Bill 88
What you need to know about changes to the Education Act

Workshop For Governing Board Members
January 28, 2010
(as per Education Act - Article 177.3)
AGENDA

1) Overview of Changes
2) Commissioners
3) School Board
4) Schools & Governing Boards
5) Minister
6) Comments / Questions
OVERVIEW OF CHANGES

- Major change to the Education Act
- Change in definition of the role of Commissioners
- New responsibilities and obligations for school boards
- New responsibilities and obligations for schools and Governing Boards
- Meant to increase transparency and reporting
- Meant to focus on student success (graduation rates)
- Major changes to elections act to come
- The number of Commissioners and the number of Parent Commissioners will change.
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Role of the Commissioner  Article 45 & 104

**Original:**
Commissioners elected or appointed pursuant to the Act Respecting School Elections cannot be members of the Governing Board of a school under the authority of the school board.

However, a Commissioner, if so authorized by the Governing Board, may take part in meetings of the Governing Board but is not entitled to vote.

**Paragraph 2 has changed as of July 1, 2009:**
However when carrying out a mandate under paragraph 4 of section 176.1 a Commissioner may take part in meetings of the Governing Board but is not entitled to vote.
Role of the Commissioner

New Article:
The members of the Council of Commissioners shall exercise their functions and powers with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government.

To that end the role of the members of the Council of Commissioners includes:

(1) Informing the Council of the needs and expectations of the population of their electoral division or their sector, as part of their contribution to defining the school board’s directions and priorities.
(2) Seeing to the relevance of the educational services offered by the school board.
(3) Making sure that the school board’s human, material, and financial resources are managed effectively and efficiently.
(4) Carrying out any mandate entrusted to them by the Council of Commissioners, on a proposal by the Chair, for the purposes of providing information to the other Council members on any specific matter.
Three Committees of the Council

New Article:
The Council of Commissioners must establish the following committees:
(1) A Governance and Ethics Committee
(2) An Audit Committee
(3) A Human Resources Committee

The Governance and Ethics Committee shall, among other things, assist the Commissioners, if necessary, in selecting persons whose competence and qualifications are considered to be useful for the administration of the school board for purposes of co-optation under paragraph 3 of section 143, and developing and updating the code of ethics and professional conduct provide for in section 175.1.

The Audit Committee shall, among other things, assist the Commissioners in seeing to the establishment of internal control mechanisms and the optimal use of the school board’s resources. The committee must secure the assistance of at least one person who has competency in accounting or financial matters.
Three Committees of the Council (cont’d.)

Article 193.1

The Human Resources Committee shall, among other things, assist the Commissioners in developing an expertise and experience profile and selection criteria for persons appointed by the school board under sections 96.8, 110.5, and 198.

The Council of Commissioners may establish other committees to assist it in the exercise of its functions or the examination of specific matters.
New Article:

The School Board shall ensure that an initiation and ongoing training program is offered to the members of the Council of Commissioners and the members of the Governing Boards, and that it meets their needs.
School Board Mission

New Article:

The mission of the school board is to organize, for the benefit of the persons who come under its jurisdiction, the educational services provided for by this Act and by the basic school regulations made by the Government. The mission of the school board is also to promote and enhance the status of public education within its territory, to see to the quality of educational services and the success of students so that the population may attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to the social, cultural, and economic development of its region.
For the exercise of its powers and functions, every school board shall adopt a strategic plan covering a period of up to five (5) years stating

1. The context in which it acts, particularly the needs of the schools and centers, and the characteristics and expectations of the community it serves.

2. The main challenges it faces, including success issues, in line with the national indicators established by the Minister pursuant to section 459.1.

3. Strategic directions and objectives in line with the directions and objectives of the Strategic Plan established by the MELS as well as the other directions, goals or measurable objectives determined by the Minister under section 459.2.

4. The lines of intervention selected for the achievement of the objectives.

5. The results targeted over the period covered by the plan; and

Review and Update:

A draft Strategic Plan shall be presented to the public during a public information evening. The public notice specifying the date, time, and place of the meeting must be given at least 15 days before the meeting. The Strategic Plan must be updated to take into account any change in the school board’s situation that could render any part of the Strategic Plan inaccurate or outdated. A draft of the updated Strategic Plan must be presented to the public in the manner provided for in the second and third paragraph.

Copy:

Every school board shall send a copy of the Strategic Plan, and if applicable, its updated plan, to the Minister and make it public.
Annual Report

Every school board shall inform the population in its territory of the educational and cultural services provided by the school board and report on the level of quality of such services. It shall make public a service statement setting its objectives with regard to the level and quality of services it provides;

Annual Report:

Every school board shall prepare an Annual Report giving the population in the territory an account of the implementation of its strategic plan and the results obtained with regards to the goals and measurable objectives set out in the partnership agreement entered into with the Minister.
Results:

The report shall also give an account to the Minister of the results obtained with regard to the directions and objectives of the strategic plan established by the MELS.

Copy:

The School Board shall send a copy of the report to the Minister and make the report public.
New Article:

Every school board must invite the public to an information meeting at least once a year. The meeting may be held concurrently with one of the meetings provided for in section 162.

Public notice specifying the date, time and place of the meeting must be given no less than 15 days before it is held.

During the meeting the commissioners must present the content of the annual report provided for in section 220 and answer any questions concerning this report.
New Article:

After consulting with the parents’ committee, every school board shall establish, by By-Law, a procedure for the examination of complaints from students or their parents.

The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents’ committee and on recommendation of the Governance and Ethics Committee. Neither a member of the Council of Commissioners nor a member of the personnel of the school board may act as the Student Ombudsman.
In addition to the measures the Minister may establish by regulation, the complaint examination process must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that within 30 days after the complaint is referred, the Student Ombudsman must give the Council of Commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures. The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must be attached to the school board’s annual report.

The school board may enter into agreement with another school board to designate the same person as Student Ombudsman and determine how to share expenses incurred.
Allocated of Funds

Revised Article:

After consultation with the Governing Boards and the parents’ committee, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other income among its educational institutions.

The allocation shall be carried out in an equitable manner and reflect the needs expressed by the institutions and the social and economic disparities with which they must contend, the partnership agreement between the school board and the Minister and the management and educational success agreements between the school boards and the institutions.
The allocation shall include amounts for the operation of governing boards and amounts to meet the needs of the school board and its committees.

The school board shall make public the objectives and principles governing the allocation and the criteria used to determine the amounts allocated.
The Success Plan of a school (center) shall reflect the Strategic Plan of the school board and comprise:

(1) The measures to be taken based on the aims and objectives of the educational project, in particular, those relating to the supervision of students;

(2) Methods for evaluating the implementation of the Success Plan.

Review and update:

The Success Plan shall be reviewed each year and updated, if necessary.
Parents' Representatives

Article 47

Each year during the period beginning on the first day of the school year and ending on the last day of September, the Chair of the Governing Board or, if there is none, the principal shall, by written notice, call a meeting of the parents of the students who attend the school to elect parents’ representatives to the Governing Board. The notice shall be sent at least four (4) days before the meeting is held.

Parents’ Committee:

At the meeting the parents shall elect a representative to the parents’ committee established under section 189 from among their representatives on the Governing Board.
Parents' Representatives (cont’d)   

Article 47

Substitute:

At the meeting, a second parents’ representative on the Governing Board may be designated as a substitute to attend and vote at meetings of the parents’ committee when the representative elected for that purpose is unable to do so.
The Governing Board shall analyze the situation prevailing at the school (center), principally the needs of the students, the challenges tied to student success and the characteristics and expectations of the community served by the school (center). Based on the analysis and taking into account the Strategic Plan of the school board, the Governing Board shall adopt, oversee the implementation of, and evaluate the school’s educational project.

Collaboration: (No change)

Concerted Action: (No change)
The principal shall prepare the annual budget of the school, submit it to the Governing Board for adoption, administer the budget and render account thereof to the Governing Board.

**Balance:**

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school’s own revenue, on the other.

**Separate accounting:**

The approved school budget shall constitute separate appropriations within the school board’s budget, and the expenditures for that school charged to those appropriations.
At the end of every fiscal year, the school’s surpluses shall be transferred to the school board. However, the surpluses must be added to the school’s appropriation for the following year if the management and educational success agreement entered into under section 209.2 so provides.

If a school closes, the school’s surpluses shall be transferred to the school board.
Every year, the school board and the principal of each of its educational institutions shall agree, within the scope of a management and educational success agreement, on the measures required to achieve goals and measurable objectives set out in the partnership agreement between the school board and the Minister.

A draft of the management and educational success agreement must be submitted to the Governing Board for approval after consultation with the personnel of the institution.

The management and educational success agreement shall take into account the institution’s success plan and particular situation. It shall include:
(1) The terms of the institution’s contribution.
(2) The resources to be allocated by the school board specifically to enable the institution to achieve goals and measurable objectives.
(3) The support and assistance measures to be made available to the institution.
(4) The monitoring and accountability mechanisms to be put in place by the institution.
Complaint Examination Procedure  Article 457.3

New Article:

The Minister may determine by regulation the standards or conditions for the complaint examination procedure to be established by a school board and the nature of complaints to which the procedure may apply, as well as the measure it must include.
New Article:

The Minister may, by regulation, require a school board to draw up documents to inform the population in its territory of its activities or administration.

The Minister may also make rules governing the publication or distribution by the school board of any type of document determined by the Minister. The rules may specify, among other things, when and how the publication or distribution must be carried out.
New Article:

The Minister may determine, based on the situation of each school board, the ministerial directions and the goals and measurable objectives it must incorporate into its Strategic Plan.
New Article:

The Minister and the school board, within the scope of a partnership agreement, shall agree on the measures required to implement the school board’s Strategic Plan.

The Partnership Agreement shall include:

(1) The terms of the school board’s contribution toward achieving the goal and measurable objectives determined by the Minister under section 459.2
(2) The means the school board intends to use to achieve the specific objectives it established under subparagraph 3 of the first paragraph of section 209.1
(3) The monitoring and accountability measures to be put in place by the school board
Ministerial Evaluation  

**Article 459.4**

**New Article:**

The Minister shall evaluate the results obtained under each school board’s Strategic Plan, at intervals determined by the Minister, and send the evaluation to the school board concerned.

The minister and the school board shall agree on any corrective measures to be put in place to ensure that the goals and measurable objectives set out in the Partnership Agreement between the school board and the Minister are achieved.

If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve those goals or measurable objectives, the Minister may prescribe any additional measures to be put in place by the school board within a specified time.
Questions?
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