

An Act respecting the Commission d'évaluation de l'enseignement collégial and amending certain legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A commission is hereby established under the name of “Commission d'évaluation de l'enseignement collégial”.

2. The Commission shall consist of three members, including a chairman, appointed by the Government.

3. The office of member of the board of directors of any of the following bodies is incompatible with the office of member of the Commission:

(1) a general and vocational college, a legal person entrusted by a college with the management of some of its activities or a service corporation established under section 30.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(2) any other public or private educational institution to which the College Education Regulations established under section 18 of the General and Vocational Colleges Act apply or a legal person associated with such an institution for the carrying on of activities related to its mission.

Any mandate, function or employment carried out or held for a body referred to in the first paragraph that entails remuneration or a benefit in lieu of remuneration is also incompatible with the office of member of the Commission.

4. The term of office of a member shall not exceed five years. At the end of his term, the member shall remain in office until he is replaced or reappointed.

In no case may the total duration of the successive terms of office of a member and any period during which he remains in office between two of such terms exceed ten years. At the end of such ten-year period, the member shall remain in office until he is replaced.

5. Where a member of the Commission is absent or unable to act, the Minister of Higher Education and Science may appoint a person to replace him in the interim.

6. The chairman shall be responsible for the management of the Commission and preside over its meetings.

The Government shall designate a member of the Commission to replace the chairman when he is absent or unable to act.

7. The Government shall determine the remuneration, social benefits and other conditions of employment of the members of the Commission.

8. Two members constitute a quorum at meetings of the Commission.

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

9. No member of the Commission may, under pain of forfeiture of office, be in a situation incompatible with his office within the meaning of section 3, or have any direct or indirect interest in an undertaking that puts his interest in conflict with that of the Commission.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

10. The secretary and the other members of the personnel of the Commission shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

11. The Commission may, by by-law, provide for its internal management.

12. The secretariat of the Commission shall be established in the territory of the Communauté urbaine de Québec, at any place

determined by the Government. Notice of the location or of any change in the location of the secretariat shall be published in the *Gazette officielle du Québec*.

The Commission may hold its meetings anywhere in Québec.

CHAPTER II

MISSION AND POWERS

13. The mission of the Commission shall pertain to the college instruction provided by general and vocational colleges and by any other public or private educational institution to which the College Education Regulations apply.

Its mission shall consist in evaluating, for each educational institution,

(1) the institution's policy on the evaluation of learning achievement and the procedures for the certification of studies, and their implementation;

(2) the institution's policy on the evaluation of programs of studies, and their implementation;

(3) the implementation of the programs of studies established by the Minister of Higher Education and Science, taking into account the objectives and standards assigned to them;

(4) the objectives, standards and implementation of the programs of studies established by the institution, taking into account the needs these programs are designed to meet.

14. The Commission may also evaluate the implementation, by all or some of the educational institutions, of any program of college studies it designates.

15. The Commission may, in exercising its powers and duties,

(1) develop evaluation criteria and instruments and ensure their dissemination;

(2) form advisory committees and determine their powers and duties as well as their operating rules;

(3) retain the services of experts.

16. The Commission may carry out an evaluation each time it considers it expedient. It shall give prior notice thereof to the educational institution concerned and give it an opportunity to present its views.

The Commission shall conduct its evaluation according to the method it determines.

17. The Commission shall prepare an evaluation report containing its findings and conclusions.

In its report, the Commission may recommend to the educational institution any measure to improve the quality of its evaluation policies, its programs or the means by which its programs are implemented.

The Commission may also make recommendations to the Minister on any matter relating to programs of studies. It may, in particular, recommend to the Minister that an educational institution be authorized to award the Diploma of College Studies.

18. The Commission shall send a copy of its evaluation report to every educational institution concerned and to the Minister.

The report shall be made public by the Commission in the manner it considers appropriate.

19. The Commission may generally or specially authorize any person to collect from any educational institution concerned by an evaluation the information necessary for the carrying out of its mission.

To that end, the person authorized may

(1) have access, at any reasonable time, to the facilities of the institution;

(2) examine and make copies of any relevant register or document;

(3) require any relevant information or document.

20. The person authorized under section 19 must, on request, identify himself and show the certificate attesting his capacity.

21. No member of the Commission nor any person it authorizes under section 19 may be prosecuted for official acts performed in good faith in the performance of their duties.

CHAPTER III

ANNUAL REPORT

22. Not later than 1 December each year, the Commission shall submit a report of its activities for the school year ending on the preceding 30 June to the Minister of Higher Education and Science.

23. The Minister shall table the report before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption.

CHAPTER IV

AMENDING PROVISIONS

24. Section 184 of the Professional Code (R.S.Q., chapter C-26) is amended by striking out the words “, the Conseil des universités” in the first and second lines of the first paragraph.

25. Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), amended by section 499 of chapter 57 of the statutes of 1992 and by section 1 of chapter (*insert here the chapter number of Bill 82 of 1993*) of the statutes of 1993, is again amended by striking out the words “after obtaining the advice of the Conseil des collèges established under the Act respecting the Conseil des collèges (chapter C-57.1)” in the third and fourth lines of subparagraph *a* of the first paragraph.

26. Section 18 of the said Act, replaced by section 10 of chapter (*insert here the chapter number of Bill 82 of 1993*) of the statutes of 1993, is amended

(1) by inserting the words “and following the recommendation of the Commission d’évaluation de l’enseignement collégial” after the word “determines” in subparagraph *e* of the first paragraph;

(2) by inserting, after the third paragraph, the following paragraph:

“Every draft by-law to which this section applies shall be submitted to the Conseil supérieur de l’éducation for examination.”

27. Section 27.1 of the said Act, amended by section 19 of chapter (*insert here the chapter number of Bill 82 of 1993*) of the statutes of 1993, is again amended by striking out the second paragraph.

28. The Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1) is repealed.

29. The Act respecting the Conseil des universités (R.S.Q., chapter C-58) is repealed.

30. Section 4 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by adding the following paragraph:

"The members shall be appointed on the recommendation of the Minister of Education, after consultation with the Minister of Higher Education and Science."

31. Section 7 of the said Act is amended by inserting, at the end of the first paragraph, the following sentence: "The same applies to the Deputy Minister of Higher Education and Science."

32. Section 9 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

"(a) give its opinion to the Minister of Education or the Minister of Higher Education and Science, as the case may be, on the regulations or draft regulations that either Minister is required to submit to the Council;"

(2) by replacing paragraph *c* by the following paragraph:

"(c) submit to the Minister of Education and to the Minister of Higher Education and Science an annual report on the state and needs of education.";

(3) by adding the following paragraph:

"The Minister of Education shall table the report on the state and needs of education before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption."

33. The said Act is amended by inserting, after section 14, the following section:

"14.1 Not later than 30 June each year, the Council shall submit a report of its activities for the preceding fiscal year to the Minister of Education.

The Minister shall table the report before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption.”

34. Section 24 of the said Act is amended by replacing the words “Higher Education” in the second line of the first paragraph by the words “College Education, a Commission of University-Level Education”.

35. Section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1) is amended by replacing paragraph 13 by the following paragraph:

“(13) in respect of programs determined by the Government, on the conditions and for the time it fixes, any establishment of higher education constituted by or under an Act of another Canadian province, and recognized by the Government, upon the recommendation of the Minister of Higher Education and Science.”

36. Section 18 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (R.S.Q., chapter I-13.02) is amended

(1) by replacing the words “vocational training” in the third line of the first paragraph by the words “technical studies”;

(2) by adding, at the end, the following paragraph:

“The College Education Regulations established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) apply to the college-level instruction that may be provided by the institute in the field of vocational training, the word “institute” being substituted for the word “college”.”

37. Section 19 of the said Act is amended by striking out the words “, after consultation with the Conseil des universités established under section 1 of the Act respecting the Conseil des universités (chapter C-58),” in the first, second, third and fourth lines.

38. Section 20 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Diplomas, certificates or other attestations relating to college-level programs of technical studies shall be awarded in accordance with the College Education Regulations.”

39. Section 2 of the University Investments Act (R.S.Q., chapter I-17) is amended by striking out the words “, after requesting the necessary advice,” in the second and third lines.

40. Section 1 of the Act respecting the Collège militaire Royal de Saint-Jean (1985, chapter 68), amended by section 1 of chapter 100 of the statutes of 1988, is again amended

(1) by replacing the words “Upon the advice of the Conseil des universités, the” in the first line of the second paragraph by the word “The”;

(2) by striking out the words “, upon the advice of the Conseil des universités,” in the first line of the third paragraph.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

41. Matters in progress before the Conseil des collèges or before the Conseil des universités shall be continued by the Conseil supérieur de l'éducation.

However, matters in progress before the Conseil des collèges in respect of the examination of institutional evaluation policies and the examination of the implementation of those policies shall be continued by the Commission d'évaluation de l'enseignement collégial.

42. The records and other documents of the Conseil des universités and of the Conseil des collèges become the records and documents of the Conseil supérieur de l'éducation.

However, the records and other documents of the Conseil des collèges relating to the examination of institutional evaluation policies and the examination of the implementation of those policies become the records and documents of the Commission d'évaluation de l'enseignement collégial.

[[**43.** Appropriations granted to the Conseil des universités and to the Conseil des collèges shall be transferred to the Conseil supérieur de l'éducation and to the Commission d'évaluation de l'enseignement collégial to the extent and on the terms and conditions determined by the Government.

The other sums required for the carrying out of this Act for the fiscal year (*insert here the fiscal year in which this section comes into*

force) shall be taken out of the consolidated revenue fund to the extent determined by the Government.]]

44. The Minister of Higher Education and Science is responsible for the administration of this Act.

45. The provisions of this Act will come into force on the date or dates to be fixed by the Government.