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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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Bill 40

**An Act respecting public elementary  
and secondary education**

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First reading



Introduced by  
Mr Camille Laurin  
Minister of Education



## EXPLANATORY NOTES

*This bill recognizes the right of every child to educational services as a means of acquiring an education, fostering his social integration and developing self-reliance, personal judgment and a sense of moral and social responsibilities. The exercise of that right is ensured through a public education system providing free preschool, elementary and secondary educational services with full respect for freedom of conscience and religion, individual and collective rights and the language rights guaranteed by law to the English-speaking and native minorities.*

*The bill defines the status and methods of operation of schools and school boards and their relations with the Minister of Education and the Government. It recognizes that the school should be largely self-governing so that it may freely implement its educational scheme, which sets out orientations and a plan of action suited to its particular environment that have been decided on through continuing collaboration between parents, pupils and school staff, and be able to fulfill its complementary mission as a promoter and organizer of social and cultural activities in the community.*

*The bill also provides for the issue of teaching permits and powers of trusteeship for the Minister.*

*Finally, the bill enacts transitory provisions for its implementation as well as concordance, transitional and final provisions.*

## ACTS AMENDED BY THIS BILL

- (1) the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- (2) the Workmen's Compensation Act (R.S.Q., chapter A-3);
- (3) the Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- (4) the Act respecting insurance (R.S.Q., chapter A-32);
- (5) the Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- (6) the Teachers Scholarships Act (R.S.Q., chapter B-7);

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

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

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

(10) the Chapter of the French language (R.S.Q., chapter C-11);

(11) the Act respecting the cinema (R.S.Q., chapter C-18);

(12) the Cities and Towns Act (R.S.Q., chapter C-19);

(13) the Municipal Code;

(14) the Code of Civil Procedure (R.S.Q., chapter C-25);

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

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

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

(18) the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(19) the Act respecting public inquiry commissions (R.S.Q., chapter C-37);

(20) the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);

(21) the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(22) the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(23) the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);

(24) the Act respecting security fund corporations (R.S.Q., chapter C-69.1);

(25) the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

(26) the Farm Credit Act (R.S.Q., chapter C-75);

(27) the Forestry Credit Act (R.S.Q., chapter C-78);

(28) the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7);

(29) the Act respecting private education (R.S.Q., chapter E-9);

(30) the Specialized Schools Act (R.S.Q., chapter E-10);

(31) the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(32) the Expropriation Act (R.S.Q., chapter E-24);

(33) the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(34) the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

(35) the Hydro-Québec Act (R.S.Q., chapter H-5);

(36) the Taxation Act (R.S.Q., chapter I-3);

(37) the Education Act (R.S.Q., chapter I-14);

(38) the Act respecting electoral lists (R.S.Q., chapter L-4.1);

(39) the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);

(40) the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21);

(41) the Act respecting the Ministère des Communications (R.S.Q., chapter M-24);

(42) the Act respecting labour standards (R.S.Q., chapter N-1.1);

(43) 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);

(44) the Photographic Proof of Documents Act (R.S.Q., chapter P-22);

(45) the Public Protector Act (R.S.Q., chapter P-32);

(46) the Environment Quality Act (R.S.Q., chapter Q-2);

(47) the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(48) the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

- (49) the Act respecting safety in sports (R.S.Q., chapter S-3.1);
- (50) the Act respecting child day care (R.S.Q., chapter S-4.1);
- (51) the Act respecting the Société du parc industriel du centre du Québec (R.S.Q., chapter S-15);
- (52) the Act respecting grants to school boards (R.S.Q., chapter S-36);
- (53) the Mining Towns Act (R.S.Q., chapter V-7);
- (54) the Charter of the city of Laval (1965, 1st session, chapter 89);
- (55) the Charter of the city of Montréal (1959-1960, chapter 102);
- (56) the Charter of the city of Québec (1929, chapter 95);
- (57) the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98);
- (58) the Act respecting the School Board of the North Shore of the Gulf St. Lawrence (1966-1967, chapter 125);
- (59) the Act respecting the School Board of New Québec (1968, chapter 110).

# **Bill 40**

## **An Act respecting public elementary and secondary education**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **EDUCATIONAL SERVICES**

**1.** Educational services comprise formative and pre-cognitive learning services in preschool and instructional services in elementary and secondary school.

Educational services also comprise auxiliary services and, where required, special services.

**2.** Preschool formative and pre-cognitive learning services are designed to foster the well-balanced development of the pupil's personal abilities through participation in the life of the community beyond his immediate family and neighbourhood.

**3.** Instructional services comprise the required and elective courses designed,

(1) at the elementary level, to foster the pupil's acquisition of the basic learning necessary for intellectual 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 preparing him for further studies or the labour market.

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

(1) by providing support for the formative and pre-cognitive learning services and instructional services;

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

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

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

Auxiliary services may be individual or group-oriented.

**5.** Individual auxiliary services are offered in relation to the needs of the pupil and include academic counselling and vocational guidance, school pastoral services, assistance services in psychology, speech therapy, educational psychology, and services for pupils seeking employment or in need of health or social services.

**6.** Group auxiliary services include instructional support services, activities related to the promotion of pupils' rights and responsibilities and activities to foster pupils' involvement in the life of the school.

**7.** Special educational services are offered to certain categories of pupils to help them attain the objectives of other educational services. They are organized in special circumstances, with special modalities.

**8.** Special educational services for pupils with social maladjustment or learning disabilities comprise instructional services and specialized auxiliary services.

**9.** Language habilitation services are special instructional services for pupils not admissible to instruction in English under Chapter VIII of the Charter of the French language (R.S.Q., chapter C-11) but having an insufficient knowledge of French to be placed in a regular class, who are enrolled for instruction in French for the first time.

**10.** Remedial French services are special instructional services 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, have an insufficient knowledge of French.

**11.** Instructional services at home or in hospital are offered to pupils in need of special health care.

**12.** Educational support services are special services intended to prevent learning disabilities in a pupil, or to assist him with remedial work or facilitate his promotion from one grade to another. At the



secondary level, the services are also intended to assist a pupil in choosing a new orientation.

**13.** The school year extends from 1 July one year to 30 June the following year.

## CHAPTER II

### PUPILS

**14.** Every person five years of age or over has a right to formative and pre-cognitive learning services in preschool and to instructional services in elementary and secondary school.

The person may also receive any other educational services provided under this Act.

**15.** Every minor domiciled in Québec who attends public school has a right to free educational services provided under this Act, from preschool to the end of secondary school.

Every handicapped person 18 to 21 years of age who is in need of an additional period of schooling also has a right to free educational services to the extent provided by this Act.

**16.** School age is as determined on 1 October, or on another date fixed by Government order. The order is published in the *Gazette officielle du Québec*.

**17.** Every pupil has a right to choose between Catholic or Protestant religious instruction and moral instruction.

In preschool, the choice is between pre-cognitive activities designed to foster the pupil's religious awareness, or his moral awareness.

In preschool and elementary school, and during the first two years of secondary school, the parents shall exercise the right for their child.

**18.** 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 scheme best suited to their personal values.

The exercise of the right is subject to the criteria that may be established by a school board according to school capacity and the educational services provided.

The exercise of the right does not entail the right to require free transportation of the child if its cost exceeds the school board norms on pupil transportation.

**19.** Every child 5 years of age on 1 October has an obligation to attend school from the first day of the school calendar to the last day of the school calendar of the year in which he reaches 15 years of age.

The following pupils are excused from compulsory attendance:

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

(2) a pupil absent from school because of illness;

(3) a pupil excused from compulsory attendance by the school board;

(4) a pupil receiving instruction at home equivalent, in the opinion of the school board, to that provided at school.

Notwithstanding the first paragraph, a school board, at the request of the parents, may excuse a child under six years of age on 1 October from compulsory school attendance.

**20.** No person may employ a pupil during school hours before the end of the school year in which he reaches 15 years of age unless he has been excused under section 19.

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

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

**22.** The school shall see to it that the pupils on its roll attend school regularly.

Where a pupil is repeatedly absent, the school shall attempt to persuade him and his parents that he must attend school regularly; if that approach fails, the school shall send a formal notice by registered or certified mail enjoining the person who has physical custody of the pupil to take the necessary measures to ensure his regular attendance at school.

Copy of the formal notice is sent to the school board.

**23.** Every person who, having received a formal notice, does not comply with it is guilty of an offence and liable, in addition to costs, to a fine of \$50 to \$200.

**24.** Proceedings for an offence under section 20 or 23 are brought by the school board 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 fines imposed are paid to the school board.

**25.** A pupil or his parents may appeal to the Public Protector to see that his rights are respected.

**26.** The Public Protector shall make an investigation upon the application of any pupil or his parents whenever he has reason to believe that in the exercise of an administrative function, the holder of any position or employment under a school body has wronged a pupil in respect of the exercise or enjoyment of a right recognized by this chapter.

He shall also, of his own initiative, make an investigation whenever he has reason to believe in the existence of a gross irregularity and that justice has not been, or will not be done.

For the purposes of this section, the words "school body" mean a school, a school board and the school committees or school board committees established under this Act.

**27.** 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).

## CHAPTER III

### SCHOOLS

#### DIVISION I

##### ESTABLISHMENT

**28.** The school is an educational institution under the authority of a school council, designed to provide education to pupils, within the scope of its educational scheme, and which exercises its activities in collaboration with the parents, the school staff and the pupils.

**29.** The school is established by the school board, which determines the name and address of the school, the composition of the school council, the school's language status, the immovable property placed at its disposal, the level of the school and the educational services provided.

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

The school may integrate with its educational scheme the values of the local community to which it provides services.

**31.** The school may integrate with its educational scheme the religious beliefs and values of any particular creed.

**32.** The school may, after consulting the parents, apply to a 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 or Protestant school.

**33.** The Minister may establish a regional or a systemwide school.

The Minister shall then determine the name and address of the school, its language status, its mode of management, the services it offers, its territory, the immovable property placed at its disposal and the school board it comes under.

**34.** Every five years, the school board, after consultation with the schools in its territory, may amend or revoke their constituting documents.

However, a school may apply at any time for the amendment or revocation of its constituting documents.

**35.** The functions assigned to the school are exercised by the school council.

**36.** The school, within its area of competence, may enter into an agreement with another school on the supply of goods or services or the sharing of activities.

**37.** The school shall provide any information required by the school board on the date and in the form requested.

**38.** The school shall make an annual report of its activities and publish it in the manner it determines.

## DIVISION II

### SCHOOL COUNCIL

#### § 1.—*Composition and establishment*

**39.** The school council is composed of not more than 14 members and includes the following persons:

(1) the school commissioner elected in accordance with Division II of Chapter IV of this Act;

(2) parents who are not members of the school staff, elected by the parents of the pupils attending the school;

(3) at least one member of the school's teaching staff elected by his peers, if they wish;

(4) at least one member of the school's non-teaching staff elected by his peers, if they wish;

(5) at least one pupil elected by the pupils in the second stage of secondary level at the school, if they wish;

(6) the school principal, as a non-voting member.

The persons contemplated in subparagraph 2 of the first paragraph form the majority on the school council.

**40.** Before 30 September, the school principal shall convene, by name and in writing, the parents of the pupils attending the school to a general meeting to elect parents to the school council.

**41.** The elected parents take office on election.

**42.** Before 30 September, the school principal shall call a meeting of the members of the school's teaching staff and a meeting of the members of its non-teaching staff to decide if they wish to be represented on the school council.

If they vote yea, the principal shall fix a date not later than 30 October as the election date.

**43.** The elected member of the staff takes office on election.

**44.** Before 30 September, the school principal of a secondary school shall call a meeting of the pupils in the second stage to decide if they wish to be represented on the school council.

If they vote yea, the principal shall fix a date not later than 30 October as the election date.

**45.** The elected pupil takes office on election.

**46.** The director general of elections shall establish the procedure for the election of the members of the school council other than the school commissioner.

**47.** The term of office of the members of the school council other than the school commissioner is two years.

**48.** The members of the school council remain in office until they are reappointed or replaced. Any member who, during his term, ceases to meet the conditions required for his election or appointment may remain in office until the next 1 July.

**49.** A vacancy following the departure of a member of the school council other than the school commissioner is filled according to the prescribed mode of appointment of the member to be replaced, but only for the unexpired portion of his term.

## § 2.—*Operation*

**50.** The school council shall choose its president from among its members other than those appointed by the school staff or the pupils.

**51.** The term of office of the president is one year, and is renewable.

**52.** A quorum of a school council is formed by the majority of its members, excluding the school principal, but not fewer than three persons.

**53.** The decisions of the school council are taken by a majority of the votes cast by the members present.

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

**54.** Where a school council is unable to form a quorum for six consecutive weeks, the school board may appoint one or several qualified persons to sit on the council.

**55.** The school principal shall preside over the school council until the president is elected.

**56.** The president shall conduct the meetings of the school council and perform the other duties assigned to him by the council.

**57.** Where the president is temporarily unable to act, the school council shall designate a substitute, other than a member of the staff or a pupil, for the interim.

**58.** The school council shall establish its rules of internal management. The rules must provide, among other things, for

(1) the holding of monthly or more frequent meetings, except in July and August;

(2) the disqualification of any member of the council who is absent from six consecutive weekly or less frequent meetings;

(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.

**59.** The meetings of the school council are public. However, the council may order them held in camera where it considers that the proceedings may damage the reputation of an individual or that, in the public interest, the subject should be dealt with confidentially.

**60.** The minutes of each meeting of the school council are recorded in a register kept for that purpose by the school principal or the person designated by him for that purpose. The register is public.

Any person may obtain copy of an abstract from the register on payment of a reasonable charge fixed by the school.

**61.** Minutes approved by the school council and documents or copies of documents emanating from it or forming part of its records are proof of their contents if they are certified true by the president or any person authorized to do so by a rule of internal management.

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

### DIVISION III

#### SCHOOL COMMITTEES

**63.** The parents, staff members and, as the case may be, the pupils of a secondary school may unite to form a school committee to carry out the functions of the parents' committee, the education committee and the pupils' committee provided for by this division.

**64.** Before 30 September, the school principal shall, in writing, call a meeting of the parents to form a parents' committee.

The meeting of the parents shall determine the composition of the committee and elect the members to it. No parents committee may have over 15 members.

The meeting of the parents may decide not to form a parents' committee.

**65.** The functions of the parents' committee are

(1) to give advice on the orientations and plan of action to be determined for the educational scheme of the school;

(2) to promote parents' participation in the improvement of educational and community services;

(3) to make recommendations towards more efficient operation of the school;

(4) to examine any matter on which the school council may consult it.

**66.** The parents committee shall annually determine which of the following matters it is to be consulted on:

(1) the amendment or revocation of the school's constituting document;

(2) the modalities of implementation of the educative policy;

(3) general guidelines for the enrichment of the objectives and optional conceptual content of the official programs, and for devising local programs;

(4) norms and modalities for evaluating pupils' learning achievement;

(5) criteria for the selection of teaching methods, textbooks and teaching materials for the subjects it specifies;

(6) selection of extracurricular activities and modes of supervision of pupils;

(7) rules of conduct and discipline for pupils;

(8) safety measures for pupils.

**67.** Before 30 September, the school principal shall call a meeting of the school's teaching staff and non-teaching professional staff to form an education committee.

The meeting of the staff shall determine the composition of the committee and elect the members to it. No education committee may have over 15 members.

The meeting of the staff may decide not to form an education committee.

**68.** The functions of the education committee are

(1) to give advice on the orientations and plan of action to be determined for the educational scheme of the school;

(2) to promote staff participation in the improvement of educational services;

(3) to make recommendations towards more efficient operation of the school, particularly regarding the modalities of implementation of the educative policy;



(4) to examine any matter on which the school council may consult it.

**69.** The education committee shall annually determine which of the following matters it is to be consulted on or intends to make recommendations on:

(1) the modalities of implementation of the educative policy;

(2) general guidelines for the enrichment of the objectives and optional conceptual content of the official programs, and for devising local programs;

(3) general guidelines on auxiliary services and special services for pupils;

(4) norms and conditions for evaluating pupils' learning achievement;

(5) criteria for the selection of teaching methods, textbooks and teaching materials;

(6) selection of extracurricular activities and modes of supervision of pupils;

(7) rules of conduct and discipline for pupils;

(8) safety measures for pupils;

(9) requirements for further training.

**70.** Before 30 September, the school principal shall call a meeting of the secondary school pupils to form a pupils' committee.

The meeting of the pupils shall determine the composition of the committee and elect the members to it. No pupils' committee may have over 15 members.

The meeting of the pupils may decide not to form a pupils' committee.

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

(1) to give its opinion on the orientations and plan of action to be determined for the educational scheme of the school;

(2) to promote pupils' participation in school activities;

(3) to make recommendations towards more efficient operation of the school;

(4) to examine any matter on which the school council may consult it.

**72.** The pupils committee shall annually determine which of the following subjects it is to be consulted on:

- (1) the modalities of implementation of the educative policy;
- (2) general guidelines for the enrichment of the objectives and optional conceptual content of the official programs, and for devising local programs;
- (3) norms and modalities for evaluating pupils' learning achievement;
- (4) criteria for the selection of teaching methods, textbooks and teaching materials;
- (5) selection of extracurricular activities and modes of supervision of pupils;
- (6) rules of conduct and discipline for pupils;
- (7) safety measures for pupils;
- (8) the evaluation of services, programs and activities.

**73.** The school may establish the procedure for consulting the committees.

**74.** Each committee shall establish its rules of internal management.

#### DIVISION IV

##### SCHOOL STAFF

#### § 1.—*General provisions*

**75.** The school staff shall perform its duties under the authority of the school principal.

**76.** The school staff shall provide educational services of quality.

**77.** The school staff shall take every necessary measure to ensure correct usage in written and spoken language.

**78.** The school staff shall conform to the orientations and plan of action of the school's educational scheme and with the provisions governing it.

**79.** A member of the teaching staff has a right to refuse to give Catholic or Protestant religious instruction on the grounds of freedom of conscience.

No member of the teaching staff may be dismissed, suspended or disciplined for exercising his right under this section.

**80.** A member of the teaching staff wishing to exercise his right to refuse to give Catholic or Protestant religious instruction shall so inform the school principal, in writing.

The right is exercisable at the time of engagement or, in the case of a person already engaged, before 1 April for the next school year. A staff member's refusal to give religious instruction stands until the principal receives notice to the contrary.

**81.** To be assigned to Catholic or Protestant religious instruction, a person must have the religious qualifications determined by the appropriate confessional committee established under the Act respecting the Conseil supérieur de l'éducation.

## § 2.—*School principal*

**82.** The school principal is selected by the school board on the recommendation of a selection committee composed in the majority of members of the school council.

The school board may designate a person as acting principal.

**83.** The school principal is appointed for a five-year term.

The term is automatically renewed unless the principal, or the school council by a two-thirds majority vote of the members, decides otherwise.

**84.** The school council may, at any time, by a two-thirds majority vote of the members, recommend to the school board that it revoke the appointment of the school principal.

**85.** Where the appointment of a school principal is revoked or not renewed, or where the constituting document of a school is revoked, the school board shall appoint the school principal to another office, unless it dismisses him.

**86.** The school principal shall

(1) see to the implementation of the orientations and plan of action of the school's educational scheme;

(2) see that the decisions of the school council are carried out, direct the day-to-day management of the school and apply the provisions governing the school;

(3) see that the school operates properly and see to the quality of the educational services provided by the school;

(4) promote the participation and collaboration of the parents, pupils and staff in the life of the school;

(5) see to the management of the staff assigned to the school;

(6) see to the supervision of pupils' school attendance;

(7) exercise the powers conferred on him by the school council.

He shall render account of his management to the school council.

**87.** The school principal may be a member of the school committees, but only as a non-voting member.

**88.** The school principal may perform other duties which may be assigned to him by the school board.

**89.** Where an assistant to the principal may be appointed, the principal participates in the choice of the person.

An assistant has the powers delegated to him in writing by the principal in the cases and on the conditions determined by him.

The assistant may exercise the powers of the principal in his absence.

## DIVISION V

### FUNCTIONS OF THE SCHOOL

**90.** In the areas of competence assigned to school boards by Chapter IV, the school shall exercise its functions within the scope defined by the school board to which it is responsible.

**91.** The principal mission of the school is the education of its pupils. Its subordinate mission is the promotion of the social and cultural interests of the community it serves.

The parents, staff and pupils may collaborate in choosing orientations and a plan of action for the school suited to its particular environment. The orientations and plan of action determined in this manner from time to time are components of the school's educational scheme.

**92.** The school shall provide educational services to the pupils placed on its roll by the school board.

The school shall provide adults with the educational services determined by the school board.

The school may also organize or allow the organization of community services on its premises.

**93.** The school shall adopt rules of conduct and discipline for pupils.

§ 1.—*Implementation of the educative policy*

**94.** The school is responsible for the implementation of the educative policy.

**95.** The school, on the recommendation of the principal, shall establish the school calendar.

**96.** The school shall allot sufficient time to instructional services and other educational services to ensure that the compulsory objectives are reached and the compulsory content of the official programs of studies are acquired, and that the prescriptions, if any, of the appropriate confessional committee on Catholic or Protestant religious instruction are observed.

**97.** The school principal, after consulting the pupil, his parents and the staff concerned, and in accordance with criteria of the school board, may integrate a pupil having social maladjustment or learning disabilities with a regular class where that is possible and is conducive to his social integration and learning achievement.

**98.** At the beginning of the school year, the school shall give to each pupil and his parents the list of his teachers and instructors, specifying the name of the person in charge of his group, the school calendar, the school's rules of conduct and discipline for pupils, the time allotted for each subject, a summary of the programs and the norms and modalities for evaluating the pupil's learning achievement.

§ 2.—*Instructional services*

**99.** The school is responsible for the implementation of the formative and pre-cognitive activities programs and of the official programs of studies.

The teaching staff may enrich the objectives of the programs provided by the school and adapt their optional content to accord with the orientations determined by the school council.

**100.** The school may develop programs in addition to the official programs in order to meet its special needs.

**101.** The school shall offer a choice between Catholic or Protestant religious instruction and moral instruction.

The school shall take every appropriate means to allow the choice to be made each year at pupil registration time. Where pupils in the second stage of the secondary level or their parents refuse or fail to make a choice, the school shall give the instruction chosen the previous year or, if none, moral instruction.

The provision of Catholic or Protestant religious instruction or moral instruction, as the case may be, must enable each pupil to reach the objectives and acquire the content defined in the official programs of studies.

**102.** Religious Catholic or Protestant instruction is given in accordance with the by-laws of the confessional committee concerned.

**103.** Provided that the compulsory objectives are reached and that the compulsory contents included in the official programs of studies are acquired, particularly regarding moral instruction, the school may allow religious instruction other than Catholic or Protestant instruction to be given if parents request it.

The other religious instruction is subject to an agreement with the religious group whose members have children registered in the school. It is provided by a person designated and remunerated by the religious group.

**104.** Each member of the teaching staff shall determine the modalities of implementation of the teaching methods, taking into account the educational scheme of the school and ensuring the continuity of the pupil's learning process.

**105.** The school shall choose the textbooks from the list authorized by the Minister, as well as the teaching materials.

The school shall choose textbooks appropriate for teaching the local programs.

**106.** The school shall place at the disposal of the pupils, free of charge, the textbooks and teaching materials used in class or workshops. However, this does not apply to workbooks in which pupils write or draw.

**107.** The school shall make reading books and reference books available to the pupils.

**108.** Every pupil shall take good care of the property placed at his disposal and return it at the end of the school activities, failing which the school may claim the value of the property from the parents of a pupil of minor age or from a pupil of full age.

§ 3.—*Auxiliary and special services*

**109.** The school shall devise auxiliary services programs.

**110.** The school shall offer to pupils registered as Catholics an auxiliary services program of pastoral care, on an individual or collective basis, in accordance with the by-laws of the Catholic committee.

**111.** The school may also, on request, offer to pupils registered as Protestants religious instruction services in accordance with the by-laws of the Protestant committee.

**112.** The school is responsible for the adaptation and implementation of the special educational services programs it provides.

Before providing services to any pupil with social maladjustment or learning disabilities or providing educational support services to any pupil, the school shall consult the pupil, his parents and the staff concerned.

§ 4.—*Evaluation*

**113.** The school shall establish standards and modalities for the evaluation of pupils' learning achievement.

In collaboration with the staff concerned, the elementary school shall assess a pupil's aptitude to be promoted from elementary school to secondary school.

**114.** The school shall transmit to the pupil and his parents, at least five times a year, a written evaluation report of his learning achievement. The first report is transmitted in October.

**115.** The school shall issue, on request, to the pupil and his parents, an attestation of school attendance and a transcript of marks.

**116.** The school shall collaborate in any evaluation by the Minister of the educative policy, official programs of studies or textbooks.

§ 5.—*Services to the community*

**117.** The school may provide educational services other than those provided in the educative policy, and sociocultural or sports services.

The school may also allow other persons or organizations to provide the services on its premises.

**118.** The school may provide day care for pupils in elementary school.

It may also allow other persons or organizations to set up a day care centre on its premises.

**119.** The school may, on behalf of the school board, within the scope of its budget estimates and, as the case may be, in accordance with the school board employment norms, make a contract with a person or body for the supply of goods or services provided for in this division.

Where a person is engaged to provide day care at the school for elementary pupils, the school shall obtain prior authorization of the school board.

For the purposes of this section, the school may sue and be sued.

## DIVISION VI

### RESOURCES OF SCHOOLS

#### § 1.—*Human resources*

**120.** The school shall draw up a staffing plan indicating the school's needs for each class of staff, and forward it to the school board.

**121.** The school principal shall determine the allotment of duties and responsibilities among the staff assigned to the school.

**122.** On the recommendation of the principal, the school council shall determine the requirements of the school staff for further training and inform the school board.

#### § 2.—*Material resources*

**123.** The school is responsible for the property placed at its disposal by the school board, and determines its use.

**124.** Any agreement for the use of premises at the disposal of a school must be previously authorized by the school board if it is for more than one year.

**125.** In accordance with the by-laws of the school board on supply, maintenance and replacement of goods and services, the school shall determine the teaching materials, textbooks, tools, equipment and other movable property it requires for its purposes.



**126.** The school shall inform the school board of its requirements regarding the improvement, equipment, construction, conversion and repair of its premises on the date fixed by the school board.

### § 3.—*Financial resources*

**127.** The school shall prepare its annual budget estimates and forward them to the school board on the date and in the form determined by the board.

**128.** The budget estimates must maintain a balance between expenditures, and the financial resources allocated to the school by the school board and the school's specific revenues, subject to the conditions or exceptions and according to the modalities determined by the school board.

**129.** The budget estimates have no effect until approved by the school board.

However, in case of urgency or necessity, the school board may, on the conditions it determines, authorize a school to make expenditures that have not been approved.

**130.** The revenues derived from the supply of goods and services to the community or the expenditures made are debited to the appropriations allocated to the school.

The revenues and expenditures are not taken into consideration by the school board in determining the rules and modalities of distribution of financial resources other than those derived from school tax.

**131.** The approved school budget constitutes separate appropriations within the budget of the school board, and expenditures for the school are debited to those appropriations.

**132.** The school principal is the person in charge of the school's financial operations.

## CHAPTER IV

### SCHOOL BOARDS

#### DIVISION I

##### ESTABLISHMENT

**133.** A school board shall be established in each territory determined by order of the Government published in the *Gazette officielle du Québec*.

The order shall divide the territory of Québec into territories for French school boards and English school boards.

The order shall specify the language status of each school board.

The Government shall, after consultation with a school board, determine its name by order published in the *Gazette officielle du Québec*.

**134.** At the request of the school boards concerned, the Government may, by order, divide, annex or merge their territories or change their boundaries. It shall set the effective date of the changes and publish them in the *Gazette officielle du Québec* within forty-five days of their adoption.

**135.** When a school board is divided up owing to the formation of a new school board or the annexation of part of its territory to another school board, the Government shall apportion the assets or liabilities, as the case may be, among the school boards in favour of whom it is divided, taking into account

- (1) the distribution of the school population;
- (2) the distribution of the staff;
- (3) the geographic location of the school buildings;
- (4) the standardized assessment, within the meaning of section 256, of the taxable immovables.

**136.** A school board is a public legal person having the powers necessary to carry out the functions conferred on it by this Act.

**137.** Each school board has jurisdiction over the schools in its territory having the same language status as the school board.

## DIVISION II

### BOARD OF DIRECTORS

#### § 1.—*Composition*

**138.** A school board is administered by a board of directors composed of the commissioner for each school having the same language status as the school board.

The director general of the school board is a non-voting member of the board of directors.

§ 2.—*Election of school commissioners*

**139.** The election of school commissioners is held every three years on the first Sunday of November.

**140.** Every person who, on the date of the poll, qualifies as an elector, within the meaning of section 2 of the Election Act (R.S.Q., chapter E-3.1), has the right to vote at the election.

**141.** To exercise his right to vote, an elector must be entered on the electoral list prepared and revised in accordance with the Act respecting electoral lists (R.S.Q., chapter L-4.1).

The electoral lists prepared and revised according to the Act respecting electoral lists are the only official lists and the only lists that may be used for the poll.

An elector shall exercise his right to vote at the polling station of the polling subdivision where his domicile is situated on the first day of enumeration. However, the director general of elections may distribute the electors in the manner he considers appropriate, to facilitate the polling procedure or to take account of the school board boundaries.

**142.** The director general of elections is responsible for holding the election of school commissioners.

The director general of elections shall assign a school board to an incumbent returning officer in office or, if he considers it necessary, appoint a person to act as returning officer for each school board that is not so assigned.

**143.** The director general of elections and his personnel have, in respect of the holding of the election, powers similar to those conferred on them by the Election Act in respect of elections. The same holds true in respect of election officers.

Except as otherwise provided in this Act, every election is governed by the Election Act and the regulations thereunder. In establishing the rules, the director general of elections shall enumerate the changes and adaptations necessary for the application of that Act and the regulations to the election of the commissioners.

The director general of elections shall also establish any other rules necessary for holding the election, particularly procedural rules where an election for commissioner coincides with a municipal election.

**144.** The director general of elections shall, not later than the twenty-ninth day preceding the poll, publish a notice of election.

**145.** Any elector may be elected commissioner of a school situated in the territory of the school board of his domicile.

However, persons ineligible under the Electoral Act and members of the staff of a school board are not eligible.

**146.** No person may be a candidate for more than one school at the same time.

**147.** A person wishing to be a candidate must, not later than 14 hours on the fourteenth day preceding that of the poll, file a declaration of candidature in the official office of the returning officer.

Each candidate must be supported by five parents who swear or solemnly declare that they have a child attending the school concerned.

**148.** If, at the end of the period provided for the filing of declarations of candidature, the returning officer has received only one declaration, he shall declare the candidate elected and immediately inform the director general of elections and the school council.

**149.** If, at the end of the period provided for the filing of declarations of candidature, the returning officer has received no declaration, he shall so inform the director general of elections and the school council immediately; within the next 15 days, the school council shall fill the office of commissioner in the manner it considers appropriate. The person so appointed must qualify as an elector.

The school council shall immediately notify the school board and the director of elections, who shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* giving the full name of the person appointed.

If the person appointed school commissioner pursuant to the first paragraph is already a member of the school council, his appointment vacates his position on the council.

**150.** If the returning officer receives more than one declaration of candidature, he shall order that a poll be held.

**151.** The returning officer shall declare elected the candidate who, when the addition of the votes is completed, has received the greatest number of votes.

**152.** In case of a tie-vote, the returning officer shall apply for a recount.

If the vote is still tied after the recount, a new poll is held.

**153.** If no application for a recount is filed within four days after the addition of the votes, the returning officer shall declare elected the candidate who has received the greatest number of votes.

The returning officer shall, without delay, transmit the declaration to the director general of elections and send a copy to each candidate and to the school council.

**154.** After transmitting a list of the candidates declared elected to the secretary of the board of directors of each school board and notifying each school council, the director general of elections shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* of the surnames and given names of the elected candidates and the names of their schools, respectively.

**155.** A school commissioner takes office from the publication of the notice of his election in the *Gazette officielle du Québec* or, as the case may be, from his appointment.

He remains in office until he is replaced.

**156.** A school commissioner who, during his term, ceases to fulfil the conditions required for his election or appointment, may remain in office until the next 1 July.

**157.** A school commissioner may resign by sending notice to that effect to the secretary of the board of directors of the school board.

**158.** Upon a vacancy on the board of directors, the secretary shall immediately notify the director general of elections and the school council of which the school commissioner was a member.

**159.** Where the office of commissioner becomes vacant, the school council of which the school commissioner was a member shall, within 15 days of the vacancy, fill the office of commissioner in the manner it considers appropriate. The person so appointed must be qualified for election.

The second and third paragraphs of section 149 apply to the appointment.

**160.** No election may be declared null

(1) for failure to observe any prescribed formality of polling procedure or of the addition of votes,

(2) for failure to observe the prescribed time limits, or

(3) by reason of the disqualification of an election officer,

if the election has been conducted in accordance with the principles established under this subdivision and the rules established by the director general of elections, and if the failure or disqualification has not influenced the outcome of the election.

**161.** No election may be declared null on the ground that a person supporting a declaration of candidature is not a parent who has a child attending the school for which the declaration is filed.

**162.** Every person who infringes a provision of this subdivision or of the rules established by the director general of elections is guilty of an offence.

**163.** Every person who knowingly, by deed or omission, seeks to help a person to commit an offence or who advises, encourages or incites him to commit an offence is a party to the offence and is liable to the same penalty as that provided for the person who committed the offence, whether or not the latter person has been prosecuted or found guilty.

**164.** Every person who is guilty of an offence is liable, in addition to costs, to a fine equal to the fine provided by the Election Act for a similar offence.

**165.** Proceedings are brought in accordance with the Summary Convictions Act by the director general of elections or a person generally or specially authorized by him for that purpose.

[[**166.** The sums required for the application of this subdivision are taken out of the consolidated revenue fund.]]

**167.** The Government may determine what part of the costs required for the application of the subdivision is chargeable to each of the school boards.

### § 3.—*Operation*

**168.** The director general shall preside over the board of directors of the school board until the directors appoint a chairman.

**169.** The chairman shall preside over meetings and perform any other duties assigned to him by the board of directors.

**170.** If the chairman is temporarily unable to act, the board of directors shall designate a substitute for the interim.

**171.** A majority of the members, excluding the director general, constitutes a quorum of the board of directors.

Decisions are taken by a majority vote of the members present.

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

**172.** The board of directors shall establish its rules of internal management.

The rules must provide, in particular, for

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

(2) the dismissal of a member of the board who is absent from six consecutive weekly or less frequent meetings;

(3) the sending of the notice of meeting and the agenda of a meeting of the board to each school council and to each regional county municipality or urban or regional community wholly or partly situated in the territory of the school board;

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

The board shall forward a copy of its rules of internal management to each school in its territory.

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

However, sections 3 and 4 of the said Act do not apply to a member of a board of directors 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.

**174.** The board of directors may, in writing, delegate certain of its powers to the executive committee, the director general, a school council or a member of the executive staff of the school board.

A school council may, in writing, delegate to its principal any powers delegated to it under this section.

**175.** The signature of the chairman, director general or secretary of the school board may be an engraved, lithographed or printed facsimile having the same effect as if the signature itself was affixed.

**176.** The meetings of the board of directors are public.

However, the board may order the meetings held in camera if it considers that the proceedings may damage the reputation of an individual or that, in the public interest, the matter should be dealt with confidentially.

**177.** The board of directors shall appoint a member of the school board staff to act as secretary to the board of directors and executive committee.

**178.** The minutes of the meetings of the board of directors approved by the board and the copies certified true by the chairman, the secretary or 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.

The register of the minutes is public.

A person may obtain copy of an abstract from the register on payment of a reasonable charge fixed by the school board.

**179.** No member of the board of directors may be prosecuted for an act performed in good faith in the discharge of his duties.

### DIVISION III

#### SCHOOL BOARD COMMITTEES

**180.** An executive committee is established in each school board, composed of the following members of the board of directors:

(1) the chairman of the board of directors, who is chairman of the committee;

(2) not fewer than four members of the board of directors chosen by the board members including at least one representative of a secondary school;

(3) the director general of the school board, who has no vote.

**181.** The executive committee shall exercise the powers delegated to it by the board of directors.

It is responsible, in particular, for

(1) carrying out, where such is the case, the decisions of the board of directors;



- (2) preparing the budget and financial reports;
- (3) exercising the powers of the school board respecting loans, for which purpose he may give a mandate to a person to negotiate loans;
- (4) determining the rules and procedures for allocating financial resources among the schools;
- (5) making contracts;
- (6) determining the rate of school taxes.

**182.** The executive committee shall establish its rules of internal management. The rules must provide, among other things, for the holding of monthly or more frequent meetings, except in July and August.

**183.** Sections 173, 176, 178 and 179 apply to the executive committee, *mutatis mutandis*.

**184.** A school board shall establish, under the direction of the director general, a management committee on which a majority of the school principals and the members of the executive staff of the school board shall sit.

The committee shall advise 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 the school principals and the members of the executive staff of the school board.

**185.** An advisory committee on services for pupils with social maladjustment or learning disabilities shall be established in each school board.

The committee is composed of representatives of the parents of the pupils described in the first paragraph, the staff concerned and any bodies having experience in providing the services.

After consultation with those groups, the board of directors shall appoint the committee members.

**186.** The committee is responsible for

- (1) establishing norms on the provision of services to pupils with social maladjustment or learning disabilities to foster their integration with regular classes;
- (2) advising the school board on the allocation of financial resources to services for pupils with social maladjustment or learning disabilities.

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

The committee is composed of

(1) the director general of the school board and the person designated by him in writing for that purpose;

(2) two representatives of the regional county municipality or the urban or regional community, where only one of such bodies comprises territory of the school board or, as the case may be, at least one representative of each regional county municipality or urban or regional community wholly or partly situated in the territory of the school board;

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

(4) not fewer than four members of school councils chosen 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.

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

**188.** The advisory committee on pupil transportation shall advise on

(1) the provision of pupil transportation service;

(2) terms and conditions for granting contracts for pupil transportation;

(3) criteria and conditions on which other persons may use the service;

(4) the use of subsidies from the Minister of Transport for purposes other than pupil transportation;

(5) any matter on which the school board consults it.

**189.** A school board shall establish a regional advisory committee with the participation of each regional county municipality and urban or regional community wholly or partly situated in the territory of the school board.

Each body shall designate a representative to sit on the committee.

The committee's function is to study matters of common interest to the bodies it represents and to give any advice it considers appropriate.

The committee may also give its advice on any matter on which a body consults it.

**190.** The school board may establish an advisory committee with the participation of the private educational institutions that are situated in the territory of the school board.

Every institution shall designate a representative to sit on the committee and the school board may designate more than one representative.

The committee's function is to study matters of common interest to the school board and private educational institutions and give any advice it considers appropriate.

The committee may also give its advice on any matter on which the school board or a private educational institution consults it.

**191.** The advisory committees shall determine their rules of internal management.

#### DIVISION IV

##### DIRECTOR GENERAL

**192.** Every school board shall engage a director general.

The school board may appoint a person to assist the director general in the discharge of his duties. In that case, the director general shall take part in the selection of his assistant.

The assistant has the powers delegated to him by the director general in the cases and on the conditions determined by him.

The assistant may exercise the powers of the director general when the director general is absent.

**193.** The director general shall devote his full time to his duties; in no case may he be a member of the board of directors of another school board nor of a school council in the territory.

**194.** The director general has a five-year term of office which is automatically renewed unless the director general, or the board of directors by an affirmative vote of two-thirds of its members, decides not to renew it.

**195.** The board of directors may, at any time, by an affirmative vote of two-thirds of its members, decide to terminate the appointment of the director general.

**196.** If the appointment of the director general is terminated or is not renewed, the board of directors shall reassign him to another post unless it dismisses him.

**197.** The director general shall ensure the proper operation and the day-to-day management of the school board.

He shall see that the decisions of the board of directors and the executive committee are carried out and exercise the powers they confer on him.

**198.** The director general shall render account of his administration to the board of directors or the executive committee, as the case may be.

## DIVISION V

### FUNCTIONS OF THE SCHOOL BOARD

**199.** Every school board shall see that the population in its territory receive the educational services to which it is entitled in the schools situated in its territory.

School boards shall admit to their schools children placed pursuant to the Youth Protection Act (R.S.Q., chapter P-34.1) or the Act respecting health services and social services (R.S.Q., chapter S-5).

**200.** The school board shall prepare a five-year plan of utilization of its immovables and issue the constituting documents of the schools in its territory.

The school board shall give public notice thereof in the manner it determines.

**201.** The school board may enter into an agreement with another school board, a body or a person for the provision of schooling for the population in its territory or other educative purposes.

**202.** The school board shall allocate the educational services among the schools in its territory.

**203.** The school board may set norms for schools in the drawing up of their school calendars to allow for any constraints connected with pupil transportation.

**204.** The school board may draft, on the recommendation of the advisory committee on services for pupils with social maladjustment or learning disabilities, the criteria for the provision of services for those pupils to facilitate their integration with regular classes.

**205.** The school board shall inform the population in its territory annually, in the manner it determines, of the educational and community services provided in the schools and of the agreements entered into to that effect.

**206.** The school board shall provide support for the educational organization of its schools.

**207.** The school board shall see to it that its schools evaluate the learning achievement of the pupils and that the uniform examinations prescribed by the Minister are administered.

The school board may establish an achievement evaluation policy for each subject for which there is no uniform examination and for which credits are required for a secondary school diploma.

**208.** The school board may in accordance with the criteria or conditions of the Minister issue an equivalence of studies to persons who have acquired knowledge otherwise than as prescribed in the educative policy or who have not earned the required credits provided for in the educative policy.

**209.** The school board shall establish criteria for pupil enrollment according to the capacity of each school, the educational services provided and the organization of pupil transportation.

In accordance with the criteria, the school board shall, in enrolling pupils in its schools take into account the choice of the pupil's parents, or of the pupil if he is of full age.

**210.** The school board, for humanitarian reasons or to avoid being prejudicial to a pupil, may exempt him from the application of any provision of the educative policy.

**211.** The school board may, at the request of a school and for just and reasonable cause, and after hearing the pupil and his parents, enrol him in another school or expel him from the schools in its territory and entrust him to the director of youth protection.

**212.** The school board shall adopt mechanisms for consulting its schools on matters that it determines in collaboration with the schools.

The procedures come into force on approval by a majority of the schools in the territory of the board.

**213.** The school board shall provide the Minister with any information he may require on such date and in such form as he may determine.

**214.** The school board shall collaborate in any evaluation by the Minister of the educative policy, official programs of studies and textbooks.

**215.** The school board may require from the schools in its territory any information it considers necessary to carry out its functions on the date and in the form it determines.

**216.** At the request of a school, the school board may exercise temporarily the powers of the school in matters of management of human, material or financial resources.

The board of directors may delegate, in writing, the powers to the executive committee, the director general or a member of the executive staff of the school board.

**217.** If a school neglects or refuses to comply with an Act or a regulation or by-law of the Government, of the Minister or of the school board, the school board shall issue a formal notice enjoining its compliance; if the school fails to comply, the school board may take any measures necessary to ensure its compliance with the Act and the regulations thereunder, in particular, by substituting its decisions for those of the school; in such a case, the decisions shall be recorded in the school council's register of minutes.

**218.** Not later than 1 October each year, the school board shall make a report of its activities for the preceding school year.

The report is made public in the manner determined by the school board.

## DIVISION VI

### HUMAN RESOURCES

**219.** Every school board is the employer of the staff required for its own operation and that of the schools in its territory.

**220.** The school board shall engage a person responsible for support to Catholic schools and for services providing religious instruction and pastoral care to Catholic pupils enrolled in the schools of its territory; that person must be authorized by the bishop of the diocese in which the corporate seat of the school board is situated.

**221.** The school board shall draw up a list of candidates for school principal in accordance with the minimum qualifications determined by the Minister and the criteria determined by the school council.

The school board shall appoint the candidate recommended to it by the selection committee contemplated in section 82.

**222.** The school board shall, in assigning personnel to the schools, take account of the staffing plans submitted by the schools.

**223.** Every member of the school staff shall, within two months of his engagement, produce a medical certificate attesting that he is not suffering from any disease which renders him unfit to hold his position.

The school board may, at any time, require the certificate, from any member of the school staff.

Every member of the school staff whose medical certificate shows that he is suffering from a disease that renders him unfit for his position shall immediately cease to perform his duties.

**224.** School boards are not obliged to engage persons they consider unsuited for a teaching position or an educative position.

**225.** The contract of employment of every member of the staff holding a teaching position or an educative position is renewed from year to year.

The contract is renewed on the same conditions if the person continues to perform the same duties.

The contract may be renewed on other conditions if the person is assigned to other duties provided that he is notified of the change of duties and conditions of employment in accordance with the applicable provisions of the collective agreement or contract of employment.

**226.** The school board may, in accordance with the applicable provisions of a collective agreement, decide not to re-engage a member of the staff holding a teaching position or an educative position.

Failing applicable provisions, the school board may terminate the employment of the staff member by serving on him, not less than thirty days before the date of expiry of his engagement, a written notice of termination of employment.

Not later than fifteen days before the date of expiry of his engagement, the person who has received the notice may make a written request to the school board to be given the reasons for its decision. The school

board shall, within fifteen days of receiving the request, reply in writing, but no right of action results from reasons so given in good faith.

The person may, not later than the date of expiry of his contract of employment, submit a grievance to arbitration in accordance with sections 100 to 102 of the Labour Code (R.S.Q., chapter C-27) if the procedure for non-reengagement has not been followed or if he contests the reasons given by the school board. However, only a person who has been in the employ of a school board, a school under the jurisdiction of a minister, or another educational institution designated by the Minister, in which such person has held a teaching position or an educative position for three periods of eight months or more, each of which was contained in a separate year of engagement comprises in a continuous period of not more than five years may submit a grievance to contest the reasons given for his non-reengagement.

For the purposes of computing periods of employment, an individual contract of employment may stipulate that periods of absence be deemed periods of employment.

The court of arbitration may confirm or quash the decision of the school board, order that the person concerned be reengaged and determine the amount, if any, of the compensation to which the person is entitled.

**227.** Every member of the personnel holding a teaching position or an educative position who wishes not to renew his contract of employment must notify the school board thereof in writing not less than 60 days before the date of expiry of his contract.

In case of failure to send the notice or if it is sent after the period prescribed, the school board is entitled to claim from him before the competent court an amount equal to one five-hundredth of his annual salary per working day of failure or delay.

**228.** The school board may dismiss a member of the staff holding a teaching position or an educative position in accordance with the applicable provisions of a collective agreement.

If no applicable provisions are provided, the school board may dismiss the staff member on account of incapacity, negligence in the performance of his duties, insubordination, misconduct or immorality.

Every person so dismissed may submit a grievance to arbitration in accordance with sections 100 to 102 of the Labour Code. The court of arbitration shall determine whether the ground alleged in support of the dismissal constitutes any of the causes of dismissal provided in the second paragraph.



The court of arbitration may confirm or quash the decision of the school board, order that the person concerned be reinstated in his duties and determine the amount, if any, of the compensation to which the person is entitled.

**229.** A school board may, at any time during the school year, at the request of a school, transfer a school staff member to another school or to another teaching position or educative position, provided his salary is not reduced.

## DIVISION VII

### MATERIAL RESOURCES

**230.** The school board is responsible for the management of the property it owns, subject to the right of schools to use the property put at their disposal.

**231.** The school board must see that the property used by 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.

**232.** Every school board may establish rules on the supply of goods and services and their maintenance and replacement.

**233.** The school board may, if authorized by the Minister, expropriate an immovable for school purposes.

If the immovable belongs to a public body, authorization of the Government is required.

**234.** The school board shall, at the request of the Minister, transfer the ownership of any unused immovable to a public body designated by the Minister.

The transfer is made with or without compensation, as determined by the Minister.

## SECTION VIII

### FINANCIAL RESOURCES

#### § 1.—*Budget and borrowing*

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

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

**237.** Before adopting its budget, the school board shall give public notice of its intention, in the manner it determines, not later than 15 days before the date contemplated for its adoption.

**238.** 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 includes the budgetary estimates of each school.

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

**240.** The budget must establish a balance between expenditures and the financial resources allocated to the school board and its own revenues, according to the rules determined by the Minister.

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

**242.** The school board shall integrate into its budget, as an expenditure of revenue, any deficit or surplus, subject to the right of each school to use the appropriations given to them for providing goods or services to the community.

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.

**243.** The school board is accountable for its financial operations and those of its schools.

The school board shall keep its books of account according to recognized accounting principles.

**244.** The school board shall provide each school, periodically or at the school's request, with a statement of its revenues, expenses and liabilities.

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

**245.** At the beginning of each fiscal year, each school board shall appoint an external auditor who shall file a report of his examination of the school board's financial transactions.

The Minister may specify the auditor's general or special mandate.

The auditor's report must accompany the annual financial report transmitted to the Minister.

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

At the request of the Minister, a school board must provide him with any information he requires on its financial position and shall authorize the financial institutions with which it does business to provide that information.

**247.** Where a school board, whatever the nature of its incorporation or the Act governing it, 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 Government on the joint recommendation of 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 previously authorized by the Minister of Finance and the Minister of Education.

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 with 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.

**248.** The Minister may, on the conditions and according to the modalities he determines, grant on behalf of the Government a subsidy to any school board for the payment of all or part of the principal and interest of any loan contracted by the school board.

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.

§ 2.—*Transportation*

**249.** The school board may provide pupil transportation in its territory and establish a policy for that purpose.

It may, with prior authorization from the Minister of Transport, provide the transportation itself or enter into a contract with a public carrier or pupil carrier for that purpose, or with a public body or the holder of a public transport permit.

**250.** 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.

**251.** A school board may grant a contract for pupil transportation after negotiating an agreement or following a call for public tenders. However, the school board is not required to retain even the lowest tender.

The contract for the transportation of pupils must be in writing and entered into in accordance with government regulation on that subject.

No contract may be for a longer term than that fixed by the Minister of Transport or, failing that, three school years.

**252.** A school board, after having determined the number of available seats and with the prior 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.

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

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

School boards providing pupil transportation at noon to allow pupils to have their meal at home may claim the transportation cost from them.

**254.** A school board receives 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.

**255.** The Minister of Transport may withhold or reduce the amount of any grant for pupils transportation in cases of refusal to com-

ply with this subdivision or the regulations under paragraph 5 of the first paragraph of section 308, or in cases where the service for which the grant is made is not furnished or the conditions for making the grant are not complied with.

### § 3.—*Taxation*

#### **256.** In this subdivision

(1) the words “municipality” and “clerk” have the same meaning as in the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(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 the Act respecting municipal taxation.

**257.** A school board 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.

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 a different language status than the school board.

In the case of a taxable immovable owned by a legal person, a company, or an owner not listed on the assessment roll as either French-speaking or English-speaking, 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 enrolled, on 30 September of the school year for which the tax is levied, in the schools situated in the common territory of the French school board and the English school board.

The school boards involved shall jointly determine the proportion of the tax to be levied by each of them and forward it, not later than 30 October each year to the clerk of each municipal corporation or municipality concerned whose territory is wholly or partly included in the territory of the school board and having competence to send municipal tax accounts.

**258.** If 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 and the owners in accordance with sections 273 to 291.

#### 1. Levying of taxes

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

**260.** Every clerk of a municipality, within fifteen days of establishment of the factors for determining the standardized value of the taxable immovables, shall furnish to every school board wholly or partly included in the territory of the municipality an abstract of the assessment roll corresponding to the territory of the school board; the abstract must specify the amount of the total standardized assessment of the taxable immovables of the owners listed on the roll as French-speaking or English-speaking, as the case may be, and the total amount of the standardized assessment of the taxable immovables, determined according to the proportion established in section 257, of the owners who are legal persons, companies or persons concerning whom the assessment roll does not specify whether they are French-speaking or English-speaking.

**261.** School tax is levied not later than 15 days after receipt of the abstracts contemplated in section 260.

School tax is not null for being levied after the specified time limit.

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

**263.** Within seven days of the levying of a tax or its approval, as the case may be, the school board shall notify the clerk of every municipal corporation or municipality whose territory is wholly or partly situated in that school board and having competence to send municipal tax accounts.

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

#### 2. Collection of tax

**265.** Every municipal corporation or municipality shall establish a collection roll for the school tax on the immovables taxable by each school board in accordance with the assessment roll in force at the time of the preparation of the collection roll for municipal taxes.

**266.** Within ten days of the preparation of the collection roll, each municipal corporation or municipality shall inform the secretary of the school board concerned of the total amount of the school tax levied.

**267.** 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. However, the payment of school taxes must be demanded in one payment and there is no obligation to demand payment of the school tax on the same account as the municipal tax.

**268.** The municipal corporation or the municipality may deduct an amount to cover expenses incurred in collecting the school taxes by agreement with the school board or, failing an agreement, as determined by the Commission municipale du Québec established by the Act respecting the Commission municipale (R.S.Q., chapter C-35).

The amount is intended to pay for the additional expenses incurred in collecting the school tax.

**269.** The municipal corporation or the municipality shall pay to the school board, not later than the fifteenth day of each month, the amount of the school taxes collected during the preceding month; the remittance must be made notwithstanding any Act governing the municipal corporation or the municipality.

Every amount paid after the specified time limit bears interest at the rate fixed under section 50 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) from the passing of the Order in Council fixing the maximum rate.

**270.** The municipal corporation or the municipality shall pay to the school board any additional amount owing by an owner under the Act respecting municipal taxation. This payment is subject to section 269.

The school board shall remit to municipal corporation or the municipality any amount reimbursed to a ratepayer under the Act on the fifteenth day of the month following the reimbursement, which is subject to the second paragraph of section 269.

**271.** On default of payment of school tax, the municipal corporation or the municipality shall collect it at the request of the school board.

The collection expenses are paid by the school board.

**272.** The treasurer or the secretary-treasurer of the municipal corporation or the municipality shall forward to the school board any information it requires in writing in respect of school taxes.

## 3. Referendum

**273.** Where the levying of a tax is subject to the approval of the persons entitled to vote in the schools under the jurisdiction of the school board and of the owners of immovables taxable by that school board, the school board shall fix the date of the referendum.

A notice of the holding of the referendum is posted up in the schools in the territory of the board and published in a newspaper distributed in the territory.

**274.** The director general of a school board is the returning officer for the referendum. He decides all questions and shall take the necessary measures for the proper carrying out of the referendum. He has, for that purpose, the powers of a justice of the peace.

**275.** The returning officer for the referendum may appoint persons he needs to assist him as necessary and delegate his powers to them in writing to the extent he indicates.

The school board may determine a tariff for the remuneration of the appointed persons.

**276.** Owners of taxable immovables entered on the assessment roll on the date of the levying of the tax who are subject to taxation by the school board holding the referendum, and persons having a right to vote for the election of school commissioners on the date of the levying of the tax, in the schools in the territory of the school board are entitled to vote in the referendum.

Legal persons and companies owning taxable immovables shall vote through a representative authorized by resolution of their board of directors.

**277.** The returning officer for the referendum shall prepare a list of the persons entitled to vote on the basis of the electoral list for school commissioners, and in the case of legal persons not domiciled in the territory of the school board, on the basis of the assessment roll; he shall deposit the list in each school under the jurisdiction of the school board.

A notice of the deposit of the list must be published in a newspaper distributed in the territory not less than 60 days before the referendum date.

**278.** Within ten days following the notice, any person entitled to vote may request that the list be corrected or that the name of a person be entered on it or struck off.



**279.** Every request for correction, striking off, or a new entry is heard by a committee of three persons established by the school board.

The committee shall notify every person whose name is the subject of a request for entry on or striking off the list, and give him an opportunity to be heard.

The committee shall render its decision within ten days of the request.

**280.** Within ten days of the committee's decision, it may be appealed to the Provincial Court. The appeal is heard and decided by preference and takes precedence over any other case.

**281.** One of the following formulations is printed on the ballot papers:

"Do you approve the levying of a tax at the rate of (x) cents per hundred dollars of the standardized assessment of the taxable immovables for the (name of the school board).

YES	
NO	

NOTE: The revenues anticipated from this tax correspond to (y)% of the government subsidies to that school board for the school year (*insert here the school year*), namely, (z)% more than the legal limit.

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

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

NOTE: The revenues anticipated from this tax correspond to (x)% of the government subsidies to that 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 the tax and the percentage mentioned in the first paragraph constitute the new legal limit for the school year mentioned and the two following school years."

**282.** 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".

The appointment of an agent is made in writing and signed by the returning officer for the referendum. It indicates the surname, given name, occupation and residence of the agent and indicates the polling station in which he may work.

**283.** The vote is taken by ballot.

**284.** At the close of the poll, the returning officer or the deputy returning officer, in the presence of the clerk and the agents, if he has appointed any, adds up the votes.

When there are several polling stations, the returning officer shall, in the presence of the clerk and agent, make up the returns according to each deputy returning officer's report.

If the results show a majority of "YES" votes, the tax is approved and may be collected.

In the event of a tie-vote, the returning officer of the referendum shall hold a public drawing of lots.

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

The returning officer for the referendum shall table the return before the board of directors of the school board at its next meeting.

**286.** Where the tax is approved, the percentage or the rate higher than the limit provided in section 258 constitutes the new percentage or maximum rate for the purposes of that section for the current school year and the next two school years.

**287.** Any person may appeal to the Provincial Court from a decision of the returning officer for the referendum if the decision tends to deprive him of a right. He may also appeal from the results of a referendum, within fifteen days after the referendum, on the grounds of violence, corruption, fraud, incapacity of the electors or for failure to comply with the required formalities.

**288.** The petition is heard and decided by preference. The court may suspend any time limit prescribed for the holding of the poll for ten days.

The court may reject the petition, order any changes in the list of persons entitled to vote, or in the procedures, change any decision of the returning officer for the referendum, award costs or order the holding of a new poll.

**289.** Every decision of the court rendered under section 281 or 288 is without appeal.

**290.** If the returning officer for the referendum is absent or becomes unable to act, the school board shall appoint a substitute for him.

**291.** Any person who hinders or attempts to hinder the work of the returning officer or a member of his staff in the discharge of his duties, is guilty of an offence and liable on summary proceedings, in addition to costs, to a fine of \$100 to \$1 000.

## CHAPTER V

### MINISTER OF EDUCATION

**292.** The Minister shall establish the program of formative and pre-cognitive activities for preschool education and the program of required and elective subjects for elementary and secondary school.

The programs shall comprise compulsory objectives and conceptual contents and optional objectives and conceptual contents that the school shall adapt to its needs according to the priorities of the community to which it provides services.

**293.** The Minister shall establish the list of the textbooks he authorizes.

**294.** The Minister shall establish the list of elective subjects not mentioned in the education policy and the list of subjects for which he imposes uniform examinations.

**295.** The Minister shall publish in the *Gazette officielle du Québec* notice of the adoption of the programs or lists contemplated in sections 292 to 294.

The notice mentions the date on which the programs or lists apply, and their object.

**296.** A copy of the programs and lists established by the Minister is distributed free of charge to school boards, schools and to the Conseil supérieur de l'éducation.

A copy is also forwarded, on request, to any person on payment of the costs of reproduction and sending determined by the Minister.

**297.** The Minister may establish criteria or conditions for assigning equivalences of studies to persons who have acquired knowledge otherwise than in the manner prescribed in the education policy or who have not accumulated the required credits prescribed in the education policy.

**298.** The Minister may revise the results obtained by pupils in uniform examinations in order to avoid unduly penalizing pupils.

He may, in addition, weight the results obtained in examinations of the school in order to make them comparable to results obtained in uniform examinations.

**299.** The Minister grants secondary school diplomas and vocational diplomas.

**300.** After consultation with the school boards, the Minister shall establish, annually, the rules for allocating the funds granted by the National Assembly for preschool education, elementary and secondary education and adult education.

The rules may also concern

- (1) the financial management of school boards and schools;
- (2) the system of financial information;
- (3) the audit of the financial statements.

**301.** The rules for allocating funds may provide general conditions applicable to all school boards or special conditions for a single school board or for certain school boards.

The rules may also provide that the allocation of funds may be made on the basis of general or specific standards, subject to the authorization of the Minister or made to one or certain school boards only.

**302.** The Minister, in cases or on conditions that he determines, may make grants not provided for in the rules for allocating funds.

**303.** The Minister shall provide, in the rules for allocating funds, equalization allowances to school boards determined on the basis of the value, within the meaning of section 256, of the relative standardized assessment of the taxable immovables of each school board.

**304.** A copy of the rules for allocating funds is distributed free of charge to the school boards and schools.

A copy is also forwarded, on request, to any person on payment of the costs of reproduction and sending determined by the Minister.

**305.** The Minister may, on conditions he determines, compensate a school board for its property which has been damaged as the result of a disaster, theft or an act of vandalism.

**306.** The Minister may retain or reduce the amount of any grant, other than a grant for the transportation of pupils, intended for a school board in case it refuses or neglects to observe this Act and the regulations, the rules for allocating funds as well as any other Act or regulation respecting education, or when the service for which a grant is made is not rendered, or the conditions respecting its allocation are not respected.

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

**307.** The Minister may request the issuance of letters patent for the constitution of a non-profit agency composed majoritarily of teachers, and having as its object the production or evaluation of teaching material.

The Minister may allocate to that agency the human and financial resources necessary for its operation.

The agency may perform other tasks at the request of the Minister, a school board or school.

## CHAPTER VI

### REGULATIONS

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

(1) establish an educative policy as the basis of school organization; the policy may concern

- (a) pupil enrolment and registration;
  - (b) the school calendar;
  - (c) the stages of elementary and secondary school;
  - (d) the time prescribed for educational services;
  - (e) the required and elective subjects;
  - (f) the number of credits per subject;
  - (g) evaluation of pupils' achievement and the promotion of pupils from one grade to another and the passage from elementary school to secondary school;
  - (h) the certification of studies;
- (2) define what constitutes a teaching or an educative position;
  - (3) determine the standards and conditions governing the acquisition and alienation of movable or immovable property and the hiring of services by a school board, and the procedure and conditions for awarding contracts;
  - (4) determine the standards, conditions and procedure for awarding contracts for the construction, enlargement, major transformation, reconstruction, demolition or major conversion of an immovable of a school board and awarding contracts for related professional services; it may also prescribe forms for those purposes;
  - (5) determine the stages of the process for awarding contracts for the transportation of pupils, provide, for each stage, restrictions and conditions for awarding contracts, limit the number of carriers with whom a school board may make agreements and prescribe the minimum stipulations that must be included in a contract;
  - (6) determine the nature and form of information to be furnished to the Minister of Finance and the Minister of Education for the purposes of applying the first paragraph of section 247 as well as when the information must be furnished.

The powers conferred on the Government by paragraphs *d*, *e* and *f* of subparagraph 1 of the first paragraph are exercised subject to the regulatory powers by the confessional committees provided for under paragraph *a* of the first paragraph of section 22 of the Act respecting the Conseil supérieur de l'éducation.

The regulation contemplated in subparagraph 1 may provide for the enrollment of children under five years of age and specify what educational services are provided to them on the conditions provided

therein. The regulation may also permit the Minister to effect a gradual implementation of provisions of the education policy concerning the breakdown of required and elective subjects and concerning the rules of certification of studies.

The regulation contemplated in subparagraph 3 of the first paragraph may determine in what cases and on what conditions a school board may alienate property for a nominal amount fixed in the regulation.

The regulation contemplated in subparagraph 3 or 4 of the first paragraph may require the authorization of the Minister for several of the stages and may have conditions attached.

**309.** The Minister may, by regulation,

(1) determine the conditions and modalities governing the consultation of parents in view of the recognition of the confessional status of a school or an application for the withdrawal of the recognition;

(2) determine, for all or certain school boards, the classification, conditions of employment, recourses and rights of appeal of the members of the staff who are not members of a certified association;

(3) determine the qualification standards and other requirements for the issue of a teaching permit and the procedure of issue;

(4) determine standards of evaluation of the professional training of teachers;

(5) determine the conditions of enrolment of pupils who are not under the jurisdiction of a school board, prescribe the tuition that must be collected from such pupils and fix the terms and conditions of payment;

(6) determine the allowances and the norms governing the repayment of expenses that may be paid to the members of the executive committee of a school board;

(7) determine the norms of repayment of expenses to the members of school councils and committees set up under this Act.

The Minister shall consult the confessional committees before adopting the regulations contemplated in subparagraph 1 of the first paragraph.

The regulations contemplated in subparagraph 2 of the first paragraph may be applicable from the beginning of the school year in which they are adopted.

The regulations contemplated in subparagraph 5 of the first paragraph may permit the Minister to exclude certain persons from their application.

**310.** Every draft regulation of the Government or Minister is required to be published in the *Gazette officielle du Québec* with a notice that any comment on the regulations should be forwarded to the Government or Minister, as the case may be, within forty-five days after which period it or he, as the case may be, may adopt it with or without amendment.

However, the draft regulation contemplated in subparagraphs 1 and 2 of the first paragraph of section 308 and in subparagraph 3 of the first paragraph of section 309 shall be submitted to the Conseil supérieur de l'éducation for examination before they are published in the *Gazette officielle du Québec*.

**311.** The regulations of the Government or of the Minister that are made under this Act come into force on the tenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

## CHAPTER VII

### TEACHING PERMIT

**312.** Every person holding a teaching position must hold a teaching permit except a teacher on a one-lesson basis, an occasional supply teacher and a person who provides instruction that does not lead to obtaining a diploma granted by the Minister.

#### DIVISION I

##### ISSUE OF PERMIT

**313.** The Minister shall grant a teaching permit to every person who satisfies the qualification standards and other requirements he fixes by regulation.

**314.** The permit is permanent or temporary.

#### DIVISION II

##### REVOCATION OR SUSPENSION OF PERMIT

**315.** The Minister may suspend, revoke or maintain, subject to conditions, a teaching permit, for just and sufficient cause, on the recommendation of an investigation committee.



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

**316.** Any interested person may lodge a complaint to the Minister against a teacher.

**317.** The complaint must be in writing, substantiated and supported by the oath or solemn declaration of the complainant.

The Minister shall transmit to the teacher a copy of the complaint and a copy of the rules of proof and procedure of the investigation committee.

**318.** The Minister may, if he considers it necessary, relieve the teacher of his duties for the duration of the investigation.

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

The Minister shall fix their salary.

**320.** 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.

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

**322.** The committee shall establish its rules of procedure and proof.

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

**324.** The committee may refuse to carry out or continue an investigation when it is of opinion that the complainant has insufficient personal interest, that the request for investigation is frivolous, vexatious or in bad faith, or that an investigation is not necessary in the circumstances.

**325.** Whenever the committee refuses to carry out an investigation, it shall notify the complainant of its refusal giving the reasons for the refusal. It shall also make a report to the Minister.

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

The committee may recommend to the Minister that he impose conditions for the maintenance of the permit. The committee shall assess whether the conditions have been respected and make a report to the Minister, where necessary.

## CHAPTER VIII

## TRUSTEESHIP

**327.** The Minister may request any person he designates to verify whether the provisions of the Act and regulations respecting the administration of a school board are observed or investigate the management or activities of a school board.

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.

**328.** The Minister may, during or after the verification or investigation, order the powers of a school board suspended for the period he determines, or the directors of the board dismissed, and appoint an administrator to exercise the powers of the board of directors when the school board indulges in practices or tolerates situations that are incompatible with the pursuit of its purposes and those of sound management.

**329.** The administrator appointed by the Minister, subject to the rights of third persons in good faith, may annul any decision made by the school board.

## CHAPTER IX

## CONFESSIONAL AND DISSENTIENT SCHOOL BOARDS

## DIVISION I

## INTERPRETATION

**330.** Nothing in this chapter must be interpreted so as to prejudice rights and privileges possessed at the time of the coming into force of the Constitutional Act of 1867, by classes of persons respecting confessional schools.

**331.** The persons domiciled in the territory of a confessional school board contemplated in Schedule A and the owners of taxable immovables situated therein do not come under the jurisdiction of language-based 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.

**332.** The persons under the jurisdiction of a dissentient school board contemplated in Schedule B and the other persons exercising their right to dissent do not come under the jurisdiction of language-based school boards.

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.

**333.** Every confessional or dissentient school board contemplated in Schedule A or B and every new dissentient school board is governed by this Act, with the exception of Chapter III and Divisions I to V of Chapter IV, and by the Education Act (R.S.Q., chapter I-14) to the extent that the provisions of the said Act are consistent with this Act.

## DIVISION II

### CONFESSONAL SCHOOL BOARDS

**334.** Notwithstanding any inconsistent provision of this Act, the confessional school boards referred to in Schedule A continue to exist for the administration of the schools under their jurisdiction on (*insert here the date of coming into force of this section*) in the territories described in the Schedule opposite their name.

**335.** From (*insert here the date of the coming into force of this section*), 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".

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

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

## DIVISION III

### DISSENTIENT SCHOOL BOARDS

**337.** Notwithstanding any inconsistent provision of this Act, the dissentient school boards referred to in Schedule B continue to exist for the administration of the schools under their jurisdiction on (*insert here the date of coming into force of this section*) in the territories described in the Schedule opposite their name.

**338.** In the territory of any school board, with exception of those contemplated in Schedule A, any number of property-owners, tenants or ratepayers of the Catholic or Protestant faith may exercise their right to dissent guaranteed by section 93 of the Constitutional Act of 1867 and, for that purpose, serve on the French or English school boards, as the case may be, the notice provided for in Division II of Part III of the Education Act.

**339.** For the purposes of imposing a school tax, the real estate base of a dissentient school board is equal to the aggregate of the standardized assessment, within the meaning of section 256, of the taxable immovables of dissentient owners who are natural persons and a portion of the assessment of owners who are legal persons or companies.

The portion of assessment referred to in the first paragraph is equal to the aggregate of the standardized assessment of owners of taxable immovables, who are legal persons or companies, of the territory of the language-based school board multiplied by the ratio between the number of pupils attending the schools of the dissentient school board and the number of pupils attending the schools of the language-based school board on 30 September of the school year for which the tax is imposed.

## CHAPTER X

### TEMPORARY PROVISIONS

#### DIVISION I

##### IMPLEMENTATION COMMISSION

#### § 1.—*Organization*

**340.** An implementation commission is hereby established under the authority of the Minister.

The Minister shall determine the composition and appoint the members of the commission.

The commission is composed of

- (1) at least one person chosen from the members of representative school boards associations;
- (2) at least one person chosen from the members of representative parents' associations;
- (3) at least one person chosen from the members of representative associations of directors general of school boards;

(4) at least one person chosen from representative associations of school principals;

(5) at least one person chosen from representative associations of the senior staff of school boards;

(6) at least one person chosen from representative associations of other members of school personnel;

(7) the other persons designated by the Minister.

**341.** The Minister shall appoint the chairman of the commission.

**342.** The Minister shall determine the attendance allowances that may be paid to members of the commission and the rules for the reimbursement of their expenses.

**343.** The commission shall be dissolved on 30 June 1985.

However, the Minister may prolong the existence of the commission on the conditions he determines.

**344.** The commission establishes the rules for its internal management.

**345.** The commission may, for its purposes, require personnel from existing school boards or the Ministère de l'Éducation. It must, however, obtain prior authorization from the body having jurisdiction over personnel required.

The commission may also hire temporary personnel on the conditions it determines and for a period not exceeding its date of dissolution.

**346.** The commission shall render an account of its administration to the Minister.

It shall furnish the Minister with any information or document he requires.

## *§ 2.--Duties and powers*

**347.** The commission shall see to it that the implementation committees established under Division II of this chapter take the measures necessary for enabling this Act to apply in their territory from the coming into force of Chapters I to IX.

For that purpose, the commission shall establish a French subcommittee and an English subcommittee to which it may delegate, in writing, the powers conferred on it by this chapter.

**348.** The commission is responsible for submitting to the Government for approval, with or without amendment, the distribution schemes of the assets and liabilities of existing school boards prepared by the implementation committees.

The Government may approve the distribution schemes, with or without amendments, and shall publish a notice in the *Gazette officielle du Québec* indicating the name of the new school board which succeeds to the liabilities of the existing school boards.

**349.** The commission is responsible for approving, with or without amendment, the personnel transfer plans of existing school boards prepared by the implementation committees.

In case of amendment, the commission shall consult the implementation committees concerned beforehand.

**350.** The commission may require an implementation committee that it takes any measure it considers necessary to facilitate the implementation of this Act.

**351.** The commission may require any information or document it considers necessary from an implementation committee or from a new or existing school board.

**352.** The Minister may establish norms for making the inventory of the assets and liabilities of existing school boards and terms and conditions for transmitting the inventory to the implementation committees.

**353.** The Minister may, after consultation with the representative associations concerned, establish norms for the transfer and integration of the personnel of existing school boards and the Conseil scolaire de l'île de Montréal to new school boards or to the body established under section 425.

**354.** Before 1 July 1985, the commission, at the request of an implementation committee and after consulting with the committees concerned, may recommend to the Government to change the limits of the territories of the new school boards.

The Government, by order, may change the limits of the territories of the new school boards; it shall publish a notice of the change in the *Gazette officielle du Québec*.

### § 3.—*Executive committee*

#### 1. Composition

**355.** An executive committee of the implementation committee is hereby established; it is composed of

(1) the chairman of the commission, who shall be its chairman;

(2) one member from the French subcommittee and one member from the English subcommittee designated by their respective committee;

(3) four persons chosen by the Minister from the members of the commission.

**356.** The Minister shall determine the allowances that may be paid to members of the executive committee and the rules for the reimbursement of their expenses.

**357.** The executive committee shall be dissolved on 30 June 1985.

However, the Minister may prolong the existence of the executive committee on the conditions he determines.

**358.** The executive committee shall establish its rules of internal management.

**359.** The executive committee may, for its purposes, require personnel from existing school boards or from the Ministère de l'Éducation. It must, however, obtain the prior authorization of the body having jurisdiction over the required personnel.

The executive committee may also hire temporary personnel on conditions it determines and for a period not exceeding its date of dissolution.

**360.** The executive committee shall render an account of its administration to the implementation commission and to the Minister.

The executive committee shall furnish them with any information or document they require.

#### 2. Duties and powers

**361.** The executive committee is responsible for coordinating the activities of the implementation committees established under Division II of this chapter.

**362.** The executive committee shall see to it that the implementation committees receive the information and assistance necessary for the implementation of this Act on their territory.

**363.** The executive committee shall settle any dispute between implementation committees.

**364.** The executive committee may carry out an investigation on any matter related to the application of this chapter.

The executive committee and each of its members are then vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to impose imprisonment.

**365.** The executive committee may require any information or document it considers necessary from an implementation committee or a new or existing school board.

**366.** If an implementation committee fails or neglects to perform its functions, the executive committee, after a formal notice, may take the appropriate means to ensure that this chapter is observed, in particular, by substituting its decisions for those of the implementation committee.

## DIVISION II

### IMPLEMENTATION COMMITTEE

#### §1.—*Organization*

**367.** An implementation committee is hereby established in the territory of every new school board.

**368.** The committee is composed of

(1) a person, who is the chairman, appointed by the Minister after consultation with the other members of the implementation committee;

(2) two representatives of the parents' committee and two representatives of the council of commissioners of every existing school board of which 35% or over of the school population attends, on 30 September 1983, the public schools providing instruction in the language of the new school board which are situated in the latter's territory;

(3) one representative of the parents' committee and one representative of the council of commissioners of every existing school board of which not less than 10% nor more than 34% of the school population attends, on 30 September 1983, the public schools providing instruc-



tion in the language of the new school board which are situated in the latter's territory;

(4) one or two representatives, as the case may be, chosen by the implementation committee from the members of the parents' committees of existing Catholic or Protestant school boards and which have no representative pursuant to paragraph 2 or 3 but which have jurisdiction over at least one public school providing instruction in the language of the new school board which is situated in the latter's territory;

(5) the director general of the new school board who has no vote.

**369.** A person designated by the executive committee of the implementation committee shall convene the first meeting of a committee and preside over it until a chairman is appointed.

**370.** If no committee is established on (*insert here the date occurring 30 days after the coming into force of this chapter*), the Minister may appoint its members in accordance with the representation provided for in section 368.

**371.** Every implementation committee is a legal person having the powers necessary to exercise its functions.

The committee shall exercise, for the duration of the implementation, the powers conferred on the school board by this Act.

**372.** The Minister shall determine, as the case may be, the allowances that may be paid to members of a committee and the rules for the reimbursement of their expenses.

**373.** Every implementation committee shall be dissolved on 30 June 1985.

However, the implementation commission may, at the request of a committee, prolong its existence on the conditions it determines.

**374.** Every implementation committee shall establish rules for its internal management; the rules may provide for the formation of an executive committee.

**375.** An implementation committee may, for its purposes, require personnel from existing school boards in its territory.

It may also hire temporary personnel on conditions it determines and for a period not exceeding its date of dissolution.

The personnel hired temporarily is remunerated according to the norms established by the Minister.

**376.** A committee may entrust, in writing, the exercise of its powers to the director general of the new school board or, as the case may be, to its executive committee, on the conditions it determines.

**377.** Every committee shall render an account of its administration to the implementation commission and to the new school board in its territory.

It shall furnish them with any information or document they require.

## § 2.—*Functions*

**378.** Every implementation committee shall see to it that the necessary measures are taken to enable this Act to apply in its territory from the coming into force of chapters I to IV.

**379.** The committee shall see to it that parents, the school staff and the pupils receive the information and assistance necessary to exercise the new responsibilities entrusted to them.

**380.** The committee shall recommend to the Government a name for the new school board.

**381.** The committee shall engage the director general of the new school board.

The director general shall be chosen from among the full time directors general or assistant directors general of the existing school boards.

**382.** The committee shall establish, not later than 1 September 1984, the list of the schools in its territory for which it issues a constituting deed in accordance with chapter III.

It shall, beforehand, establish a five-year plan for the use of immovables.

For the computation of the five-year period contemplated in section 34, the school year 1985-1986 is the first year in which a new school board may amend or revoke the constituting deed of a school.

**383.** The committee shall see to it that the first school councils are established so that the first meeting of each school council is held not later than 15 November 1984.

**384.** If a school council cannot be established, the implementation committee shall appoint one or several persons, among those who are qualified, to exercise the functions of the council until the council is able to exercise them.

**385.** The committee shall appoint, on the recommendation of a selection committee composed majoritarily of representatives of the school council, a new school principal, if there is a vacancy in that position.

Every school principal is deemed to enter in office on 1 July 1985 for the purposes of determining the term of his appointment.

**386.** Every school principal shall, in accordance with this Act, convene, not later than 30 September 1984, a meeting of the staff and a meeting of the pupils to elect members to the committees provided for by this Act.

The parents who, on 30 September 1984, are members of the school committees established pursuant to the Education Act, become, without other formality, members of the parents' committees provided for by this Act.

The committees shall exercise their duties from the beginning of the school year 1984-1985 and they may regroup to constitute a school committee.

**387.** The committee shall see to it that the first meeting of the board of directors of the new school board is held not later than 30 November 1984.

**388.** The committee shall see to it that the board of directors of the new school board makes the decisions required to enable the new school board to operate in accordance with this Act from 1 July 1985.

For that purpose, the new school board shall

- (1) establish the executive committee and the advisory committees;
- (2) adopt procedures for consulting schools on subjects it shall determine in collaboration with the schools and submit them to their approval;
- (3) allocate the educational services among the schools;
- (4) establish criteria for the registration of pupils and carry out the registration for the school year 1985-1986;
- (5) adopt rules respecting the supply of goods and services;
- (6) allocate funds to the schools;
- (7) approve the budgetary estimates of the school with or without amendment; if it proposes to amend them, it shall give prior notice thereof to the school.

**389.** The school councils and the new school boards, shall, during the school year 1984-1985, exercise only the powers conferred on them by this subdivision.

**390.** Members of a school council or of a new school board are entitled to the reimbursement of the expenses they incur to attend meetings in accordance with the norms established by the implementation committee.

**391.** Where the territory of a new school board extends unto part only of the territory of an existing school board, the implementation committee shall prepare, with the other committee involved, a scheme for the distribution of assets and liabilities of the existing school board so divided, according to the criteria established in section 135.

The distribution scheme is transmitted to the implementation commission for approval by the Government.

**392.** The implementation committee shall prepare a staffing plan to determine the staffing needs of the new school board for each class of employment.

**393.** The committee shall prepare a personnel transfer plan of the existing school board for the purpose of determining each staff member's new employer on 1 July 1985.

Where the territory of a new school board extends unto part only of the territory of an existing school board, the personnel transfer plan of the existing board so divided shall be prepared by the committees concerned. The transfer plan shall be submitted to the implementation commission for approval.

**394.** The committee shall consult the school councils, the new school board and the representative associations of the personnel concerned to prepare the staffing plans of the new school boards and the personnel transfer plans of existing school boards.

**395.** The committee shall forward a copy of the transfer plan to each association representing, in an existing school board, a class of employees contemplated in the plan.

**396.** Not later than 31 March 1985, the committee shall notify each staff member in writing of the name of his employer on 1 July 1985.

**397.** The new school board shall assign the teaching personnel by taking into account the staffing plans submitted by the school councils and in accordance with the collective agreement in force on 1 July 1985.

**398.** The committee shall inform the labour commissioner general appointed under the Labour Code of the date on which all the notices provided for in section 396 have been forwarded.

**399.** The new school board shall prepare an integration plan for each staff member other than a teacher to determine his assignment to a school or to a new school board.

Before 1 July 1985, the new school board shall notify each staff member other than a teacher of his new assignment from that date.

**400.** The new school board, after consultation with the schools, shall adopt its budget for the fiscal year 1985-1986.

**401.** Notwithstanding the time limits prescribed in this chapter, the implementation commission may authorize an implementation committee, a school or a new school board to act after those time limits.

A committee, may also, with the authorization of the commission, take other measures required to enable this Act to apply in its territory from 1 July 1985. The committee may, in the same manner, amend its staffing plan and its personnel transfer plan.

**402.** Every implementation committee shall establish, at the request of a school council, the implementation schedule, between 1 July 1985 and 1 July 1988, for the provisions of this Act respecting the functions of the school council.

The committee shall see to it that every school council makes the decisions required to enable the school to operate according to this Act from 1 July 1985.

For that purpose, the school shall

- (1) prepare and transmit to the school board a staffing plan; the plan shall show the needs of the school for each class of employment;
- (2) prepare its budgetary estimates and transmit them to the school board on the date and in the form the latter determines;
- (3) exercise the other school powers provided in Chapter III.

### DIVISION III

#### EXISTING SCHOOL BOARD

**403.** The terms of the commissioners of existing school boards in office on 30 June 1985 expire on that date.

The terms of the commissioners of existing school boards which expires between 1 June 1984 and 30 June 1985 are extended to 30 June 1985.

**404.** In no case may an existing school board validly contract an obligation extending beyond 30 June 1985 or having effect after that date, except with the authorization of the implementation committee of its territory.

**405.** Whenever an existing school board is required to obtain authorization from the Minister to borrow, it shall forward a copy of the application for authorization to the implementation committee of its territory.

The committee may make to the Minister, in that respect, any recommendation it considers appropriate.

**406.** Every existing school board shall see to it that the school tax account sent for the school year 1984-1985 is accompanied with a notice to every owner who is a natural person requesting him to inform it whether he is French-speaking or English-speaking, for the purposes of the school tax for future years.

The owner must return the notice duly completed at the same time as his school tax payment. If he fails to do so, he is taxed by both the French school board and the English school board in accordance with section 258.

The information is transmitted to the clerk of the municipal corporation for registration on the assessment roll.

Where the school tax account is sent by a municipal corporation or a municipality within the meaning of the Act respecting municipal taxation, the school board shall assume the additional cost related to the notice provided for in this section, if any.

**407.** Every existing school board shall make an inventory of its assets and liabilities and transmit it to the implementation committee of its territory, in accordance with the norms and modalities established by the Minister.

**408.** Every existing school board shall furnish to the implementation committee of its territory or the implementation committee or its executive committee any information or document it requires.

**409.** For the purposes of this division, where an existing school board is situated in the territory of more than one implementation committee, it shall fulfil the obligations prescribed in this division with respect to each of the committees involved.

## DIVISION IV

## UNION REPRESENTATION

**410.** The determination of a certified association as the representative of all of the employees of the same class, or subclass as the case may be, of a new school board is made in accordance with the modalities provided in this division.

The Labour Code applies except where inconsistent with this division.

**411.** The classes of employees comprise the teachers, the professional staff and the support staff.

The support staff class is divided into subclasses where, in the territory of a new school board or in part of it, there are associations grouping employees belonging exclusively to a subclass of support staff.

**412.** An association of employees which, on 31 December 1984, is certified to represent the employees of a class or subclass in existing school boards situated wholly or in part in the territory of a new school board is entitled to apply for certification to represent all of the employees of a class or subclass as the case may be.

**413.** Certification is applied for by filing a petition at the office of the labour commissioner general between 1 and 31 March 1985.

The association shall send a copy of the petition to the existing school boards, the implementation committee and, as the case may be, to the certified associations of employees of the territory of the new school board.

The petition is accompanied with the proof of certification held by the petitioning association and all other information required on the form provided for that purpose by the labour commissioner general.

Failure to file the petition at the office of the labour commissioner general within the prescribed time entails the dismissal of the petition.

**414.** On receiving one or several petitions, the labour commissioner general shall,

(1) if he comes to the conclusion that the petitioning association is the only association that was certified in the territory of the new school board, certify it by indicating in writing the class of employees forming the bargaining unit;

(2) if he comes to the conclusion that the petitioning associations accept that one of the petitioning associations be certified to represent a group of employees, certify it by indicating in writing the category of employees forming the bargaining unit;

(3) if he comes to the conclusion that there is no agreement between the petitioning associations that one association be certified to represent a group of employees, order a vote by ballot;

(4) if he comes to the conclusion that there is no agreement on the subclasses of support staff, apply this section as if the following sub classes constituted a separate class:

(a) the technical and administrative support staff;

(b) the manual support staff.

**415.** For the purposes of section 414, only one of the following wordings may be retained:

(1) all salaried teachers, within the meaning of the Labour Code, except professional staff and support staff;

(2) all salaried professional staff within the meaning of the Labour Code, except teachers, support staff and the personnel management officer;

(3) all salaried support staff within the meaning of the Labour Code except teachers, professional staff and the person acting as the secretary of the director general or the director of personnel;

(4) all technical and administrative support staff except teachers, professional staff and the person acting as the secretary of the director general or the director of personnel;

(5) all salaried manual support staff within the meaning of the Labour Code except teachers and professional staff.

**416.** The right to become a member of another association of employees provided under section 111.4 of the Labour Code does not apply for the year 1984-1985.

**417.** Only the employees whose name appears in the transfer plan on 31 March 1985 may participate in the vote by ballot.

**418.** The vote by ballot shall be held under the responsibility of the labour commissioner general and take place not later than 18 May 1985, according to the modalities determined by the commissioner.



Certification is granted to the association that obtains the greatest number of votes.

**419.** From 1 July 1985, the newly certified association is subrogated *pleno jure* in the rights and obligations resulting from a collective agreement, to which a certified association that it replaces was a party.

**420.** From 1 July 1985, the sole collective agreement applicable to a class of employees is that which was in force on 30 June 1985 and to which the association certified under this division was a party.

The other collective agreements applicable on 30 June 1985 are void from that date.

**421.** The transfer of an employee from an existing school board to a new school board does not entail the termination of his employment. The transfer does not effect a teacher's right to a deferred salary or the right to lodging of an employee who is a member of the support staff, if they are entitled thereto on 30 June 1985.

The employee retains his right to the reimbursement of the refundable days of sick leave to his credit if he is entitled thereto under the collective agreement applicable to him on 30 June 1985, according to the value, terms and conditions established under the collective agreement. Similarly, the employee retains the number of non-refundable days of sick leave, accumulated to 30 June 1985, if he is entitled thereto under the collective agreement applicable to him on that date.

**422.** Where disagreement arises because persons actually included in a bargaining unit on 1 July 1984 are not the persons whose names appear in the transfer plan on 31 March 1984, an association entitled to be certified or the new school board may address a petition to the labour commissioner general for a decision on the matter. In no case may such a petition prevent the certification of the association.

Where the labour commissioner to whom the matter is referred considers that granting the petition may influence the result of the vote, he shall settle the disagreement and order, a new vote by ballot, where necessary.

Where certification is granted to a different association, the only collective agreement applicable from the date of the final judgment is that which was in force on 30 June 1985 and to which the association certified in accordance with this section was a party.

**423.** Notwithstanding section 23 of the Labour Code, the labour commissioner general may appoint any person temporarily for the application of this division.

**424.** Where a certificate of certification is held jointly by two associations of employees, each association is considered a separate certified association for the purposes of this division.

## DIVISION V

### SPECIAL PROVISIONS FOR THE ISLAND OF MONTRÉAL

**425.** The Minister shall establish a body to exercise the powers of the Conseil scolaire de l'île de Montréal respecting its bonded debt contracted before 1 July 1985.

After consultation with the implementation committees of the island of Montréal, the implementation commission may recommend to the Minister to entrust the body with setting up a plan for sharing goods or services for the benefit of the school boards of the said territory.

**426.** The Minister shall issue the document constituting the school body.

The document indicates the name of the body, its address, the immovable property put at its disposal and the goods and services under its management.

The document may also determine the rights and obligations of the school boards of the island of Montréal in respect of that body.

The document is published in the *Gazette officielle du Québec*.

**427.** The Minister may amend or revoke the constituting document of the body at the request of the majority of the school boards of the island of Montréal.

**428.** The board of directors of the body is composed of the chairman of each new school board of the island of Montréal.

The directors shall appoint a chairman.

**429.** The body is a public legal person having the powers necessary for the discharge of its functions.

## DIVISION VI

### FINANCIAL PROVISIONS

[[**430.** The sums required for the purposes of the implementation commission and its executive committee are determined by the Minister and taken out of the appropriations of the Ministère de l'Éducation for the fiscal year 1984-1985.]]

**431.** The sums required for the purposes of the implementation committees are taken out of the sums that the existing school boards are required to pay to them; the sums are determined by the implementation committees, with the approval of the Minister, and must be taken out of the budget for the school year 1984-1985, of each existing school board, according to the terms and conditions determined by the Minister.

## CHAPTER XI

### TRANSITIONAL AND FINAL PROVISIONS

#### DIVISION I

##### PROVISIONS OF CONCORDANCE

**432.** Section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (1982, chapter 30) is amended by replacing the first paragraph by the following paragraph:

**“6.** School bodies include school bodies established under section 425 of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), general and vocational colleges, the Université du Québec and its branches, research institutes and superior schools.”

**433.** Schedule A of the said Act is amended by replacing the title of the Education Act and adding, at the place determined by the Commission de refonte des lois et règlements, the following:

“The Act respecting public elementary and secondary education (1983, chapter <i>insert here the chapter number of this bill</i> )”	Section 141”
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**434.** Section 2 of the Workmen’s Compensation Act (R.S.Q., chapter A-3) is amended by replacing paragraph *b* of subsection 2 by the following paragraph:

“(b) municipal corporations and school boards;”.

**435.** Section 7 of the said Act is amended by replacing subsection 4 by the following subsection:

“(4) Notwithstanding any provision to the contrary, the Commission may exercise its recourse against a municipal corporation or school board, by reason of an accident to a workman, within the twelve months

following the date of the receipt of the notice of election contemplated by subsections 1 and 5 of this section, provided that such notice of election be communicated by the Commission to the municipal corporation or school board within the thirty days following the receipt thereof.”

**436.** Section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 70 of chapter 63 of the statutes of 1982, is again amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) the identification and the approximate location of the public services and infrastructure to be set up by the Government, the government departments and agencies and by public bodies and school boards;”.

**437.** Section 225 of the Act respecting insurance (R.S.Q., chapter A-32) is replaced by the following section:

“**225.** Such deposit may be made in currency. It may also be constituted of bonds or other securities issued or guaranteed by Québec, any other province of Canada, Canada, the United Kingdom, the United States of America or a state of that country, by any other country where the insurer transacts insurance or by any municipal corporation or school board of Québec.”

**438.** Section 244 of the said Act is amended by replacing paragraph *f* by the following paragraph:

“(f) a municipal corporation of a school board in Canada, or in any other country where the company carries on business;”.

**439.** Section 251 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) bonds or other securities issued by any loan society incorporated by an Act of the Parliament of Québec or authorized to do business in Québec under the Loan and Investment Societies Act (chapter S-30), which has been specially approved by the Government for the application of this paragraph and the ordinary operations of which in Québec are to make loans to municipal corporations or school boards and *fabriques* or loans secured by first privilege or first hypothec on real estate situated in Québec;”.

**440.** Section 136 of the Act respecting Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing paragraph *h* by the following paragraph:

“(h) acting as an officer of the federal or provincial government, a municipal corporation or school board, exercises the functions of an advocate before any court; or”.

**441.** Section 2 of the Teachers Scholarship Act (R.S.Q., chapter B-7) is amended by replacing paragraph *d* by the following paragraph:

“(d) “teaching institution”: a secondary school governed by the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), an independent secondary school or classical college recognized by the Minister of Education;”.

**442.** Section 7 of the Act respecting the Bureau de la statistique (R.S.Q., chapter B-8) is replaced by the following section:

“**7.** The Minister may enter into an agreement with any department or agency of the Gouvernement du Québec, with any municipal corporation or a school board, with any statistical agency of another province of Canada or with any department or agency of the Government of Canada for the exchange of information collected jointly with the Bureau and the other party to the agreement from a respondent and for the compilation or publication of such information.”

**443.** Section 20 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by replacing subparagraph *a* by the following paragraph:

“(a) a supplemental pension plan to which contributions are made by a school board or a body which derives more than one-half of its resources from the consolidated revenue fund;”.

**44.** Section 26 of the said Act is replaced by the following section:

“**26.** The Fund may acquire and hold bonds of municipalities or school boards in Québec upon the following conditions.

It shall not acquire more than 20% of any issue at the time such issue is put on the market.

It shall not acquire bonds which would increase the amount held by the Fund to more than 20% of the outstanding bonded indebtedness of the municipality or school board.

It may also acquire and hold other evidences of indebtedness issued or guaranteed by municipalities in Québec provided that such other evidences of indebtedness added to the bonds which the Fund holds do not increase the amount held by the Fund to more than 20% of the outstanding bonded indebtedness of the municipality.

**445.** Section 83 of the Savings and Credit Unions Act (R.S.Q., chapter C-4) is amended by replacing subparagraph *a* by the following subparagraph:

“(a) in bonds or other evidences of indebtedness issued or guaranteed by the Gouvernement du Québec or of the Government of Canada, by a municipal corporation or school board in Québec, by a *fabrique* in Québec, or by an ecclesiastical, religious or cemetery corporation in Québec;”.

**446.** 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:

“However, every school body shall, where necessary, avail itself of the second paragraph of section 201 of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*) to arrange for the instruction in English of any child declared eligible therefor.”

**447.** 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 (1983, chapter *insert here the chapter number of this bill*).”

**448.** Section 1 of the Act respecting the cinema (R.S.Q., chapter C-18) is amended by replacing paragraph *f* by the following paragraph:

“(f) “public agency” means any school board or any agency to which the Government or a minister appoints the majority of the members, any agency to which, by law, the officers or employees are appointed or remunerated in accordance with the Civil Service Act (chapter F-3.1), and any agency which derives more than one-half of its resources from the consolidated revenue fund;”.

**449.** Section 172 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the third paragraph by the following paragraph:

“Every school must permit its premises to be used gratuitously for the purposes of this section.”

**450.** Section 415 of the said Act amended by section 134 of chapter 63 of the statutes of 1982 is again amended by replacing subparagraph *c* of paragraph 4 by the following subparagraph:

“(c) To establish, equip, maintain and improve recreational centres and playgrounds; and also to make agreements with any school board, educational institution or any religious authority for the joint establishing, equipping, maintaining and improving of recreational centres and playgrounds and to determine the contributory share of each of the parties to such agreements;”.

**451.** Section 500 of the said Act is repealed.

**452.** Section 502 of the said Act is repealed.

**453.** Article 410 of the Municipal Code, amended by section 7 of chapter 55 of the statutes of 1946 and replaced by section 26 of chapter 82 of the statutes of 1975, is again amended by replacing paragraph 2 by the following paragraph:

“2. To establish, equip, maintain and improve recreation centres and playgrounds or to contribute to their establishment; and also, to enter into agreements with any school board, teaching establishment or religious authority to jointly establish, equip, maintain and improve recreation centres and playgrounds and determine the contributory share of each party to such agreement.”

**454.** Article 691 of the said Code is repealed.

**455.** Article 726 of the said Code, amended by section 23 of chapter 77 of the statutes of 1947, is again amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“4. The amount of school taxes due by each of such persons, up to the date of the drawing up of such statement.”

**456.** Article 727 of the said Code, amended by section 1 of chapter 121 of the statutes of 1933 and by section 24 of chapter 77 of the statutes of 1947, is again amended by replacing the second paragraph by the following paragraph:

“The secretary-treasurer must transmit, at the same time, an extract of such statement to the school board within whose territory such immovables are situated.”

**457.** Article 727*a* of the said Code is repealed.

**458.** Article 35 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing paragraphs 1 and 3 by the following paragraphs:

“(1) for the recovery of a tax or other sum of money due to a municipal corporation or school board under the Municipal Code or any general or special law, or in virtue of any by-law made thereunder; or

“(3) to annul or set aside a valuation roll of immovables which are taxable for municipal or school purposes, whatever be the law governing the municipal corporation or school board concerned.”

**459.** Article 36 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“36.** Notwithstanding any legislative provision inconsistent herewith, the Provincial Court has exclusive and ultimate jurisdiction in all suits or actions instituted in virtue of Chapter II of Title VI of Book Five and relating to the usurpation, holding or unlawful exercise of an office in a municipal corporation or school board, whatever the law governing the same.”

**460.** 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, all laws governing 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;”.

**461.** Section 11 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by replacing the first paragraph by the following paragraph:

**“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:

“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.”

**462.** Section 40 of the said Code is replaced by the following section:

**“40.** A petition for certification shall not be renewed within three months of its refusal by a labour commissioner or withdrawal by a petitioning association unless the withdrawal occurs following a union or amalgamation of municipal corporations or school boards, an integration of personnel in an urban community or the establishment of a transit commission.”

**463.** Section 68 of the said Code is amended by replacing the second paragraph by the following paragraph:



“A collective agreement made by an association of school boards shall bind those only which have given it an exclusive mandate as provided in section 11.”

**464.** Section 6.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

“**6.1** A college may make an agreement, with a school board under section 250 of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), for the bussing of the persons who attend such college and claim from them, payment of the cost incurred by the college under such agreement, less the subsidies granted for these purposes.”

**465.** Section 6.3 of the said Act is replaced by the following section:

“**6.3** Section 249 to 255 of the Act respecting public elementary and secondary education apply, *mutatis mutandis*, to every college that itself organizes the bussing of the persons who attend the college.”

**466.** 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;”.

**467.** Section 65 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is replaced by the following section:

“**65.** Within six days from the date of the first publication, the person in charge of the sale shall, by registered or certified letter, give notice of such sale to the school board of the municipality in which each immovable advertised for sale is situated.

The school board receiving such notice may file a claim for the taxes due to it with the person in charge of the sale. The latter is authorized to add such amount to that owing for taxes to the municipality in default.”

**468.** 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.

**469.** Section 107 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1) is repealed.

**470.** Section 196 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) The Transit Commission may make a contract for school bussing within the scope of the Act respecting public elementary and secondary education ( 1983, chapter *insert here the chapter number of this bill*), 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).

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.”

**471.** 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:

“(3) The Commission may make a contract for school bussing within the scope of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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).

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 section 236.”

**472.** Section 115 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is repealed.

**473.** Section 216 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) The Transit Commission may make a contract for school bussing within the scope of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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).

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.”

**474.** Section 22 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by replacing the first paragraph by the following paragraph:

**“22.** It shall be the duty of such committees

(a) to make regulations respecting religious instruction and Catholic or Protestant pastoral animation, as the case may be, in educational institutions;

(b) to make regulations respecting the qualifications from the point of view of religion, of the teaching staff who provide Catholic or Protestant religious instruction, and of the non-teaching staff who provide Catholic or Protestant pastoral animation services, as the case may be, in educational institutions;

(c) to approve the curricula, text books, teaching guides and teaching materials for religious instruction and Catholic or Protestant pastoral animation, as the case may be.

(d) to approve the programs and the list of objectives for Catholic pastoral animation or Protestant religious animation;

(e) to make regulations to recognize educational institutions as either Catholic or Protestant, as the case may be, and to ensure their confessional character;

(f) to recognize educational institutions as either Catholic or Protestant, as the case may be, and to revoke such recognition when necessary.”

**475.** Section 23 of the said Act is replaced by the following section:

**“23.** Such committees may

(a) advise the Minister, from the point of view of religion, on programs, textbooks and teaching material for other than religious instruction that the Minister must transmit to them before their adoption or authorization;

(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.”

**476.** Section 30 of the said Act is amended by adding the following paragraph at the end:

“This section does not apply to matters governed by the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*).”

**477.** Section 36 of the Act respecting security fund corporations (R.S.Q., chapter C-69.1) is amended by replacing paragraph 3 by the following paragraph:

“(3) issued by a municipal corporation or school board in Québec;”.

**478.** Section 38 of the said Act is amended by replacing the words “or school corporations” by the words “corporations, or school boards” in the seventh line.

**479.** Section 66 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is replaced by the following section:

“**66.** The corporation may make a contract for school bussing within the scope of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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).

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 section 4 and 67.”

**480.** Section 17 of the Farm Credit Act (R.S.Q., chapter C-75) is amended by replacing the first paragraph by the following paragraph:

“**17.** Notwithstanding any general law or special Act to the contrary, municipal corporations, school boards and corporations of parish trustees may invest their sinking-funds in acquiring bonds issued by the Bureau.”

**481.** Section 46.2 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing the first paragraph by the following paragraph:

“**46.2** Notwithstanding any general law or special Act to the contrary, municipal corporations and school boards may invest their sinking-funds by acquiring bonds issued by the Bureau.”

**482.** 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”.

**483.** Section 15 of the said Act, amended by section 188 of chapter 63 of the statutes of 1982, is replaced by the following section:

**“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 Government, on the joint recommendation of 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.

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.”

**484.** Section 15.1 of the said Act, enacted by section 189 of chapter 63 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

**“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.”

**485.** Section 16 of the said Act is replaced by the following section:

**“16.** In this division, the words “municipal corporation” include any body entrusted with the administration of a territory for municipal purposes in Québec.”

**486.** Section 17 of the said Act is amended by striking out the words “or school” in the first line.

**487.** Section 20 of the said Act is amended by striking out the second paragraph.

**488.** Section 21 of the said Act is replaced by the following section:

**“21.** In this division,

(1) the word “municipality” means any municipal corporation whatsoever, whether formed or governed by a general law or special Act;

(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.”

**489.** Section 23 of the said Act is replaced by the following section:

**“23.** Every municipal corporation shall keep a register for the registration of the debentures issued for borrowing purposes.”

**490.** Section 26 of the said Act is amended by striking out the words “or school” in the first line of the first paragraph.

**491.** Section 26.1 of the said Act is repealed.

**492.** Section 36 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“36.** A municipal corporation or a school board 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.”

**493.** Section 39 of the said Act is amended by replacing the last line by the following: “municipal corporation or school board in Québec”.

**494.** 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 neglect 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.”

**495.** Section 44 of the said Act is repealed.

**496.** Section 1 of the Act respecting private education (R.S.Q., chapter E-9) is amended by replacing paragraph *j* by the following paragraph:

**“(j)** “school board”: a school board, by whatever law governed;”.

**497.** Section 2 of the said Act is amended by replacing the words “school corporation” in paragraph *a* by the words “school board”.

**498.** Section 14.1 of the said Act is amended by replacing the last paragraph by the following paragraph:

“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 boards 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.”

**499.** Section 17.1 of the said Act is amended by replacing the last paragraph by the following paragraph:

“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 board 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.”

**500.** Section 21 of the said Act is replaced by the following section:

**“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 assumes the tuition fees under an agreement entered into, according to section 201 of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), or of pupils who are the object of a contract for service contemplated in section 67 of this Act or of pupils registered for a self-improvement course.”

**501.** 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 19 of the Act respecting public elementary and secondary education applies, unless he is exempted under the second paragraph of the said section.”

**502.** Section 20 of the Specialized Schools Act (R.S.Q., chapter E-10) is replaced by the following section:

**“20.** The Government may, upon such conditions as it may deem expedient to fix, authorize the Minister of Education to make agreements

with school boards or municipal or other corporations for the establishment and maintenance of institutes of technology, handicraftship initiation schools, applied arts and trade schools or of any other specialized schools; the said boards or corporations possess all the necessary powers to make such agreements and to execute them, subject, as regards the school boards and municipal corporations, to the approval of the Commission municipale du Québec.”

**503.** Section 25 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing subparagraph *a* of the second paragraph by the following subparagraph:

“(a) favour, within the departments, municipal corporations, school boards and other public or private agencies, the coordination and promotion of services required by the handicapped to facilitate their access to dwelling facilities and to goods and services, their moving about, their entry on the labour market, their access to educational service and their participation in socio-cultural and recreational activities;”.

**504.** Section 26 of the said Act is amended by replacing paragraph *a* by the following paragraph:

“(a) at the request of a handicapped person, represent and assist him in dealings with departments, public agencies, municipal corporations, school boards, educational institutions, establishments and insurance companies to ensure the exercise of his rights;”.

**505.** Section 54 of the Expropriation Act (R.S.Q., chapter E-24) is amended by replacing the third paragraph by the following paragraph:

“The prothonotary shall forthwith give notice of such deposit to the secretary-treasurers of the municipal corporations and to the secretary of the school boards within whose territory the expropriated property is situated and, moreover, shall procure from the registrar the certificate contemplated by articles 703 to 707 of the Code of Civil Procedure, paying the cost of it out of the amount deposited.”

**506.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by repealing the definition of “school board”.

**507.** Section 59 of the said Act is replaced by the following section:

“**59.** The roll must contain the information necessary for the purposes of school taxes.”

**508.** Section 150 of the said Act is repealed.

**509.** Section 153 of the said Act is amended by replacing the second paragraph by the following paragraph:



“A copy of the notice shall be sent to the clerk of the municipal corporation and, where applicable, of the municipality.”

**510.** The French text of section 174 of the said Act is amended by replacing paragraph 15 by the following paragraph:

«15° effectuer les changements nécessaires quant aux renseignements requis aux fins de taxes scolaires;».

**511.** Section 176 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**176.** The assessor shall make any alteration contemplated in paragraphs 1 to 14 and 16 of section 174 by means of a certificate signed by him. If the assessor is a partnership or corporation, its representative designated under section 21 shall sign the certificate.”;

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

“The clerk of the municipal corporation shall make a change contemplated in paragraph 15 of section 174. He shall forward notice of the change to the assessor and to the municipality.”

**512.** Section 177 of the said Act, amended by section 209 of chapter 63 of the statutes of 1982, is again 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.”

**513.** Section 180 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The clerk of the municipal corporation shall forward a copy of the notice to the clerk of the municipality concerned, where applicable.”

**514.** Section 182 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“The clerk shall send a notice of the alteration to the assessor and the municipality.”

**515.** Section 213 of the said Act is replaced by the following section:

“**213.** When a parcel of land contemplated in section 211 is no longer used as a golf course, the person who is bound to pay the taxes in respect of the unit of assessment that includes that land must pay to the municipal corporation the difference between the amount of

municipal and school real estate taxes paid and the amount that would have been otherwise exigible with respect to that unit of assessment, for each fiscal period during which section 211 has applied to that immovable, for not more than ten fiscal periods.”

**516.** Section 219 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) to the municipal corporation, the difference between the amount of real estate taxes that has been paid and the amount that would have been exigible in respect of the farm or woodlot but for the first paragraph of section 214;”.

**517.** Section 495 of the said Act is replaced by the following section:

“**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 (1983, chapter *insert here the chapter number of this bill*), notwithstanding any general law or special Act or any charter conferring such power upon it.”

**518.** Section 501 of the said Act is repealed.

**519.** Section 27 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by replacing the first paragraph by the following paragraph:

“**27.** Notwithstanding any inconsistent legislative provision, municipal corporations, school boards, the Commission de la santé et de la sécurité du travail and the Commission des normes du travail may grant subsidies to the commissions, with the authorization of the Government.”

**520.** The second paragraph of section 73 of the Education Act (R.S.Q., chapter I-14) is replaced by the following paragraph:

“For school trustees, the name of the corporation shall include the words “The confessional school board for the municipality of ....., in the county of .....  
or in the counties of .....  
(if a municipality is situated partly in several counties)”.”

**521.** Section 571 of the said Act is replaced by the following section:

“**571.** The school board is subject to the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*) and to the other Acts of Québec of general applica-

tion save where these Acts are inconsistent with this part, in which event the provisions of this part prevail.”

**522.** Section 583 of the said Act is replaced by the following section:

**“583.** The school commissioners shall be entitled to the attendance allowances and to reimbursement of expenses according to the standards determined by the Minister under the Act respecting public elementary and secondary education, and shall be reimbursed by the school board for all expenses actually incurred for travel, lodging and meals when attending official meetings of the school board, in accordance with the by-laws adopted by it for such purpose.”

**523.** Section 596 of the said Act is replaced by the following section:

**“596.** Publication of public notices for school purposes may be made in accordance with by-laws that the school board shall adopt for such purposes and submit to the Minister for approval.”

**524.** Section 599 of the said Act is replaced by the following section:

**“599.** The provisions of the Act respecting public elementary and secondary education respecting elections, school taxes and valuation of property and parents’ committees do not apply to the school board.”

**525.** Section 604 of the said Act is replaced by the following section:

**“604.** The school board is subject to the Act respecting public elementary and secondary education and to the other Acts of Québec of general application save where these Acts are inconsistent with this part, in which event the provisions of this part prevail.”

**526.** Section 657 of the said Act is amended by replacing the fifth paragraph by the following paragraph:

**“The education committees are consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board.”**

**527.** Section 662 of the said Act is replaced by the following section:

**“662.** The delegation of powers of the school board shall be made by ordinance.”

**528.** Section 670 of the said Act is amended by replacing the fifth paragraph by the following paragraph:

“The Council of the school board shall establish by by-law the functions of the senior staff and management staff.”

**529.** Section 673 of the said Act is replaced by the following section:

“**673.** Notwithstanding section 226 of the Act respecting public elementary and secondary education, the commissioners, after having decided by resolution at a regularly held meeting not to reengage for the following year a person holding a pedagogical or educational position, shall, at least sixty days before the date of expiration of the engagement of such person or, in the case of an engagement terminating at the end of a school year, sixty days preceding the end of such school year, notify such person in writing of their intention to terminate the said engagement, but need not in such notice assign any cause therefor.”

**530.** Section 675 of the said Act is amended by repealing the second paragraph.

**531.** Section 681 of the said Act is repealed.

**532.** Section 685 of the said Act is replaced by the following section:

“**685.** The school board may make recommendations to the Government that it declare inapplicable, in whole or in part, any regulation enacted under the Act respecting public elementary and secondary education.”

**533.** Section 690 of the said Act is replaced by the following section:

“**690.** The Naskapi beneficiaries are subject to the Act respecting public elementary and secondary education and to the other Acts of Québec of general application save where these Acts are inconsistent with this part, in which event the provisions of this part prevail.”

**534.** Section 40 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“The Corporation may, nevertheless, notwithstanding any legislative provision to the contrary, enter into agreements with municipal corporations or school boards or corporations of trustees for the payment of fixed sums of money in lieu of all taxes, contributions, assessments and dues for municipal services, whatever may be the nature of such taxes, contributions, assessments and dues.

The agreements made and the decisions taken for such purposes by the Corporation and by municipal corporations, school boards or corporations of school commissioners, trustees or administrators between 1 January 1945 and 1 April 1946 are declared valid and shall take effect as from 1 January 1945."

**535.** Section 493 of the Taxation Act (R.S.Q., chapter I-3) is replaced by the following section:

**"493.** An elected member of a municipal council, a member, elected by popular vote, of a municipal utilities commission or corporation or any other similar administrative body or a member of a school board is not bound to include in computing his income for the year the allowance which he receives in the taxation year from such municipality or body for expenses incident to the discharge of his duties, to the extent that such allowance does not exceed one-half of the amount that was so paid to him in the year as salary or other remuneration; the excess must be included in computing his income for the year."

**536.** Section 2 of the Act respecting electoral lists (R.S.Q., chapter L-4.1) is amended by replacing paragraph 24 by the following paragraph:

"(24) "Annual enumeration" means any enumeration done in accordance with sections 59 and 109, for the preparation of permanent electoral lists;"

**537.** Section 4 of the said Act is amended by replacing the words "the second Monday", in the first and second lines, by the word "Tuesday".

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

**"7.** The director general of elections shall prescribe the form and tenor of every form required for the carrying out of this Act."

**539.** Section 59 of the said Act is replaced by the following section:

**"59.** In urban polling-subdivisions, the enumerators shall begin the annual enumeration at nine hours on the second Monday following Labour Day and terminate it not later than Friday of the same week."

**540.** Section 60 of the said Act is amended by replacing subsection 1 by the following subsection:

**"60.** (1) During the enumeration, the enumerators, being duly sworn, shall, by joint house-to-house visit, in the polling subdivision assigned to them, working together, gather

(1) the surnames, given names, addresses, professions or occupations and ages of the persons qualified to vote at the end of the period of revision;

(2) for the purposes of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), the linguistic school board for which the elector wants to vote and the school designated by the elector and which is situated in the territory of the linguistic school board chosen where he is domiciled.”

**541.** Section 73 of the said Act is amended by replacing the fifth and sixth lines of subsection 2 by the following: “without blanks, overwriting or interlineations, the information provided in paragraphs 1 and 2 of subsection 1 of section 60, placing before his name”.

**542.** Section 74 of the said Act is amended by replacing the eleventh line and the following lines of subsection 3 by the following: “electoral list for the electoral division which he represents”.

**543.** Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**77.** As soon as the printed electoral lists are received after the annual enumeration, the returning-officer shall send free of charge to every municipality a copy of the list so printed of each polling-subdivision comprised in the territory of the municipality.”

**544.** Section 100 of the said Act is amended

(1) by inserting, after subsection 1, the following subsection:

“(1.1) Every error in the entry of any information provided in paragraph 2 of subsection 1 of section 60 or any absence of such information may be corrected upon an application for correction.”;

(2) by replacing the words and figures “the correction of a name or designation under subsection 1 or 2”, in the first and second lines of subsection 3, by the word “correction”.

**545.** Section 101 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) Every person in charge of receiving such applications must receive every application regularly made by an elector; he must, in that respect, complete the appropriate form and give a copy thereof to the person making the application.”

**546.** Section 105 of the said Act is amended by replacing subsection 3 by the following subsection:

“(3) The returning officer must forward, immediately after revision to the persons mentioned in subsection 3 of section 74, to each municipality included in all or part of his electoral district, and to each candidate if the revision is made during the election period, copies of the abstracts he has received from the board of revisors.”

**547.** Section 108 of the said Act is amended by replacing the second line of subsection 2 by the following: “97 or under subsections 1.1 and 2 of section 100, shall be”.

**548.** Section 109 of the said Act is replaced by the following section:

“**109.** In rural polling-subdivisions, the enumerator shall begin the annual enumeration at nine o’clock in the morning on the second Monday following Labour Day and terminate it not later than Friday of the same week.”

**549.** Section 110 of the said Act is amended by replacing subsection 1 by the following subsection:

“**110.** (1) At the enumeration, the enumerator, duly sworn, by house-to-house visit or in any other way considered convenient, must obtain, in the polling subdivision assigned to him

(1) the surnames, given names, addresses and professions or occupations of the persons qualified to be electors at the end of the period of revision;

(2) for the purposes of the Act respecting public elementary and secondary education, the linguistic school board for which the elector wishes to vote and the school designated by the elector and that is situated in the territory of the linguistic school board chosen where his domicile is located.”

**550.** Section 115 of the said Act is amended by replacing the fifth and sixth lines of subsection 2 by the following: “interlineations, insert the information provided for in paragraphs 1 and 2 of subsection 1 of section 110, placing before his name the number of his”.

**551.** Section 117 of the said Act is amended by replacing the eleventh and following lines of subsection 3 by the following: “the electoral division he represents.”

**552.** Section 120 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**120.** The returning officer, as soon as the printed electoral lists are received, after the annual enumeration, must forward free of charge

to every municipality a copy of the list so printed of every polling-subdivision comprised in the territory of the municipality.”

**553.** Section 129 of the said Act is amended by inserting the following subsection after subsection 1:

“(1.1) Any error in any of the information provided for in subsection 1 of section 110 or the absence of such information may be corrected by making an application for correction.”

**554.** Section 130 of the said Act is amended by replacing subsection 6 by the following subsection:

“(6) The returning-officer must send immediately after the revision, to the persons mentioned in subsection 3 of section 117, to each municipality comprised in all or part of his electoral division, and to each candidate, if the revision occurs during the election period, a copy of each of the abstracts which he has received from the revisors.”

**555.** The said Act is amended by replacing the figure or figures, as the case may be, and the expression “form” in sections 50, 53, 61, 63, 64, 65, 67, 73, 74, 85, 88, 97, 98, 100, 105, 115, 117, 126, 127, 128, and 130 by the expression “the prescribed form”.

**556.** The said Act is amended by striking out Schedule one comprising forms 5 to 34-C.

**557.** Section 4 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15) is amended by replacing the second paragraph by the following paragraph:

“The statistics and other information necessary for the preparation of such report shall be given to him, before 31 August each year, by the school and by every educational institution, in accordance with the forms that he shall supply for such purpose.”

**558.** Section 20 of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21) is amended by replacing the first paragraph by the following paragraph:

“**20.** Except to the extent expressly provided for by law, no school board, municipal corporation, urban community or regional community shall, on pain of nullity, negotiate or enter into agreements with the Government of Canada, the government of another province, a foreign government or with a department or agency of any such government.”

**559.** Section 3 of the Act respecting the Ministère des Communications (R.S.Q., chapter M-24) is amended by replacing the second paragraph by the following paragraph:



“A public body within the meaning of this section is any school board or any body the majority of whose members are appointed by the Government or a minister, any body whose officers and employees must, by law, be appointed or remunerated in accordance with the Civil Service Act (chapter F-3.1) and any body more than half of whose resources are derived from the consolidated revenue fund.”

**560.** Section 30 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing paragraphs 4 and 5 by the following paragraph:

“(4) school boards;”.

**561.** 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 by replacing paragraph *c* by the following paragraph:

“(c) “school board” means the Bureau métropolitain des écoles protestantes de Montréal, the Bureau des écoles protestantes de Québec métropolitain, the Commission des écoles catholiques de Québec, the Commission des écoles catholiques de Montréal, any school board governed by the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), and any other similar body designated by the Government for the application of this Act;”.

**562.** 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:

“(b) “institution” means the Gouvernement du Québec, the school boards within the meaning of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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;”.

**563.** Section 12 of the Public Protector Act (R.S.Q., chapter P-32) is amended by adding the following paragraph:

“Notwithstanding the first paragraph, the powers provided for in sections 26 to 29 may be delegated to the assistant to the Public Protector or to his functionaries and employees in the case of investigations made under the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*).”

**564.** Section 26 of the said Act is amended by adding, at the end, the following paragraph:

“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 president of the school council or to the chairman of the board of directors of the school board concerned.”

**565.** Section 2 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing paragraph *g* by the following paragraph:

“(g) obtain from the departments of the Government, any body under their jurisdiction and municipal corporations and school boards any information necessary for the administration of the Act;”.

**566.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing subparagraph *b* of paragraph 2 by the following subparagraph:

“(b) school boards within the meaning of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill* ) and general and vocational colleges;”.

**567.** Section 1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing paragraph *b* by the following paragraph:

“(b) “school commissioners or trustees” includes any school board and any bureau established for the administration of public schools in Québec;”.

**568.** Section 31 of the Act respecting safety in sports (R.S.Q., chapter S-3.1) is replaced by the following section:

**“31.** A person, except a municipal corporation or its mandataries, school board or government body, who operates a sports centre must hold an operating licence issued by the board on the conditions and on payment of the duties prescribed by this Act and the regulations.”

**569.** 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” means an establishment that receives at least ten children from 2 to 5 years of age on a regular basis for day care for periods of up to 3 hours a day;”;

(2) by repealing the definition “school day care”.

**570.** Section 2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The person having parental authority is entitled to choose the day care 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.”

**571.** Section 4 of the said Act is amended by replacing subparagraphs 3 and 4 by the following subparagraph:

“(3) a municipal corporation; or”.

**572.** Section 7 of the said Act is amended by replacing subparagraphs 4 and 5 by the following subparagraph:

“(4) a municipal corporation”.

**573.** Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**10.** A 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 the children who are or will be enrolled in a day care centre or nursery school.”

**574.** Section 13 of the said Act is amended by replacing the first three paragraphs by the following paragraphs:

“**13.** A permit holder, except a municipal corporation, must keep the books and accounts determined by regulation, in the manner prescribed by regulation.

The fiscal period of a permit holder ends on 31 March each year. However, the fiscal period of a municipal corporation, as a permit holder, ends on the same date as that of the corporation.

A permit holder, except a municipal corporation shall, in addition, not later than 30 June each year, remit to the bureau a report of his activities and a financial report for the preceding fiscal period. In the case of a municipal corporation, these reports shall be remitted not later than 31 March each year.”

**575.** Section 22 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“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.”

**576.** Section 31 of the said Act is amended by replacing paragraph 1 by the following paragraph:

**“(1)** to the holder of a day care centre permit contemplated in subparagraphs 1, 2 and 3 of section 4;”.

**577.** Division II of the said Act, including sections 32 and 33 is repealed.

**578.** 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.”

**579.** Section 35 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“35.** An inspector has, at any time, access to all the books and accounts that must be kept by a person carrying on an activity for which a permit is required under this Act. However, in the case of a municipal corporation, access is limited to registration respecting day care provided in accordance with this Act or the regulations.”

**580.** Section 38 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“38.** The holder of a day care centre, nursery school or stop-over centre permit shall fix the amount of the contribution he requires for the children he receives. That contribution shall be exacted from the person having parental authority or any other person determined by regulation.”

**581.** Section 40 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“40.** The bureau, at the request of a person from whom payment of a contribution is required, under section 38 or 39, by the holder of a day care centre permit or by a person responsible for home day care may exempt that person from that payment, in accordance with the terms and conditions and in the cases determined by regulation.”

**582.** Section 41 of the said Act is amended by replacing paragraphs 2 and 3 by the following paragraph:

“(2) to the holder of a home day care agency permit for the benefit of a person responsible for home day care recognized by that agency.”

**583.** Section 44 of the said Act is replaced by the following section:

“**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.”

**584.** 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 (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;”;

(4) by repealing paragraph 5.

**585.** Section 73 of the said Act is amended

(1) by replacing subparagraphs 8 and 9 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;

“(9) identifying the books and accounts that a permit holder, except a municipal corporation, must keep and establishing rules for the keeping of these books and accounts;”;

(2) by replacing subparagraph 15 by the following subparagraph:

“(15) determining the cases, terms and conditions in or according to which grants may be given to the holder of a day care centre permit contemplated in paragraphs 1, 2 and 3 of the first paragraph of section 4, to the holder of a home day care agency permit for his benefit of the benefit or a person responsible for home day care or to the holder of a non-profit stop-over permit;”;

(3) by repealing subparagraph 16.

**586.** Section 25 of the Act respecting the Société du parc industriel du centre du Québec (R.S.Q., chapter S-15) is amended by replacing the second paragraph by the following paragraph:

“It may make an agreement with the town of Bécancour and any school board in whose territory its immovables are situated, in order to fix the amount of the taxes the Corporation shall pay to it having regard to the value and use of its immovables and the rate of the tax in force in the town or the school board concerned; but the amount so payable shall not be less than that which would be paid if the immovables of the Corporation were all lands under cultivation.”

**587.** The Act respecting grants to school boards (R.S.Q., chapter S-36) is repealed.

**588.** Section 15 of the Mining Towns Act (R.S.Q., chapter V-7) is replaced by the following section:

“**15.** Notwithstanding any provision inconsistent with this Act, the Government may at any time, on the recommendation of the Minister of Education, erect into a separate school board the territory of any town incorporated under this Act.

Notice of such erection must be published in the *Gazette officielle du Québec*. At the expiration of fifteen days after such publication, the school board is incorporated. Moreover, and except for this section, the school board is governed by the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*).”

**589.** Section 102 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971 and amended by section 151 of chapter 55, and by section 1 of chapter 77 of the statutes of 1972, by section 6 of chapter 37 of the statutes of 1973 and by section 22 of chapter 26 of the statutes of 1981 is again amended by replacing subsection 3 by the following subsection:

“(3) The Commission may make a contract for the transportation of pupils within the scope of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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).

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 47 and 48.”

**590.** Article 650 of the charter of the city of Montréal (1959-1960, chapter 102), replaced by section 72 of chapter 77 of the statutes of 1977 and section 23 of chapter 22 of the statutes of 1979 is again replaced by the following article:

“**650.** The civil fiscal period begins on 1 January and terminates on the following 31 December; all taxes shall be imposed and levied for each period, except the school tax, which shall be levied for the school year beginning on the preceding 1 July and ending on the following 30 June.”

**591.** Article 653 of the said charter is amended by section 22 of chapter 70 of the statutes of 1963, section 66 of chapter 77 of the statutes of 1973 and section 33 of chapter 40 of the statutes of 1980 and replaced by section 39 of chapter 71 of the statutes of 1982 is again replaced by the following article:

“**653.** For the purposes of paragraph *a* of article 652, the director of the proper department shall calculate the probable revenue of the municipal real estate tax on the bases of the rate for the current fiscal year and the valuation fixed for the next fiscal year; he shall add thereto the probable amount of the water-rates and service and business taxes computed by using, as the case may be, the fixed rate for the current fiscal year or the rate for the current fiscal year based on the probable rental value for the next fiscal year, such value to be provided by the director of the assessment department of the Communauté urbaine de Montréal. In the case of a change of rates at or before the time of adoption of the budget, the director of the competent department shall increase or decrease accordingly the amount obtained by such calculations.”

**592.** Section 310 of the charter of the city of Québec (1929, chapter 95) is replaced by the following section:

**“310.** The city may, on resolution of the council, guarantee the debentures issued by the school boards situated within its boundaries, and accept as a guarantee of the responsibility thus contracted a transfer of the taxes to be levied for the said boards to the amount required in principal and interest.”

**593.** 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 and section 24 of chapter 26 of the statutes of 1981, is again amended by replacing subsection 3 by the following subsection:

**“(3)** The Commission may make a contract for transportation of pupils within the scope of the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), 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).

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 20.”

**594.** Section 3 of the Act respecting the School Board of the North Shore of the Gulf of St. Lawrence (1966-1967, chapter 125) is replaced by the following section:

**“3.** The school corporation shall be governed by the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*), with the exception of such provisions as may be inconsistent with those of this Act and of those which the Lieutenant-Governor in Council declares inapplicable in whole or in part.”

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

**“5.** The manager shall exercise the powers of school commissioners by means of orders.”

**596.** Section 8 of the said Act is replaced by the following section:

**“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.”

**597.** Section 1 of the Act respecting the School Board of New Québec (1968, chapter 110) is amended by replacing the first paragraph by the following paragraph:

“**1.** Upon the recommendation of the Minister of Education, the Lieutenant-Governor in Council may erect a school municipality under the name of “school municipality of New Québec”, comprising all the territory of New Québec, within the meaning of section 17 of the Territorial Division Act (R.S.Q., chapter D-11) and that part of the territory of Mistassini situated west of the 76th meridian of west longitude, but excluding all territory already erected as a school municipality under the Act respecting public elementary and secondary education (1983, chapter *insert here the chapter number of this bill*) and situated within the limits of the territory erected as a school municipality under this Act.”

**598.** Section 5 of the said Act is amended by replacing the first paragraph by the second paragraph:

“**5.** The manager shall exercise his powers by means of orders.”

**599.** Section 8 of the said Act is replaced by the following section:

“**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.”

## DIVISION II

### TRANSITIONAL PROVISIONS

**600.** Every act performed by the implementation committee of a territory binds the new school board in that territory as if it had performed them.

From 1 July 1985, the assets and liabilities of the implementation committee become the assets and liabilities of the new school board.

**601.** From 1 July 1985, the assets and liabilities of an existing school board become the assets and liabilities of the new school board having jurisdiction over its territory, in accordance with the plan for the apportionment of the assets and liabilities, where required.

**602.** A new school board may, over a period and according to the proportions determined by the Minister, levy a special annual tax on its entire territory sufficient to make up any deficit, on 30 June 1983 of an existing school board put under its responsibility by the implementation committee or resulting from a judgment by a court or by an arbitration award against an existing school board in accordance with the proportion established under section 135.

The tax contemplated in the first paragraph is not submitted to the electors and property owners for approval.

**603.** Any bonded debt of an existing school board contracted before 1 July 1980 becomes the bonded debt of the new school board according to the proportion established under section 135 and the principal and interest on the bonds issued are chargeable to the general fund of the school board according to the same proportion established under section 135.

The annual tax levied by the existing school boards to discharge the bonded debt contemplated in the first paragraph becomes, subject to the proportion established under section 135, an annual tax of the new school board. The tax is levied on the entire territory of the new school board on the initial conditions and is not submitted to the electors for approval.

**604.** The sections of the Act respecting municipal and school debts and loans amended by sections 482 to 495 continue to apply to an issue of bonds made before 1 July 1985 by a school board or the Conseil scolaire de l'île de Montréal to the extent that they were applicable before those amendments.

**605.** In any Act, proclamation, regulation, order in council, order, directive, contract or any 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.

**606.** From 1 July 1985, the employees of the existing school boards become the employees of the new school board in accordance with the plans of transfer and integration of employees.

**607.** Any regulations, resolutions or orders adopted and any agreements or deeds signed and any commitments 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 accomplished or until they have been amended, replaced or repealed by the new school board having jurisdiction over its territory.

For such purposes, the new school board is subrogated in the rights and obligations of the existing school board.

**608.** The new school boards of the île de Montréal succeed in the proportion established according to section 135 to the rights and obligations of the Conseil scolaire de l'île de Montréal.

**609.** The body established under section 428 shall continue to exercise the powers of the Conseil scolaire de l'île de Montréal concerning its bonded debt contracted before 1 July 1985. It shall succeed to all the rights and obligations of the Conseil and of the existing school boards under its jurisdiction respecting that debt.

The funds required for the amortization of the principal and the payment of interest on the bonds of the Conseil are derived from the general revenues of the body which continues to receive government subsidies related thereto and may order the levying of a tax sufficient to reimburse those subsidies. The tax is levied as is the general tax, on the entire territory of the île de Montréal, on behalf of the new school boards and proportionally to the standardized assessment, within the meaning of section 256, of the taxable immovables of those school boards. The said tax is not subject to the approval of the electors and property owners and constitutes in favour of the body a charge on the general fund of the school board on whose behalf it must be levied.

**610.** The Minister may in no case change the constituting deed of the body respecting the rights, powers and obligations provided in section 609 nor revoke it until this section is no longer in application.

**611.** Every school shall retain the confessional status it had on 1 July 1985. It shall, within three years, apply for the renewal or revocation of its status as a Catholic or Protestant school.

If the school fails to do so, it loses its confessional religious professional status.

**612.** If an existing school board has not on (*insert here the date of the coming into force of this section*) required a municipal corporation or a municipality, within the meaning of the Act respecting municipal taxation, to collect school taxes in accordance with section 366 of the Education Act, the new school board may, notwithstanding sections 265 to 272 continue to collect school taxes for the school year 1987-1988, at the latest.

Notwithstanding section 619 and the amendments of concordance enacted by Division I of this chapter, the provisions respecting the collection of school taxes remain in force to permit the new school board which avails itself of the first paragraph to collect any taxes owing to it.

However, such a school board may, at any time, enter into an agreement with a municipal corporation or a municipality, within the meaning of the Act respecting municipal taxation, for the collection of its

taxes and the provisions of this Act respecting the collection of school taxes apply to the collection of those taxes.

**613.** Every person holding a teaching diploma in force on (*insert here the day preceding the coming into force of Chapter VII*) is deemed to be the holder of a teaching permit required by this Act.

That person continues to benefit from the rights and privileges attached to that teaching diploma.

**614.** A 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 training period is entitled to receive from the Minister the teaching permit required under this Act if

(1) he taught for not less than ninety days during the period his permit was valid, twenty of which were consecutive;

(2) he furnishes, for each teaching contract, an attestation issued by a school board or a private educational institution other than an institution holding a permit for self-improvement education.

**615.** The Minister shall grant a teaching permit provided for in this Act to any person whose permit, issued under the Regulation respecting teaching permits and teaching diplomas, has expired and who did not teach while his permit was valid, on the conditions that the person taught for forty-five days, with the prior authorization of the Minister, in a school board or in a private educational institution other than an institution holding a permit for self-improvement education.

**616.** Any student enrolled in a teachers training program at the time of the coming into force of Chapter VII is deemed enrolled in a teachers training program that complies with this Act if a university, school board or private educational institution, other than an institution holding a permit for self-improvement education, attest that the student has passed the equivalent of the training period provided for thereat.

**617.** The holder of a temporary authorization to teach issued under Order in Council 3878 dated 17 November 1972 continues to benefit from the rights and privileges attached to the authorization.

Upon its date of expiry, the temporary authorization may be renewed until 30 June 1986 if the holder proves he has fulfilled the obligations mentioned therein. If he fails to do so, the holder shall prove he was unable to fulfil the obligations for a cause for which he is not responsible.

From 30 June 1986, the Minister shall grant a temporary authorization to teach to a holder of a temporary authorization to teach who has at least two-thirds of the required training and who teaches in a school board or private educational institution other than an institution holding a permit for self-improvement education.

**618.** Permits for school day care centres issued by the Office des services de garde expires on (*insert here the date of the coming into force of Chapter III*).

**619.** From 1 July 1985, this Act replaces Parts I to IX of the Education Act which cease to apply, except

(1) in the cases and to the extent provided in Chapter IX;

(2) the provisions respecting loans for the issue of bonds made before 1 July 1985, up to the due date of those bonds.

**620.** In any Act, regulation, proclamation, order, contract or any other document, a reference to the Education Act (R.S.Q., chapter I-14) is deemed to be a reference to this Act or to an equivalent provision of this Act.

**621.** Any regulations made under the Education Act or under section 30 of the Act respecting the Conseil supérieur de l'Éducation and applicable to any of the persons or bodies contemplated in this Act apply, to the extent they are consistent with this Act, until they are replaced, amended or repealed by a regulation made under this Act.

**622.** From 1 July 1985, the title of the Education Act is replaced by the following title:

“Act respecting education in confessional school boards and northern communities”.

### DIVISION III

#### FINAL PROVISIONS

**623.** The Minister of Education is responsible for the application of this Act, except sections 187, 188, 249 to 255 and paragraph 5 of section 308 for which the Minister of Transport is responsible.

**624.** 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).

**625.** This Act comes into force on 1 July 1985, except Chapters V, VI and X, which come into force on 1 July 1984.

## SCHEDULE A

## CONFESSIONAL SCHOOL BOARDS

1. The Commission scolaire catholique de Montréal and the Commission scolaire protestante de Montréal having jurisdiction over the following territory:

Will include that whole area or piece of land (being part and parcel of the county of Montréal), bounded in front by the St Lawrence river and at the rear by a line parallel to the general course of the fortification walls, at the rear of the said city at a distance of 100 chains from the gate commonly called porte Saint-Laurent, and bounded on the east or lowest side, by a line running parallel to the general course of the fortification walls, on the east or lowest side of the said city, at a distance of 100 chains from the gate in the direction of the suburb of Québec, commonly called the porte de Québec; and on the west or highest side, by a line running parallel to the general course of the fortification walls, on the west or highest side of the city, at a distance of 100 chains from the gate in the direction of the suburb of Saint-Antoine commonly called the porte des Récollets.

(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 over the following territory:

That area of land which, by and under a certain proclamation of His Excellency Sir Alured Clarke, Lieutenant-Governor of the Province of Lower Canada, issued under the Great Seal of the said province and dated the seventh day of May of the year of Our Lord seventeen ninety-one, is designated as being comprised in the city and town of Québec, and which was declared by the said proclamation as having to be known under that name, as well as the land extending to the low tide of the St Lawrence river in front of the said city and town, together with the bed of the St Charles river opposite the said city, including at high tide the north side of the said river, from the extension of the west line of St-Ours street to the west line of the farm of the nuns of the Hôtel-Dieu; thence, to the south along the said line approximately five hundred and fifty feet to the south end of a pier erected on the said farm at low water; thence, directly to the east approximately eight hundred feet to the junction of the line bounding the concessions of shores of

the seigniory of Notre-Dame des Anges, at low water; and finally, thence, along the said line of shore lots running on the north forty degrees east, to the junction of the extension of des commissaires line of the havre de Québec, and thence following the said des commissaires line to the west line of the city, will constitute, from and after the deed is passed, and will form and be called the city of Québec; and all the banks, piers and other buildings made or to be made on the said St Lawrence river, opposite and joining the said city and town, although beyond the low tide and extending as far as the said des commissaires line, and beyond, if it is subsequently moved back, will be considered as being the limits of the said city.

*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 B**

**DISSENTIENT SCHOOL BOARDS**

1. The dissentient Protestant school board of Baie-Comeau, having jurisdiction over 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 over the town of Greenfield-Park, as it was on 18 April 1983.

3. The dissentient Protestant school board Laurentienne, having jurisdiction over 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, Sainte-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 over the territory of the village of Portage-du-Fort, over part of the territory of Litchfield (township), namely, lots 18 to 28 of Range 2 and Range 3, over 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 over the city of Rouyn, as it was on 18 April 1983.



## TABLE OF CONTENTS

	<i>Section</i>
CHAPTER I	EDUCATIONAL SERVICES
	1
CHAPTER II	PUPILS
	14
CHAPTER III	SCHOOLS
Division I:	Establishment
	28
Division II:	School council
	§ 1.— <i>Composition and establishment</i>
	39
	§ 2.— <i>Operation</i>
	50
Division III:	School committees
	63
Division IV:	School staff
	§ 1.— <i>General provisions</i>
	75
	§ 2.— <i>School principal</i>
	82
Division V:	Functions of the school
	90
	§ 1.— <i>Implementation of the educative policy</i>
	94
	§ 2.— <i>Instructional services</i>
	99
	§ 3.— <i>Auxiliary and special services</i>
	109
	§ 4.— <i>Evaluation</i>
	113
	§ 5.— <i>Services to the community</i>
	117
Division VI:	Resources of schools
	§ 1.— <i>Human resources</i>
	120
	§ 2.— <i>Material resources</i>
	123
	§ 3.— <i>Financial resources</i>
	127
CHAPTER IV	SCHOOL BOARDS
Division I:	Establishment
	133
Division II:	Board of directors
	§ 1.— <i>Composition</i>
	138
	§ 2.— <i>Election of school commissioners</i>
	139
	§ 3.— <i>Operation</i>
	168
Division III:	School board committees
	180
Division IV:	Director General
	192
Division V:	Functions of the school board
	199
Division VI:	Human resources
	219
Division VII:	Material resources
	230
Division VIII:	Financial resources
	§ 1.— <i>Budget and borrowing</i>
	235
	§ 2.— <i>Transportation</i>
	249
	§ 3.— <i>Taxation</i>
	256
	1.— <i>Levying of taxes</i>
	259
	2.— <i>Collection of school tax</i>
	265
	3.— <i>Referendum</i>
	273

CHAPTER V	MINISTER OF EDUCATION	292
CHAPTER VI	REGULATIONS	308
CHAPTER VII	TEACHING PERMIT	312
Division I:	Issue of permit	313
Division II:	Revocation or suspension of permit	315
CHAPTER VIII	TRUSTEESHIP	327
CHAPTER IX	CONFESSIONAL AND DISSENTIENT SCHOOL BOARDS	
Division I:	Interpretation	330
Division II:	Confessional school boards	334
Division III:	Dissentient school boards	337
CHAPTER X	TEMPORARY PROVISIONS	
Division I:	Implementation commission	
	§ 1.— <i>Organization</i>	340
	§ 2.— <i>Duties and powers</i>	347
	§ 3.— <i>Executive committee</i>	
	1.—Composition	355
	2.—Duties and powers	361
Division II:	Implementation committee	
	§ 1.— <i>Organization</i>	367
	§ 2.— <i>Functions</i>	378
Division III:	Existing school boards	403
Division IV:	Union representation	410
Division V:	Special provision for the island of Montréal	425
Division VI:	Financial provisions	430
CHAPTER XI	TRANSITIONAL AND FINAL PROVISIONS	
Division I:	Provisions of concordance	432
Division II:	Transitional provisions	600
Division III:	Final provisions	623