

**EDUCATION ACT<sup>1</sup> (VERSION OF FEB.7, 2020 APPLICABLE TO ENGLISH SCHOOL BOARDS) WITH:**

- **ALL AMENDMENTS OF THE ACT RESPECTING THE NATIONAL STUDENT OMBUDSMAN (BILL 9)<sup>2</sup> INTEGRATED**
- **ALL AMENDMENTS OF THE ACT TO AMEND MAINLY THE EDUCATION ACT AND TO ENACT THE ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN EDUCATION (BILL 23)<sup>3</sup> INTEGRATED**

**Sections EA modified by the Act respecting the National Student Ombudsman (Bill 9):**

- 9-12; 75.1; 83.1; 96.12; 96.14; 187.1; 214.1; 214.2; 215; 220; 220.1; 220.2; 242; 457.3; 479

**Note that section 64 of Bill 9 states the following:**

- **64.** Within the meaning of this Act, “school service centre” includes a school board, with the necessary modifications.

**Sections EA modified by the Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en education (Bill 23) and APPLICABLE to English School Boards:**

- 54.1; 68.1; 79; 96.12; 96.26; 100.1; 160; 169; 201.2; 209.0.1; 212; 219; 240; 319; 399; 402; 415; 420; 438; 449; 458; 459.4.1; 459.5; 459.5.3; 477.13-477.28

**Sections EA modified by the Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en education (Bill 23) and applicable to School Service Centres only<sup>4</sup> (**NOT** applicable by law to English School Boards until a decree is issued):**

- 96.8-96.10; 110.5-110.7; 158; 193.1; 198-198.3; 200; 201; 201.1; 203; 214.4, 459.0.0.1; 459.7

**SECTIONS/MODIFICATIONS TO SECTIONS OF BILL 23 and BILL 40 currently NOT APPLICABLE TO ENGLISH SBs (therefore these sections of the Education Act either do not appear in this document or remain the same as of February 7, 2020):**

- **Bill 23:** 22.01.1; 162; 175.12; 455.2; 457 (refers to 22.0.1); 464.
- **Bill 40: Sections of the EA not modified for English SBs:**
- 4; 6 (not repealed); 9, 11; 19; 36; 37; 45 (not repealed); 47; 51.1; 52; 53; 54; 56; 58; 59; 60; 67; 74; 75; 75.1; 78; 82; 96.2; 96.6; 96.13; 96.15; 96.17; 96.18; 96.21; 97.1; 102; 104 (not repealed); 107; 109; 109.1. 110; 110.4; 110.12; 110.13; 111; 116-120; 121 (not repealed); Title of section III of du chapter V (not modified); 143-143.2; 144-153 (not repealed); 154-155; 157-158; 160; 161-165; 168-169; 174; 175; 175.1; 175.3; 175.4; 176; no insertion of title on the functions and responsibilities of members of board of directors of SCC before section 176.1; 176.1; Title of section IV of chapter V not modified; no insertion of title on the management committee before section 183; 184; no insertion of title on EHDAAs students before section 185; 187; no insertion of

<sup>1</sup> AS OF FEB.16, 2024

<sup>2</sup> ACT RESPECTING THE NATIONAL STUDENT OMBUDSMAN: AS OF OCT. 4, 2023

<sup>3</sup> AN ACT TO AMEND MAINLY THE EDUCATION ACT AND TO ENACT THE ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN EDUCATION: AS OF DEC.7, 2023

<sup>4</sup> Sections 6 to 8, 11 to 14, 19, 41, 45, 74 to 77 (transitional measures) and 20 to 23, 25, 28 of Bill 23

title on transportation advisory committee before section 188; no insertion of title on parents' committee before section 189; 191; 192; 193; no insertion of title on audit, HR and G&E committee before section 193.1; 193.1; no insertion of title on resource allocation committee before section 193.2; 193.3; 200; 201; 204; 207.1; 209; 209.1; 209.2; 210.1; 212; 212.1; 213; 214; 220; 220.1; 239; 240; 243; 250; 253; 259; 267; 272; 275; 275.1; 277; 279; 282; 288; 300; 305; 306; 315; 402; 403; 411; 415; 420; 424-427 (not repealed); 428; 456; 457.1; 457.9; 459.5; 461; 466; 474; title of section II.1 of chapter VII before section not modified; title before section 477.14 not modified; 477.14; title before section 477.15 not modified; 477.15; subsection 4.1 of section II.1 of chapter VII and sections 477.18.1 à 477.18.3 not repealed; title before section 477.19 not modified; 477.19; 477.22; 477.24-477.26; title after section 477.27 not modified; 477.27; 477.28; 480; 706 (not repealed).

**Bill 40: New sections not applicable to English SBs (not reproduced):**

- 19.1; 22.0.1; 77.2; 78.1; 89.2; 110.0.1; 110.0.2; 143.3-143.15; 155.1; 167.1; 175.5-175.11; 177.3; 179-182; 193.0.1; no insertion of title on the Commitment-to-success committee before section 193.6; 193.6-193.9; 215.2-215.3; 226; 272.1-272.22; 455.1; 455.2; 457.6; 457.7; 457.1; 457.8; 459.5.4; 459.5.5.

chapter I-13.3

**EDUCATION ACT  
CHAPTER I  
STUDENTS**

**DIVISION I  
STUDENTS' RIGHTS**

**1.** Every person is entitled to the preschool education services and elementary and secondary school instructional services provided for by this Act and by the basic school regulation made by the Government under section 447, from the first day of the school calendar in the school year in which he attains the age of admission to the last day of the school calendar in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

Every person is also entitled to other educational services, student services and special educational services provided for by this Act and the basic school regulation referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448, within the scope of the programs offered by the school board.

The age of admission to preschool education is 5 years on or before the date prescribed by the basic school regulation; the age of admission to elementary school education is 6 years on or before the same date.

1988, c. 84, s. 1; 1990, c. 78, s. 24, s. 54; 1997, c. 96, s. 1; 2004, c. 31, s. 71.

**2.** Every person no longer subject to compulsory school attendance is entitled to the educational services prescribed by the basic regulations established by the Government under section 448, within the scope of the programs offered by the school board pursuant to this Act.

1988, c. 84, s. 2; 1990, c. 78, s. 25; 1997, c. 96, s. 2.

**3.** The educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 shall be provided free to every resident of Québec entitled thereto under section 1.

Literacy services and the other learning services prescribed by the basic school regulation for adult education shall be provided free to residents of Québec contemplated in section 2, subject to the conditions prescribed by the said regulation.

The educational services prescribed by the basic vocational training regulation shall be provided free to every resident of Québec, subject, however, to the conditions determined in the basic regulation if the person is 18 years of age or older, or 21 years of age or older in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

The right to free educational services provided for in this section does not extend to services provided within the scope of special school projects determined by regulation of the Minister or to school activities determined by such regulation, to the extent and on the conditions provided in the regulation. However, the right to free services does extend in all cases to administrative fees such as selection, file opening and examination fees as well as staff training fees.

***In force: 2020-07-01***

Despite the fourth paragraph, schools may require a financial contribution for a service provided within the scope of a special school project only if they offer the choice of an educational pathway exempt from such a contribution. This paragraph does not apply to schools established under section 240.

1988, c. 84, s. 3; 1990, c. 78, s. 26, s. 54; 1997, c. 96, s. 3; 2004, c. 31, s. 71; 2019, c. 9, s. 1.

**3.1.** The services referred to in section 3 shall be provided free to every person who is not resident in Québec if

- (1) the person having parental authority over that person ordinarily resides in Québec;
- (2) in the case of a student of full age, that person ordinarily resides in Québec; or
- (3) that person is in any other situation covered by government regulation.

The services referred to in the first paragraph of section 3 shall be provided free until the last day of the school calendar of the school year in which the person who is not resident in Québec reaches 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1). The services referred to in the second and third paragraphs of that section shall be provided free until the day that person reaches the age mentioned above that is applicable to him.

2017, c. 23, s. 1.

**3.2.** The personal information gathered under this Act may not be communicated or used or its existence confirmed for the purpose of determining a person's immigration status, except with the consent of the person concerned.

If the information has been communicated to a third person for any other purpose, it remains subject to the requirements of the first paragraph.

This section does not restrict the communication of documents or information required by a summons, warrant or order of any person or body having the power to compel their communication.

The procedures for identifying a child or his parents may not make the child's admission to the educational services provided for by this Act and by the basic school regulation made by the Government under section 447 conditional on the presentation of proof of his immigration status.

2017, c. 23, s. 1.

**4.** Every student, or the student's parents if the student is not of full age, shall have the right to choose, every year, the school that best reflects their preferences from among the schools of the school board whose jurisdiction the student comes under that provide services to which the student is entitled.

The exercise of the right to choose a school is subordinate to the enrollment criteria established pursuant to section 239 where the number of applications for enrollment in a school exceeds the school's capacity, and, in the case of a school with a special project or a school having a regional or provincial role, subordinate to the enrollment criteria established by the school board pursuant to section 240 or 468.

The exercise of the right does not entail the right to require transportation services where the transportation services required for the student concerned exceed the limits established by the school board.

1988, c. 84, s. 4; 1990, c. 8, s. 1; 1997, c. 96, s. 4.

**5. (Repealed).**

1988, c. 84, s. 5; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 1997, c. 96, s. 5; 2000, c. 24, s. 17; 2005, c. 20, s. 1.

**6.** Students other than those enrolled in vocational training or adult education are entitled to student services in spiritual care and guidance and community involvement.

1988, c. 84, s. 6; 1990, c. 78, s. 54; 1997, c. 96, s. 6; 2000, c. 24, s. 18.

**7.** Students other than those enrolled in adult education have a right to the free use of textbooks and other instructional material required for the implementation of programs of activities or for the teaching of programs of studies until the last day of the school calendar of the school year in which they reach 18 years of age, or 21 years of age in the case of handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1). Each student shall have the personal use of the textbook chosen pursuant to section 96.15 for each compulsory and elective subject in which the student receives instruction, except in the cases provided in the applicable basic regulation.

The instructional material referred to in the first paragraph includes laboratory equipment, physical education equipment, art supplies and technological devices.

The right of free use does not extend to documents in which students write, draw or cut out, nor to material for personal use, except documents and material specified by regulation of the Minister and to the extent and on the conditions provided in the regulation.

"Material for personal use" includes school supplies, such as pencils, erasers and day planners, material for personal organization, such as pencil cases and school bags, and clothing items, such as school uniforms and physical education clothing.

1988, c. 84, s. 7; 1990, c. 78, s. 54; 1997, c. 96, s. 7; 2004, c. 31, s. 71; 2019, c. 9, s. 2.

**8. (Repealed).**

1988, c. 84, s. 8; 2012, c. 19, s. 1.

**9.** The school service centre's board of directors may overturn, entirely or in part, a decision referred to in conclusions or recommendations made under section 44 of the Act respecting the National

Student Ombudsman (2022, chapter 17) and make the decision which, in its opinion, ought to have been made in the first instance.

10. Repealed.

11. Repealed.

12. Repealed.

13. In this Act,

(1) the words “**school year**” mean the period commencing on 1 July in a year and ending on 30 June in the year following;

(1.1) the word “**bullying**” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;

(2) the word “**parent**” means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student;

(3) the word “**violence**” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.

1988, c. 84, s. 13; 2012, c. 19, s. 2.

## **DIVISION II**

### **COMPULSORY SCHOOL ATTENDANCE**

14. Every child resident in Québec shall attend school from the first day of the school calendar in the school year following that in which he attains 6 years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first.

1988, c. 84, s. 14; 1990, c. 8, s. 2.

15. The following students are exempt from compulsory school attendance:

(1) a student excused by the school board by reason of illness or for the purpose of receiving medical treatment or care required by his state of health;

(2) a student excused by the school board, at the request of his parents and after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities established under section 185, by reason of a physical or mental handicap which prevents him from attending school;

(3) a student expelled from school by the school board pursuant to section 242;

(4) a student who receives appropriate homeschooling, provided

(a) a written notice to that effect is sent by his parents to the Minister and to the school board that has jurisdiction;

(b) a learning project to impart knowledge to the student, foster his social development and give him qualifications, by the development of basic skills, including literacy, numeracy and problem-solving skills, and by the learning of French, is submitted to the Minister and implemented by his parents;

(c) the Minister monitors the homeschooling; and

(d) any other conditions or procedures determined by government regulation are complied with, including conditions or procedures relating to the characteristics of the learning project, the annual evaluation of the child's progress, and the process applicable in the event of problems related to the learning project or its implementation.

A child is excused from attending public school if he attends a private educational institution governed by the Act respecting private education (chapter E-9.1) or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) which provides all or part of the educational services provided for by this Act.

A child is also excused from attending public school if the child attends a vocational training centre or receives instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education.

In addition, the school board may exempt one of its students, at the request of his parents, from compulsory school attendance for one or more periods totalling not more than six weeks in any school year, to allow him to carry out urgent work.

1988, c. 84, s. 15; 1990, c. 8, s. 3; 1990, c. 78, s. 27; 1992, c. 68, s. 143; 1994, c. 15, s. 33; 1996, c. 21, s. 70; 1997, c. 96, s. 9; 2017, c. 23, s. 2.

**16. (Repealed).**

1988, c. 84, s. 16; 1999, c. 52, s. 13.

**17.** Parents must take the necessary measures to ensure that their child attends school as required.

1988, c. 84, s. 17.

**17.1.** The school board must, at the Minister's request and using the information the Minister provides concerning a child who may not be attending school as required or concerning his parents, take any action with the child and his parents that is specified by the Minister to ascertain and, if applicable, regularize the child's situation.

On that occasion, the school board must also inform the parents of the obligations arising from sections 14 to 17 and of the educational services the child is entitled to under this Act. The parents must provide the school board with any information it requires on their child's situation within a reasonable time.

If the action taken does not allow the child's situation to be ascertained or regularized, the school board, after notifying the student's parents in writing, shall report this to the director of youth protection.

2017, c. 23, s. 3.

**18.** The principal shall ascertain, in the manner determined by the school board, that students attend school regularly.

Where a student is repeatedly absent without a valid excuse, the principal or the person designated by him shall intervene with the student and his parents to come to an agreement with them and with the persons providing the school social services with respect to the most appropriate measures to remedy the situation.

When the intervention does not allow the situation to be remedied, the principal, after notifying the parents of the student in writing, shall report it to the director of youth protection.

1988, c. 84, s. 18; 1990, c. 8, s. 5.

**18.0.1.** No one may act in any manner that compromises a child's attending school as required.

Any person who receives a child in a place where the child receives training or instruction not governed by this Act or the Act respecting private education (chapter E-9.1) is presumed to



contravene the prohibition under the first paragraph on being notified by the Minister that the child is failing to attend school as required.

Such a presumption may be rebutted, in particular by proof that the child is or was received only during the month of July or August.

This section does not apply to parents with respect to their child.

2017, c. 23, s. 4.

### **DIVISION III** **STUDENTS' OBLIGATIONS**

2012, c. 19, s. 3.

**18.1.** Students shall conduct themselves in a civil and respectful manner toward their peers and school board personnel.

They shall contribute to creating a healthy and secure learning environment. To that end, they shall take part in civics and anti-bullying and anti-violence activities held by their school.

2012, c. 19, s. 3.

**18.2.** Students shall take good care of the property placed at their disposal and return it when school activities have ended.

If a student fails to take care of or return the property, the school board may claim the value of the property from the student's parents if the student is a minor, or from the student if the student is of full age.

2012, c. 19, s. 3.

### **CHAPTER II** **TEACHERS**

#### **DIVISION I** **TEACHERS' RIGHTS**

**19.** In accordance with the educational project of the school and subject to the provisions of this Act, the teacher has the right to govern the conduct of each group of students entrusted to his care.

The teacher is entitled, in particular,

- (1) to select methods of instruction corresponding to the requirements and objectives fixed for each group or for each student entrusted to his care;
- (2) to select the means of evaluating the progress of students so as to examine and assess continually and periodically the needs and achievement of objectives of every student entrusted to his care.

1988, c. 84, s. 19.

**20.** *(Repealed).*

1988, c. 84, s. 20; 1990, c. 78, s. 28, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 1.

**21.** *(Repealed).*

1988, c. 84, s. 21; 1990, c. 78, s. 29, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 1.

#### **DIVISION II** **TEACHERS' OBLIGATIONS**

**22.** A teacher shall

- (1) contribute to the intellectual and overall personal development of each student entrusted to his care;
  - (2) take part in instilling into each student entrusted to his care a desire to learn;
  - (3) take the appropriate means to foster respect for human rights in his students;
  - (4) act in a just and impartial manner in his dealings with his students;
  - (5) take the necessary measures to promote the quality of written and spoken language;
  - (6) take the appropriate measures to attain and maintain a high level of professionalism;
  - (6.1) collaborate in the training of future teachers and in the mentoring of newly qualified teachers;
  - (7) comply with the educational project of the school.
- 1988, c. 84, s. 22; 1990, c. 78, s. 30; 1997, c. 96, s. 10.

### **DIVISION III**

#### **TEACHING LICENCE**

**22.1.** The Minister may verify a declaration concerning a judicial record required under this division, or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

2005, c. 16, s. 1.

**22.2.** For the purposes of this division, the information concerning a judicial record provided for in its provisions may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.

2005, c. 16, s. 1.

**23.** To provide preschool education services or to teach at the elementary or secondary level, a teacher must hold a teaching licence determined by regulation of the Minister of Education, Recreation and Sports. Teaching licences shall be issued by the Minister of Education, Recreation and Sports.

The following persons shall be exempt from the obligation set out in the first paragraph:

- (1) a teacher hired by the lesson or by the hour;
  - (1.1) a person who provides instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1);
- (2) a casual supply teacher;
- (3) a person providing instruction which does not have as its object, within the meaning of the basic regulations, the obtaining of a diploma, certificate or other official attestation awarded by the Minister or the obtaining of an attestation of qualification issued by a school board pursuant to section 223 or 246.1;
- (4) a person assigned to teaching duties by a school board pursuant to section 25.

1988, c. 84, s. 23; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 11; 1997, c. 96, s. 164; 2005, c. 28, s. 195.

**24. (Repealed).**

1988, c. 84, s. 24; 2005, c. 16, s. 2.

**25.** In exceptional circumstances, the Minister may authorize a school board, on the conditions and for the period he determines, to engage as preschool education providers or elementary or secondary-level teachers persons who do not hold a teaching licence.

1988, c. 84, s. 25; 1997, c. 96, s. 12.

**§ 1. — Conditions relating to an application for a teaching licence**

2005, c. 16, s. 3.



**25.1.** An applicant for a teaching licence must satisfy the requirements that the Minister prescribes by regulation and send the Minister an application and a declaration concerning the applicant's judicial record. That declaration must mention

- (1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;
- (2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and
- (3) any court order subsisting against the applicant in Canada or elsewhere.

The declaration form established by the Minister must mention that the Minister may verify the declaration or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

2005, c. 16, s. 3.

**25.2.** If a teaching licence has been revoked because of a conviction which, in the Minister's opinion, is relevant to the practice of the teaching profession, or because of a serious fault committed in the exercise of the teacher's functions or an act derogatory to the honour or dignity of the teaching profession, the person who held the teaching licence may not submit a new application to the Minister for a decision unless

- (1) the person has obtained a pardon for the criminal or penal offence that was the reason for the revocation; or
- (2) two years have passed since the date of the revocation and the person's behaviour has been above reproach during that time.

2005, c. 16, s. 3.

§ 2. — *Declarations of a person holding a teaching licence*

2005, c. 16, s. 3.

**25.3.** If the Minister has reasonable grounds to believe that a person holding a teaching licence has a judicial record, the person may be required to send the Minister a declaration concerning the person's judicial record. That declaration must mention

- (1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;
- (2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and
- (3) any court order subsisting against the person in Canada or elsewhere.

The declaration form established by the Minister must mention that the Minister may verify the declaration or have it verified, in particular by a Québec police force, and communicate and receive any information needed for the purposes of the verification.

2005, c. 16, s. 3.

**25.4.** Within 10 days of being notified of a change in the judicial record referred to in section 25.3, a person holding a teaching licence must inform the Minister of the change, regardless of whether the person has already filed a declaration concerning the person's judicial record.

2005, c. 16, s. 3.

§ 3. — *Serious fault or derogatory act committed by a person holding a teaching licence*

2005, c. 16, s. 3.

**26.** Any natural person may file a complaint with the Minister against a teacher for a serious fault committed in the exercise of his functions or for an act derogatory to the honour or dignity of the teaching profession.

An information stating that a teacher has had a conviction is not considered a complaint for the purposes of this subdivision.

The complaint must be in writing, include reasons and be made under oath. It must briefly state the nature of the fault alleged to have been committed by the teacher and the relevant circumstances, including the time and place. The complaint shall be received by a person designated by the Minister, who shall assist any person so requesting in drawing up the complaint.

The Minister shall send a copy of the complaint to the teacher and ask him to present observations in writing to the Minister within 10 days.

1988, c. 84, s. 26; 1990, c. 78, s. 54; 1997, c. 43, s. 314; 2005, c. 16, s. 4.

**27.** The Minister may dismiss any complaint he considers to be frivolous or excessive. He shall in that case notify the complainant and the teacher and give them the reasons for the dismissal.

1988, c. 84, s. 27; 1997, c. 43, s. 315.

**28.** Where the Minister considers that the complaint is admissible and the teacher has not admitted to having committed the alleged fault, the Minister shall set up an inquiry committee to which he shall submit the complaint.

The committee shall be composed of three members, including a chair, selected from among the members of the Barreau, who in the opinion of the Minister is familiar with the educational community. The other two members shall be selected after consultation with bodies which the Minister considers to be most representative of administrators of educational institutions, of the teachers in those institutions and of the parents of students attending such institutions. The members shall serve until the committee has established whether or not the complaint is well-founded.

The salary of the committee members and the rules relating to the reimbursement of expenses incurred in the exercise of their functions shall be fixed by regulation of the Minister.

1988, c. 84, s. 28; 1990, c. 78, s. 54; 1997, c. 43, s. 316; 2008, c. 29, s. 34.

**29.** The Minister may, if the acts alleged to have been committed by the teacher are such that, were they to continue or be repeated, the quality of educational services or the safety of students would be seriously jeopardized, and after consultation with the inquiry committee, order the school board to relieve the teacher of his functions, with pay, for the duration of the investigation.

However, the Minister is not required to consult the committee if the urgency of the situation does not allow it.

1988, c. 84, s. 29; 1990, c. 78, s. 54; 1997, c. 43, s. 317.

**30.** Within 30 days following the filing of the complaint and of the documents relating to it, the committee shall meet the teacher and the complainant to endeavour to establish whether or not the complaint is well-founded.

The committee may require any person to provide it with any information it considers necessary, and examine any relevant file.

No person may hinder the inquiry committee in any way in the exercise of its functions, mislead the committee by withholding information or making false statements, or refuse to provide any information or document relating to the inquiry or to allow the committee to make copies of such a document.

1988, c. 84, s. 30; 1997, c. 43, s. 318.

**31.** The committee cannot sit if one of its members is absent.

1988, c. 84, s. 31.

**32.** In conducting their inquiry, the members of the committee have the immunity provided for in sections 16 and 17 of the Act respecting public inquiry commissions (chapter C-37).

1988, c. 84, s. 32; 1997, c. 43, s. 319.

**33.** After giving the teacher the opportunity to present observations, and within 120 days of the filing of the complaint, the committee shall establish whether or not the complaint is well-founded.

The committee shall transmit its findings, with reasons, to the Minister, the complainant, the teacher and the school board.

1988, c. 84, s. 33; 1997, c. 43, s. 320.

**§ 4. — *Decisions of Minister regarding teaching licences***

2005, c. 16, s. 5.

**34.** The Minister shall issue or renew a teaching licence if the applicant respects the required conditions.

1988, c. 84, s. 34; 1997, c. 43, s. 321; 2005, c. 16, s. 5.

**34.1.** The Minister may not issue a teaching licence if the applicant has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession, unless a pardon has been obtained for that offence.

1997, c. 43, s. 322; 2005, c. 16, s. 5.

**34.2.** If a charge for a criminal or penal offence is still pending in Canada or elsewhere against the applicant for the issue of a teaching licence, or if the applicant is under a court order in Canada or elsewhere, the Minister shall defer the examination of the application if of the opinion that the offence or order is relevant to the practice of the teaching profession.

1997, c. 43, s. 322; 2005, c. 16, s. 5.

**34.3.** The Minister may refuse to renew a teaching licence, or may suspend or revoke it or attach conditions to it if the licence holder

(1) has been convicted of a criminal or penal offence committed in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession, unless a pardon has been obtained for that offence;

(2) fails to provide a declaration concerning his judicial record or makes false statements on such a declaration;

(3) fails to inform the Minister of a change in his judicial record; or

(4) admits to having committed a serious fault in the exercise of his functions, or an act derogatory to the honour or dignity of the teaching profession, or, in the opinion of the inquiry committee, has committed such a fault or act.

In addition, the Minister may revoke a teaching licence if the licence holder has failed to respect the conditions attached to it by the Minister.

1997, c. 43, s. 322; 2005, c. 16, s. 5.

**34.4.** If a charge is still pending against a person holding a teaching licence for a criminal or penal offence committed in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession, the Minister shall submit the case to the inquiry committee so that it may establish whether, in its opinion, the teacher has committed a serious fault in the exercise of the teacher's functions, or an act derogatory to the honour or dignity of the teaching profession. Sections 29 to 33 apply in such a case, with the necessary modifications.

The same applies if the person holding a teaching licence is under a court order in Canada or elsewhere which, in the Minister's opinion, is relevant to the practice of the teaching profession.

2005, c. 16, s. 5.

**34.5.** If the Minister considers it expedient, a committee of experts may be established to advise the Minister on how to assess the relevance of a judicial record to the practice of the teaching profession.

The committee is made up of persons appointed by the Minister who have expertise, experience and a marked interest in the protection of minors.

2005, c. 16, s. 5.

**34.6.** Before making a decision referred to in section 34.1, 34.2 or 34.3, the Minister must notify the applicant or the licence holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), and allow the applicant or licence holder at least 10 clear days, or, in the case of a revocation for non-compliance with the conditions attached to a teaching licence, at least 30 days, to submit observations.

The Minister must also notify the applicant or the licence holder in writing of the decision, giving the reasons for it, and inform the applicant or licence holder of the right to contest the decision before the Administrative Tribunal of Québec, and of the applicable time limit.

2005, c. 16, s. 5.

**34.7.** A decision of the Minister referred to in section 34.1, 34.2 or 34.3 may be contested before the Administrative Tribunal of Québec within 60 days of notification of the decision.

A proceeding brought before the Tribunal suspends the execution of the Minister's decision, unless the Tribunal, on a motion heard and decided by preference, orders otherwise owing to the serious risk to the quality of educational services or the safety of the students.

2005, c. 16, s. 5.

**34.8.** If applicable, the Minister shall give the school board that employs the person holding the teaching licence and the person who filed the complaint that gave rise to the decision a written notice of the decision not to renew the licence, to suspend or revoke it or to attach conditions to it, and include the reasons for the decision.

2005, c. 16, s. 5.

**35.** The Minister may at any time suspend, revoke or attach conditions to an authorization granted under section 25 if the school board fails to fulfil the conditions of the authorization. The Minister shall transmit a copy of his decision, with reasons, to the school board and to the teacher.

1988, c. 84, s. 35.

## **CHAPTER III**

### **SCHOOLS**

1997, c. 96, s. 13.

## **DIVISION I**

### **ESTABLISHMENT**

1997, c. 96, s. 13.

**36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community. A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfilment.

In keeping with the principle of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.

A school shall pursue its mission within the framework of an educational project.

1988, c. 84, s. 36; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2000, c. 24, s. 19; 2002, c. 63, s. 2; 2016, c. 26, s. 1.

**36.1. (Replaced).**

2002, c. 63, s. 3; 2016, c. 26, s. 2.

**37.** The school's educational project, which may be updated if necessary, shall contain

- (1) the context in which the school acts and the main challenges it faces, particularly with respect to academic success;
- (2) the specific policies of the school and the objectives selected for improving student success;
- (3) the targets for the period covered by the educational project;
- (4) the indicators to be used to measure achievement of those objectives and targets; and
- (5) the intervals at which the educational project is to be evaluated, determined in collaboration with the school board.

The policies and objectives required under subparagraph 2 of the first paragraph shall be designed to ensure that the Québec education policy framework defined by law, by the basic school regulation and by the programs of studies established by the Minister is implemented, adapted and enriched. They must also be consistent with the school board's commitment-to-success plan.

The educational project must respect students', parents' and school staff's freedom of conscience and of religion.

1988, c. 84, s. 37; 1997, c. 96, s. 13; 2000, c. 24, s. 20; 2002, c. 63, s. 4; 2016, c. 26, s. 2.

**37.1.** The period covered by the educational project must be harmonized with the period covered by the school board's commitment-to-success plan in accordance with any terms prescribed under the first paragraph of section 459.3.

2002, c. 63, s. 5; 2008, c. 29, s. 1; 2016, c. 26, s. 2.

**37.2.** At the request of the school board and after consultation with the school's governing board, the school shall provide preschool educational services to students enrolled in accordance with section 224.1.

2013, c. 14, s. 1.

**38.** At the request of the school board, a school shall provide a general education program to students enrolled in a vocational training program provided by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).

1988, c. 84, s. 38; 1997, c. 96, s. 13.

**39.** Schools shall be established by the school board.

The deed of establishment shall state the name and address of the school, indicate the premises or immovables placed at the school's disposal and specify the level of instruction the school is to provide. It shall also state the cycle or, exceptionally, the part of cycle of the level of instruction concerned and specify if the school provides preschool education.

1988, c. 84, s. 39; 1997, c. 96, s. 13; 2006, c. 51, s. 88.

**40.** A school board may, after consulting with the governing board or at its request, amend or revoke the deed of establishment of a school in keeping with the three-year plan of allocation and destination of the school board immovables.

1988, c. 84, s. 40; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**41.** Where the deed of establishment of the school places more than one immovable at the disposal of the school, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person's functions.

The persons appointed shall perform their functions under the authority of the principal.

1988, c. 84, s. 41; 1997, c. 96, s. 13.

## **DIVISION II**

### **GOVERNING BOARD**

1997, c. 96, s. 13.

#### **§ 1. — *Composition***

1997, c. 96, s. 13.

**42.** A governing board shall be established for each school.

The governing board, which shall have not more than 20 members, shall include the following persons:

- (1) at least four parents of students attending the school who are not members of the school staff, elected by their peers;
- (2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;
- (3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;
- (4) in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;
- (5) two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1 to 4.

The community representatives on the governing board are not entitled to vote.

1988, c. 84, s. 42; 1990, c. 8, s. 6; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2001, c. 46, s. 1.

**43.** The school board shall determine the number of parents' representatives and staff representatives on the governing board after consulting with each group concerned.

The total number of seats for staff representatives referred to in subparagraphs 2 and 4 of the second paragraph of section 42 must be equal to the number of seats for parents' representatives.

1988, c. 84, s. 43; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**44.** Where fewer than 60 students are enrolled in a school, the school board may, after consulting with the parents of the students attending the school and with the school staff, vary the rules governing the composition of the governing board provided in the second paragraph of section 42.

However, the total number of seats for staff representatives must be equal to the total number of seats for parents' representatives.

1988, c. 84, s. 44; 1997, c. 96, s. 13.

**45.** Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a school under the authority of the school board.

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.



1988, c. 84, s. 45; 1997, c. 96, s. 13; 2008, c. 29, s. 2.

**46.** The principal of the school shall take part in the meetings of the governing board but is not entitled to vote.

1988, c. 84, s. 46; 1997, c. 96, s. 13.

**§ 2. — Formation**

1997, c. 96, s. 13.

**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 days before the meeting is to be held.

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.

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 term of a person elected to the parents' committee who is a commissioner shall not end until that person's term of office as commissioner has ended. The person's term of office as commissioner may not however be renewed unless the person was elected under the second paragraph in the year the position of commissioner was to be renewed.

1988, c. 84, s. 47; 1990, c. 78, s. 31; 1997, c. 96, s. 13; 2008, c. 29, s. 3; 2013, c. 15, s. 5.

**48.** During the month of September each year, the teachers of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in their collective agreement or, failing that, according to the procedure determined by the principal after consulting with the teachers.

1988, c. 84, s. 48; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**49.** During the month of September each year, the members of the non-teaching professional staff who provide services to the students of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in the collective agreement of the non-teaching professional staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

1988, c. 84, s. 49; 1997, c. 96, s. 13.

**50.** During the month of September each year, the members of the support staff who provide services at the school and the members of the school staff who provide childcare for children at the preschool and elementary school level, if any, shall hold meetings to elect their representatives to the governing board according to the procedure set out in the collective agreement of the support staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

1988, c. 84, s. 50; 1997, c. 96, s. 13.

**51.** During the month of September each year, the students' committee or the association representing the students, if any, shall appoint students' representatives to the governing board.

Failing that, the principal shall preside over the election of students' representatives to the governing board in accordance with the rules established by the principal after consulting with the students enrolled at the secondary level.

1988, c. 84, s. 51; 1997, c. 96, s. 13.

**51.1.** Any meeting called in accordance with sections 47 to 50 may elect substitute members to the governing board to replace the members who are unable to take part in a governing board meeting. Likewise, substitute members may be appointed or elected during the process carried out in accordance with section 51. The number of substitute members cannot be greater than the number of governing board members.

2016, c. 26, s. 3.

**52.** Where the meeting of parents called pursuant to section 47 fails to elect the required number of parents' representatives, the principal shall exercise the functions and powers of the governing board.

The fact that the representatives of any other group fall short of the required number shall not prevent the formation of the governing board.

1988, c. 84, s. 52; 1997, c. 96, s. 13.

**53.** The members of the governing board shall take office as soon as all members to be elected under subparagraphs 1 to 4 of the second paragraph of section 42 have been elected or not later than 30 September, whichever occurs first.

1988, c. 84, s. 53; 1990, c. 78, s. 32; 1997, c. 96, s. 13; 2001, c. 46, s. 2.

**54.** The term of office of parents' representatives on the governing board is two years and the term of office of the representatives of other groups is one year.

However, the term of office of half of the first parents' representatives, elected by the meeting of parents, is one year.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

**54.1.** A vacancy on a school's governing board occurs when a member fails to attend three consecutive meetings of the governing board without a reason considered valid by the board. The member's term ends at the close of the next meeting, unless the member attends that meeting.

1988, c. 84, s. 54; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**55.** A parents' representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 47.

A vacancy resulting from the departure of a parents' representative shall be filled, for the unexpired portion of the representative's term, by a parent designated by the other parents' representatives on the governing board.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

1988, c. 84, s. 55; 1990, c. 8, s. 7; 1997, c. 96, s. 13.

### **§ 3. — Operation**

1997, c. 96, s. 13.

**56.** The governing board shall choose its chair from among the parents' representatives on the governing board who are not members of the personnel of the school board.

1988, c. 84, s. 56; 1997, c. 96, s. 13.

**57.** The principal shall preside over the governing board until the chair is elected.

1988, c. 84, s. 57; 1997, c. 96, s. 13.

**58.** The term of office of the chair is one year.

1988, c. 84, s. 58; 1997, c. 96, s. 13.

**59.** The chair of the governing board shall preside at meetings of the governing board.

1988, c. 84, s. 59; 1997, c. 96, s. 13.

**60.** If the chair is absent or unable to act, the governing board shall designate a person from among the members who are eligible for the office of chair to exercise the functions and powers of the chair.

1988, c. 84, s. 60; 1990, c. 8, s. 8; 1997, c. 96, s. 13.

**60.1.** *(Replaced).*

1990, c. 8, s. 8; 1997, c. 96, s. 13.

**61.** A majority of the members of the governing board who are in office, including at least half of the parents' representatives, is a quorum of the governing board.

1988, c. 84, s. 61; 1997, c. 96, s. 13.

**62.** If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school board may order that the functions and powers of the governing board be suspended for the period determined by the school board and that they be exercised by the principal.

1988, c. 84, s. 62; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**63.** The decisions of the governing board are made by a majority vote of the members present and entitled to vote.

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

1988, c. 84, s. 63; 1997, c. 96, s. 13.

**64.** Every decision of the governing board must be made in the best interests of the students.

1988, c. 84, s. 64; 1997, c. 96, s. 13.

**65.** The governing board may hold its meetings on the school premises.

The governing board may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal.

1988, c. 84, s. 65; 1997, c. 96, s. 13.

**66.** The governing board shall adopt and oversee the administration of its annual operating budget and render an account thereof to the school board.

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

1988, c. 84, s. 66; 1997, c. 96, s. 13.

**67.** The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff.

1988, c. 84, s. 67; 1997, c. 96, s. 13.

**68.** The meetings of the governing board are open to the public; however the governing board may order that a meeting be closed to the public if a matter is to be examined which could cause injury to a person.

1988, c. 84, s. 68; 1997, c. 96, s. 13.

**68.1.** The members of the governing board may participate in a meeting of the governing board through means that allow the persons participating in or attending the meeting to communicate directly with each other, unless the governing board's internal management rules provide otherwise.

At least one governing board member or the principal must however be physically present at the place of the meeting. The principal must ensure that the place of the meeting is equipped with means that allow the persons participating in or attending the meeting to communicate directly with each other.

A governing board member who participates in a meeting through such means is deemed to be present at the meeting.

**69.** The minutes of the proceedings of the governing board shall be recorded in a register kept for that purpose by the principal or by a person specially designated by the principal. The register is open to the public.

The minutes, after being read and approved at the beginning of the following meeting, shall be signed by the person presiding over the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

The reading of the minutes is not required provided that a copy of the minutes was delivered to each member present at least six hours before the beginning of the meeting at which the minutes are to be approved.

A copy of an extract from the register may be obtained on payment of a reasonable fee fixed by the governing board.

1988, c. 84, s. 69; 1997, c. 96, s. 13.

**70.** Every member of the governing board who has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school must, on pain of forfeiture of office, disclose the interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first meeting of the governing board

- (1) after a person having such an interest becomes a member of the governing board;
- (2) after a member of the board acquires such an interest;
- (3) during which the matter is dealt with.

1988, c. 84, s. 70; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**71.** The members of the governing board must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community.

1988, c. 84, s. 71; 1997, c. 96, s. 13.

**72.** The members of a governing board may not be prosecuted for an act performed in good faith in the exercise of governing board functions.

1988, c. 84, s. 72; 1997, c. 96, s. 13.

**73.** The school board shall assume the defence of any member of the governing board who is prosecuted by a third person for an act done in the exercise of governing board functions.

In the case of penal or criminal proceedings, the school board may require a member who has been prosecuted to repay the defence expenses, except if the member had reasonable grounds to believe that the act was in conformity with the law, if the proceedings were withdrawn or dismissed or if the member was discharged or acquitted.

As well, the school board may require repayment of the defence expenses by the member if the member was found liable for damage caused by an act done in bad faith in the exercise of governing board functions.

1988, c. 84, s. 73; 1997, c. 96, s. 13.

**§ 4. — Functions and powers**

1997, c. 96, s. 13.

**1. — General functions and powers**

1997, c. 96, s. 13.

**74.** The governing board shall analyze the situation prevailing at the school, principally the needs of the students, the challenges tied to student success and the characteristics and expectations of the community served by the school. Based on the analysis and taking into account the commitment-to-success plan of the school board, the governing board shall adopt the school's educational project, oversee the project's implementation and evaluate the project at the intervals specified in it.

Each of these stages shall be carried out through concerted action between the various participants having an interest in the school and in student success. To that end, the governing board shall encourage the collaboration of students, parents, teachers, other school staff members, and community and school board representatives.

1988, c. 84, s. 74; 1997, c. 96, s. 13; 2002, c. 63, s. 6; 2008, c. 29, s. 4; 2016, c. 26, s. 4.

**75.** The governing board shall send the school's educational project to the school board and make it public on the expiry of 60 to 90 days after sending it or of another period if the governing board and school board so agree. It shall also make public the evaluation of the school's educational project. The educational project and any evaluation of it shall be communicated to the parents and the school staff.

The educational project takes effect on the date of its publication.

1988, c. 84, s. 75; 1997, c. 96, s. 13; 2002, c. 63, s. 7; 2016, c. 26, s. 5.

**75.0.1.** The governing board is responsible for approving any financial contribution, proposed by the principal, required under section 3, the third paragraph of section 7 or the third paragraph of section 292. Before approving any contribution, the governing board shall take into account the other contributions that it has approved or that are being proposed to it.

The proposals relating to contributions required under section 3 or the third paragraph of section 7 shall be developed in collaboration with the teachers and be accompanied by a justification for the nature and amount of the required fees.

A required contribution may not exceed the actual cost of the good or service concerned.

2019, c. 9, s. 3.

**75.1.** The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

- (1) an analysis of the situation prevailing at the school with respect to bullying and violence;
- (2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;
- (3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;
- (4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence to or with the institution and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;
- (5) the actions to be taken when a student, teacher or other school staff member or any other person observes an act of bullying or violence or when a report or complaint is sent to the institution by the regional student ombudsman;
- (6) measures to protect the confidentiality of concerning an act of bullying or violence;
- (7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;
- (8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and
- (9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A separate section of the anti-bullying and anti-violence plan must be for sexual violence. That section must include, in addition to the elements prescribed by the preceding paragraph, the following elements:

- (1) compulsory training activities for management and other personnel; and
- (2) safety measures to stop sexual violence

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The document must indicate that it is possible to make a report or file a complaint concerning an act of sexual violence to or with the regional student ombudsman and, for a person who is dissatisfied with the follow-up on a complaint filed with the institution, to use the complaint processing procedure provided for in the Act respecting the National Student Ombudsman (2022, chapter 17). The governing board shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year and updated if necessary. The principal of the school sends a copy of the anti-bullying and anti-violence plan and any updated version to the National Student Ombudsman.

2012, c. 19, s. 4.

**75.2.** The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the principal to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the principal to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.



2012, c. 19, s. 4.

**75.3.** Every school staff member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the school is a victim of bullying or violence.

2012, c. 19, s. 4.

**76.** The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

- (1) the attitudes and conduct that are required of students at all times;
- (2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and
- (3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.

1988, c. 84, s. 76; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2012, c. 19, s. 5.

**77.** The plan, rules and measures provided for in sections 75.1 to 76 shall be developed in collaboration with the school staff.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

1988, c. 84, s. 77; 1997, c. 96, s. 13; 2012, c. 19, s. 6; 2016, c. 26, s. 6.

**77.1.** Based on the principal's proposal, the governing board shall establish the principles for determining the cost of the documents referred to in the third paragraph of section 7. Those principles are taken into account when the choice of textbooks and instructional materials must be approved under subparagraph 3 of the first paragraph of section 96.15.

The governing board shall also approve the list, proposed by the principal, of the material for personal use referred to in the fourth paragraph of section 7. That list shall be developed in collaboration with the teachers.

The principles are established and the list is approved, taking into consideration the school board's policy adopted under section 212.1 and the other financial contributions that may be claimed for services referred to in sections 256 and 292.

2005, c. 16, s. 6; 2019, c. 9, s. 4.

**78.** The governing board shall advise the school board concerning

- (1) any matter the school board is required to submit to the governing board;
- (2) any matter likely to facilitate the operation of the school;
- (3) any matter likely to improve the organization of the services provided by the school board.

1988, c. 84, s. 78; 1990, c. 78, s. 33; 1997, c. 96, s. 13.

**79.** The governing board must be consulted by the school service centre concerning the amendment or revocation of the school's deed of establishment.

It must be consulted by the director general of the school service centre or the person designated by the director general concerning the selection criteria for the appointment of the principal.

1988, c. 84, s. 79; 1997, c. 96, s. 13; 2000, c. 24, s. 21.

**80.** The governing board may, within the scope of its powers, enter into an agreement with another educational institution of the school board concerning the pooling of goods and services or the holding of joint activities.

1988, c. 84, s. 80; 1990, c. 78, s. 34, s. 54; 1997, c. 58, s. 47; 1997, c. 96, s. 13.

**81.** The governing board shall furnish to the school board, on the date and in the form specified by the school board, any information required by the school board for the exercise of its functions.

1988, c. 84, s. 81; 1997, c. 96, s. 13.

**82.** The governing board shall prepare and adopt an annual activity report and shall transmit a copy of the report to the school board.

1988, c. 84, s. 82; 1997, c. 96, s. 13.

**83.** Each year, the governing board shall inform the parents and the community served by the school of the services provided by the school and report on the level of quality of such services.

1988, c. 84, s. 83; 1997, c. 96, s. 13; 2002, c. 63, s. 8; 2016, c. 26, s. 7.

**83.1.** Each year, the governing board shall evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence.

A document reporting on the evaluation must be distributed to the parents, the school staff and the **regional student ombudsman in charge of accountability assigned to the region in which the school is located.**

2012, c. 19, s. 7.

## **2. — Functions and powers relating to educational services**

1997, c. 96, s. 13.

**84.** The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation.

1988, c. 84, s. 84; 1997, c. 96, s. 13.

**85.** The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

The governing board is also responsible for approving the conditions and procedures proposed by the principal for integrating, into the educational services provided to the students, the activities or content prescribed by the Minister in the broad areas of learning.

1988, c. 84, s. 85; 1989, c. 36, s. 258; 1997, c. 96, s. 13; 2012, c. 19, s. 8.

**86.** The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself

(1) that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;

(2) *(paragraph repealed)*;

(3) that the rules governing the certification of studies prescribed by the basic school regulation are complied with.

1988, c. 84, s. 86; 1997, c. 96, s. 13; 2000, c. 24, s. 22.

**87.** The governing board is responsible for approving the programming of educational activities, proposed by the principal, which entail changes in the students' regular time of arrival and departure or which require the students to leave school premises.

1988, c. 84, s. 87; 1989, c. 36, s. 259; 1997, c. 96, s. 13.

**88.** The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board.

1988, c. 84, s. 88; 1997, c. 96, s. 13.

**89.** Proposals under sections 84, 87 and 88 shall be developed in collaboration with the school staff; proposals under sections 85 and 86 shall be developed in collaboration with the teachers.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

1988, c. 84, s. 89; 1990, c. 78, s. 35; 1997, c. 58, s. 48; 1997, c. 96, s. 13.

**89.1.** Parents on the governing board may consult the parents of the children in the school on any matter relating to educational services, in particular on report cards and on any other way in which parents are to be informed of the academic progress of their children, proposed under section 96.15.

2006, c. 51, s. 89.

### **3. — Functions and powers relating to community services**

1997, c. 96, s. 13.

**90.** The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

It may also allow other persons or organizations to organize such services on school premises.

1988, c. 84, s. 90; 1997, c. 96, s. 13.

**91.** For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school's budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

A draft of a contract to be entered into under the first paragraph must be sent to the school board at least 20 days before its conclusion. Within 15 days after receiving it, the school board may indicate its disagreement on the ground of non-compliance with the standards governing the school board; in the absence of such indication, the contract may be concluded.

1988, c. 84, s. 91; 1997, c. 96, s. 13.

**92.** Revenues derived from the provision of goods and services under section 90 shall be credited to the appropriations allocated to the school.

1988, c. 84, s. 92; 1997, c. 96, s. 13.

### **4. — Functions and powers relating to physical and financial resources**

1997, c. 96, s. 13.

**93.** The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services.

1988, c. 84, s. 93; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**94.** The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the school are attached, particularly conditions relative to any form of commercial solicitation.

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund.

1988, c. 84, s. 94; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 13.

**95.** The governing board is responsible for adopting the school's annual budget proposed by the principal, and shall submit the budget to the school board for approval.

1988, c. 84, s. 95; 1997, c. 47, s. 1; 1997, c. 96, s. 13.

### **DIVISION III**

#### **PARENT PARTICIPATION ORGANIZATION**

1997, c. 96, s. 13.

**96.** The meeting of parents called pursuant to section 47 shall decide whether or not to form a parent participation organization.

If the meeting decides to form a parent participation organization, it shall determine the name, composition and operating rules of the organization and shall elect its members.

1988, c. 84, s. 96; 1997, c. 96, s. 13.

**96.1.** Where under the deed of establishment of the school more than one immovable is placed at the disposal of the school or where the school provides both elementary and secondary instruction, the meeting of parents may establish a parent participation organization for each immovable or each level of instruction, instead of only one.

1997, c. 96, s. 13.

**96.2.** The purpose of a parent participation organization is to encourage the collaboration of parents in developing, implementing and periodically evaluating the school's educational project and their participation in fostering their child's success.

1997, c. 96, s. 13; 2002, c. 63, s. 9.

**96.3.** A parent participation organization may advise the parents' representatives on the governing board regarding any matter of concern to parents or any matter concerning which the organization is consulted by the parents' representatives on the governing board.

1997, c. 96, s. 13.

**96.4.** A parent participation organization may hold its meetings on the school premises.

The organization may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal after consulting with the governing board.

1997, c. 96, s. 13.

#### **DIVISION IV**

##### **STUDENT COMMITTEE**

1997, c. 96, s. 13.

**96.5.** During the month of September each year, the principal of a school providing education to students in the second cycle of the secondary level shall see to the formation of a student committee.

The students shall determine the name, composition and operating rules and elect the members of the committee.

The students may decide not to form a student committee or entrust the functions of student committee to an association representing them.

1997, c. 96, s. 13.

**96.6.** The purpose of the student committee is to encourage the collaboration of students in developing, implementing and periodically evaluating the school's educational project and their participation in fostering success and in school activities.

A further purpose of the student committee is to encourage the students to conduct themselves in a civil and respectful manner toward each other and the school staff.

The student committee may also make suggestions to the student representatives on the governing board and to the principal that are likely to facilitate the proper operation of the school.

1997, c. 96, s. 13; 2002, c. 63, s. 10; 2012, c. 19, s. 9.

**96.7.** The student committee or the association representing the students may, for the purpose of its functions, meet on the school premises.

1997, c. 96, s. 13.

**96.7.1.** The principal shall, on the recommendation of the team established under section 96.12, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.

2012, c. 19, s. 10.

#### **DIVISION V**

##### **PRINCIPAL**

1997, c. 96, s. 13.

#### **§ 1. — Appointment**

1997, c. 96, s. 13.

**NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards**

**96.8.** The principal of a school shall be appointed by the school board in accordance with the selection criteria established by the school board after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

1997, c. 96, s. 13.

**NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards**

**96.9.** The school board may appoint one or more vice principals after consulting with the principal.

1997, c. 96, s. 13.

**NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards**

**96.10.** A vice principal shall assist the principal in the exercise of the principal's functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the principal's functions and powers if the principal is absent or unable to act.

1997, c. 96, s. 13.

**96.11.** The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal's personal interest in conflict with the interest of the school.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

1997, c. 96, s. 13.

**§ 2. — Functions and powers**

1997, c. 96, s. 13.

**96.12.** The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the school meet the proper standards of quality.

The principal is the academic and administrative director of the school and shall see to the implementation of the decisions of the governing board and of the other provisions governing the school.

The principal shall see to the implementation of the anti-bullying and anti-violence plan and shall promptly deal with any report or complaint concerning an act of bullying or violence that the principal receives or that the regional student ombudsman sends to the principal.

On receiving a complaint concerning bullying or violence, and after considering the best interest of the students directly involved, the principal shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan. The principal shall also inform them of their right to request assistance from the person specifically designated by the school board for that purpose. In the case of a complaint concerning an act of sexual violence, the principal shall also inform the student who is the victim that it is possible to refer the complaint to the Commission des services juridiques. If the student is under 14 years of age, the principal also informs their parents of that option, and if the student is 14 years of age or over, the principal may also inform his or her parents of that option, with the student's consent.

For each complaint received concerning bullying or violence and each report received relating to an act of sexual violence, the principal shall send the director general of the school service centre a summary report on the nature of the incident and the follow-up measures taken. The summary report concerning an act of sexual violence shall also be sent to the regional student ombudsman.

The principal shall set up an anti-bullying and anti-violence team and designate a school staff member to coordinate its work as part of his or her regular duties.

The principal also exercises any other function entrusted to him by the director general of the school service centre.



1997, c. 96, s. 13; 2012, c. 19, s. 11.

**96.13.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the analysis of the situation prevailing at the school and the development, implementation and periodical evaluation of the school's educational project;

(1.1) *(subparagraph repealed)*;

(1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan;

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;

(2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter;

(3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering success;

(4) inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

1997, c. 96, s. 13; 2002, c. 63, s. 11; 2012, c. 19, s. 12; 2016, c. 26, s. 9.

**96.14.** In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board's policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school. In addition, the plan must state that recourse to the [complaint processing procedure provided for by the Act respecting the National Student Ombudsman \(2022, chapter 17\)](#) is an option if the parent or student is not satisfied.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis.

1997, c. 96, s. 13; 2016, c. 26, s. 10.

**96.15.** The principal is responsible for approving, on the proposal of the teachers or, in the case of matters referred to in subparagraphs 5 and 6, of the members of the staff concerned,

(1) in accordance with the policies determined by the governing board, the local programs of studies developed to meet the special needs of students;

(2) the criteria for the introduction of new instructional methods;

(3) in accordance with this Act and in keeping with the school budget, the textbooks and instructional material required for the teaching of programs of studies;

(4) the standards and procedures for the evaluation of student achievement, in particular, how parents are to be informed of the academic progress of their children, in keeping with the prescriptions of the basic school regulation and subject to the examinations that may be imposed by the Minister or the school board;

- (5) the rules governing the placement of students and their promotion from one cycle to the other at the elementary level, subject to the rules prescribed by the basic school regulation;
- (6) the measures selected to achieve the objectives and targets set out in the educational project.
- Before approving the proposals under subparagraph 3 of the first paragraph and the proposals relating to how parents are to be informed of the academic progress of their children under subparagraph 4 of the first paragraph, the principal must consult with the governing board.

The proposals of the teachers or the staff members under this section shall be made according to the procedure determined by the teachers or the staff members at general meetings called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers or the staff members concerning a subject referred to in this section must be made within 30 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers or the staff members, the principal shall give reasons, in writing, for the decision.

1997, c. 96, s. 13; 2006, c. 51, s. 90; 2016, c. 26, s. 11.

**96.16.** With the authorization of the Minister, a greater number of credits may be assigned to a local program of studies than the number of credits prescribed by the basic school regulation.

1997, c. 96, s. 13; 2000, c. 24, s. 23.

**96.17.** Exceptionally, in the interest of a child who has not achieved the objectives of preschool education and following a request, with reasons, made by the child's parents, the principal may admit the child, as prescribed by regulation of the Minister, to preschool education for the school year in which he would be eligible for admission to elementary school education, if there are reasonable grounds to believe that such a measure is necessary to foster the child's academic progress.

1997, c. 96, s. 13; 2006, c. 51, s. 91.

**96.18.** Exceptionally, in the interest of a student who has not achieved the objectives or mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for mandatory promotion to secondary school and following a request, with reasons, made by the student's parents, the principal may admit the student, as prescribed by regulation of the Minister, to elementary school education for an additional school year, if there are reasonable grounds to believe that such a measure is necessary to foster the student's academic progress.

1997, c. 96, s. 13; 2006, c. 51, s. 92.

**96.19.** Each year, the principal shall submit a report to the school board on the number of students admitted under each of sections 96.17 and 96.18, on the date determined and in the form specified by the school board.

1997, c. 96, s. 13.

**96.20.** After consulting with the school staff, the principal shall inform the school board, on the date and in the form determined by the school board, of the needs of the school in respect of each staff category and of the professional development needs of the staff.

1997, c. 96, s. 13.

**96.21.** The principal is responsible for the management of the staff of the school and shall determine the duties and responsibilities of each staff member in accordance with the provisions of the applicable collective agreements or regulations of the Minister and, where applicable, with the

agreements between the school board and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers.

The principal shall see to it that all school staff members are informed of the school's rules of conduct, safety measures and anti-bullying and anti-violence measures, and of the procedure to be followed when an act of bullying or violence is observed.

The principal shall see to the organization of such professional development activities for the school staff as agreed with the staff, in accordance with the provisions of the applicable collective agreements.

1997, c. 96, s. 13; 2000, c. 24, s. 24; 2012, c. 19, s. 13.

**96.22.** After consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services, and of any required improvement, equipment, construction, conversion or repair of the premises or immovables placed at the disposal of the school.

1997, c. 96, s. 13.

**96.23.** The principal shall manage the physical resources of the school in keeping with the applicable standards and decisions of the school board; the principal shall render an account of such management to the school board.

1997, c. 96, s. 13.

**96.24.** The principal shall prepare the annual budget of the school, submit it to the governing board for adoption, administer the budget and render an account thereof to the governing board.

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 revenues, on the other.

The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.

At the end of every fiscal year, the school's surpluses shall be transferred to the school board. However, the school board may, for the following fiscal year, credit all or part of the surpluses to the school or another educational institution if the resource allocation committee established under section 193.2 recommends it and the council of commissioners implements that recommendation. If the council of commissioners fails to implement the recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected.

If a school closes, the school's surpluses and funds shall be transferred to the school board.

1997, c. 96, s. 13; 2008, c. 29, s. 5; 2016, c. 26, s. 12.

**96.25.** The principal shall participate in defining the commitment-to-success plan, policies and by-laws of the school board.

1997, c. 96, s. 13; 2002, c. 63, s. 12; 2016, c. 26, s. 13.

**96.26.** The principal shall also exercise the functions and powers delegated by the council of commissioners.

The principal shall, at the request of the **director general of the** school board, exercise functions other than the functions of a principal.

1997, c. 96, s. 13.

**96.27.** The principal may suspend a student if, in the principal's opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the school's rules of conduct.

When determining the duration of the suspension, the principal shall take into account the student's best interest, the severity of the incidents, and any previously taken measures.

The principal shall inform the student's parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

The principal shall also inform the student's parents that, in the event of any further act of bullying or violence, on a request by the principal to the council of commissioners under section 242, the student could be enrolled in another school or expelled from the schools of the school board.

The principal shall inform the director general of the school board of the decision to suspend the student.

2012, c. 19, s. 14.

## **CHAPTER IV**

### **VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES**

1997, c. 96, s. 13.

## **DIVISION I**

### **ESTABLISHMENT**

1997, c. 96, s. 13.

**97.** Vocational training centres are educational institutions whose mission is to provide the educational services prescribed by the basic vocational training regulation established by the Government under section 448.

Adult education centres are educational institutions whose mission is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic adult education regulation established by the Government under section 448.

Centres shall pursue their mission within the framework of an educational project.

It is also the mission of centres to contribute to the social and cultural development of the community.

1988, c. 84, s. 97; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2002, c. 63, s. 13; 2016, c. 26, s. 14.

**97.1.** The centre's educational project, which may be updated if necessary, shall contain

(1) the context in which the centre acts and the main challenges it faces, particularly with respect to academic success and, in the case of a vocational training centre, the relevance of the training to regional or provincial labour market needs;

(2) the specific policies of the centre and the objectives selected for improving student success;

(3) the targets for the period covered by the educational project;

(4) the indicators to be used to measure achievement of those objectives and targets; and

(5) the intervals at which the educational project is to be evaluated, determined in collaboration with the school board.

The policies and objectives required under subparagraph 2 of the first paragraph shall be designed to ensure that the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched. They must also be consistent with the school board's commitment-to-success plan.

2002, c. 63, s. 14; 2008, c. 29, s. 6; 2016, c. 26, s. 15.

**97.2.** The period covered by the educational project must be harmonized with the period covered by the school board's commitment-to-success plan in accordance with any terms prescribed under the first paragraph of section 459.3.

2016, c. 26, s. 15.

**98.** At the request of the school board, an adult education centre shall provide a general education program to students in a vocational training program offered by a vocational training centre or by an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1).

Likewise, a vocational training centre shall provide a general education program to students in a vocational training program.

1988, c. 84, s. 98; 1997, c. 96, s. 13.

**99.** For the purposes of section 72 of the Charter of the French language (chapter C-11), a vocational training centre shall be considered to be a school as far as persons entitled to educational services under section 1 are concerned.

1988, c. 84, s. 99; 1997, c. 96, s. 13.

**100.** Centres shall be established by the school board.

The deed of establishment of a centre shall state the name and address of the centre and indicate the premises or immovables placed at the disposal of the centre. The deed shall also specify whether the centre is a vocational training centre or an adult education centre.

Where the deed of establishment of the centre places more than one immovable at the disposal of the centre, the school board, after consulting with the principal, may appoint a person to be responsible for each immovable and determine that person's functions.

The persons appointed shall perform their functions under the authority of the principal.

1988, c. 84, s. 100; 1997, c. 96, s. 13.

**101.** A school board may, after consulting with the governing board or at its request, amend the deed of establishment of a centre in keeping with the three-year plan of allocation and destination of the school board immovables.

1988, c. 84, s. 101; 1990, c. 8, s. 9; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

## **DIVISION II**

### **GOVERNING BOARD**

1997, c. 96, s. 13.

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

1997, c. 96, s. 13.

**102.** A governing board shall be established for each centre.

The governing board, which shall have not more than 20 members, shall include the following persons, who shall become members of the board upon their appointment or election:

- (1) students attending the centre, elected by their peers according to the procedure determined by the principal after consulting with the students or the students' association, if any;
- (2) at least four members of the staff of the centre, including at least two teachers and, if the persons concerned so decide, at least one non-teaching professional staff member and at least one support staff member, elected by their peers according to the procedure set out in their respective collective agreements or, failing that, according to the procedure determined by the principal after consulting with the persons concerned;

- (3) at least two persons appointed by the school board after consulting with the socio-economic and community groups in the territory principally served by the centre;
- (4) in the case of a vocational training centre, at least two parents of students attending the centre who are not members of the staff of the centre, elected by their peers according to the procedure determined by the principal;
- (5) at least two persons appointed by the school board from within enterprises of the region which, in the case of a vocational training centre, operate in economic sectors corresponding to the vocational education programs offered by the centre.

The term of office of members of the governing board is two years.

The members of the governing board shall remain in office until they are reelected, reappointed or replaced.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

1988, c. 84, s. 102; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**103.** The school board shall determine the number of representatives of each group on the governing board after consulting with each group.

The total number of seats for staff representatives must not exceed the total number of seats for representatives of other groups.

1988, c. 84, s. 103; 1997, c. 96, s. 13.

**104.** Commissioners elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) cannot be members of the governing board of a centre under the authority of the school board.

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.

1988, c. 84, s. 104; 1990, c. 8, s. 10; 1990, c. 78, s. 36; 1997, c. 96, s. 13; 2008, c. 29, s. 7.

**105.** The principal shall take part in meetings of the governing board but is not entitled to vote.

1988, c. 84, s. 105; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**106.** The fact that the representatives of a group fall short of the required number shall not prevent the formation of the governing board.

1988, c. 84, s. 106; 1997, c. 96, s. 13.

## **§ 2. — Operation**

1997, c. 96, s. 13.

**107.** The governing board shall choose its chair from among the members appointed or elected under subparagraphs 3 to 5 of the second paragraph of section 102 who are not members of the personnel of the school board.

1988, c. 84, s. 107; 1997, c. 96, s. 13.

**107.1.** A majority of the members in office is a quorum of the governing board.

2002, c. 63, s. 15.

**108.** Sections 57 to 60 and 62 to 73, adapted as required, apply to the operation of the governing board of a centre.

1988, c. 84, s. 108; 1997, c. 96, s. 13; 2002, c. 63, s. 16.

## **§ 3. — Functions and powers**



1997, c. 96, s. 13.

**109.** The governing board shall analyze the situation prevailing at the centre, particularly the challenges tied to student success and the characteristics and expectations of the community served by the centre. Based on the analysis and taking into account the school board's commitment-to-success plan, the governing board shall adopt the centre's educational project, oversee the project's implementation and evaluate the project at the intervals specified in it.

Each of these stages shall be carried out through concerted action between the various participants having an interest in the centre and in student success. To that end, the governing board shall encourage the collaboration of students, parents, teachers, other centre staff members, and community and school board representatives.

1988, c. 84, s. 109; 1997, c. 96, s. 13; 2002, c. 63, s. 17; 2008, c. 29, s. 8; 2016, c. 26, s. 16.

**109.1.** The governing board shall send the centre's educational project to the school board and make it public on the expiry of 60 to 90 days after sending it or of another period if the governing board and school board so agree. It shall also make public the evaluation of the centre's educational project. The educational project and any evaluation of it shall be communicated to the students and the centre staff members.

The educational project takes effect on the date of its publication.

2002, c. 63, s. 18; 2016, c. 26, s. 17.

**110.** The governing board shall advise the school board concerning

- (1) any matter the school board is required to submit to the governing board;
- (2) any matter likely to facilitate the operation of the centre;
- (3) any matter likely to improve the organization of the services provided by the school board.

1988, c. 84, s. 110; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

**110.1.** The governing board must be consulted by the school service centre concerning the amendment or revocation of the centre's deed of establishment.

It must be consulted by the director general of the school service centre or the person designated by the director general concerning the selection criteria for the appointment of the principal.

**110.2.** The functions of the governing board include approving the proposals of the principal on the following matters:

- (1) the approach for the implementation of the basic regulation;
- (2) the implementation of the programs of studies;
- (3) the implementation of the programs relating to student services and popular education prescribed by the basic regulation which are determined by the school board or provided for in an agreement made by the school board;
- (4) the operating rules of the centre.

Proposals under subparagraph 2 of the first paragraph shall be developed in collaboration with the teachers and the other proposals, in collaboration with the staff members concerned.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

1997, c. 96, s. 13.

**110.3.** The governing board may organize social, cultural or sports services or allow other persons or organizations to organize such services on the premises of the centre.

For the purposes of this section, the governing board may, in the name of the school board and in keeping with the budget of the centre, contract with a person or organization for the provision of goods and services. In addition, the governing board may require a financial contribution from users of such goods and services.

Revenues derived from the provision of such goods and services shall be credited to the appropriations allocated to the centre.

1997, c. 96, s. 13.

**110.3.1.** Each year, the governing board shall inform the community served by the centre of the services provided by the centre and report on the level of quality of such services.

2002, c. 63, s. 19; 2016, c. 26, s. 18.

**110.3.2.** Section 77.1 applies to the governing board of a vocational training centre as regards the students referred to in section 1, with the necessary modifications.

2005, c. 16, s. 7.

**110.4.** Sections 80 to 82 and 93 to 95, adapted as required, apply to the governing board of a centre.

1997, c. 96, s. 13; 2002, c. 63, s. 20.

### **DIVISION III PRINCIPAL**

1997, c. 96, s. 13.

#### **§ 1. — Appointment**

1997, c. 96, s. 13.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**110.5.** The principal of a centre shall be appointed by the school board in accordance with the criteria established after consulting with the governing board.

The school board may designate a person to fill the position of principal temporarily, having regard to the provisions of the applicable collective agreements or regulations of the Minister.

1997, c. 96, s. 13.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**110.6.** The school board may appoint one or more vice principals after consulting with the principal.

1997, c. 96, s. 13.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**110.7.** A vice principal shall assist the principal in the exercise of his functions and powers.

The vice principal, or the vice principal designated by the school board, shall exercise the functions and powers of the principal if the principal is absent or unable to act.

1997, c. 96, s. 13.

**110.8.** The principal may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places the principal's personal interest in conflict with the interest of the centre.

However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the principal renounces or disposes of it promptly.

1997, c. 96, s. 13.

§ 2. — *Functions and powers*

1997, c. 96, s. 13.

**110.9.** The principal, under the authority of the director general of the school board, shall ensure that educational services provided at the centre meet the proper standards of quality.

The principal is the academic and administrative director of the centre and shall see to the implementation of the decisions of the governing board and of the other provisions governing the centre.

1997, c. 96, s. 13.

**110.10.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall

(1) coordinate the analysis of the situation prevailing at the centre and the development, implementation and periodical evaluation of the centre's educational project;

(1.1) (*subparagraph repealed*);

(2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval;

(2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter.

If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal.

1997, c. 96, s. 13; 2002, c. 63, s. 21; 2016, c. 26, s. 19.

**110.11.** In the case of a handicapped student or a student with a social maladjustment or a learning disability attending a vocational training centre, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student, unless the student is unable to do so, shall establish an individualized education plan adapted to the student's needs and abilities.

The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis.

1997, c. 96, s. 13.

**110.12.** The principal is also responsible for approving, on the proposal of the teachers or, in the case of the matters referred to in subparagraph 4, of the staff members concerned,

(1) the criteria for the introduction of new instructional methods;

(2) in keeping with the budget of the centre, the textbooks and instructional material required for the teaching of programs of studies;

(3) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic regulation and subject to the examinations that may be imposed by the Minister or the school board;

(4) the measures selected to achieve the objectives and targets set out in the educational project.

The proposals of the teachers or of the staff members concerned under this section shall be made according to the procedure determined by the teachers at a meeting called for that purpose by the principal or, failing that, according to the procedure determined by the principal.

A proposal of the teachers or of the staff members concerned concerning a subject referred to in this section must be made within 30 days after the proposal is requested by the principal, failing which the principal may act without such proposal.

If the principal does not approve a proposal of the teachers or of the staff members concerned, the principal shall give reasons for the decision.

1997, c. 96, s. 13; 2016, c. 26, s. 20.

**110.13.** Sections 96.20 to 96.26, adapted as required, apply to the principal of a centre.

1997, c. 96, s. 13.

## **CHAPTER V**

### **SCHOOL BOARDS**

#### **DIVISION I**

#### **ESTABLISHMENT OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL BOARDS**

**111.** The Government shall, by order, divide the territory of Québec into two groups of territories: one of territories for French language school boards and the other, of territories for English language school boards. The territory of the Cree School Board, that of the Kativik School Board and that of the Commission scolaire du Littoral established by chapter 125 of the statutes of Québec, 1966-67, are excluded from such division, however.

A school board shall be established in each territory.

The order shall assign a name temporarily to each school board; the name may contain a number.

The order shall be published in the *Gazette officielle du Québec* not later than 31 August and comes into force on the date of its publication.

1988, c. 84, s. 111; 1990, c. 78, s. 1; 1997, c. 47, s. 2.

**111.1.** After consulting each school board established by the territorial division order, the Government shall determine its name.

The order comes into force 10 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1997, c. 47, s. 3.

**112.** School boards established pursuant to this division belong to only one of the following categories: French language school boards or English language school boards.

1988, c. 84, s. 112.

**113.** A school board is a legal person established in the public interest.

1988, c. 84, s. 113; 1997, c. 96, s. 14.

**114.** The Government may, by order, change the name of any school board requesting it.

The order comes into force ten days from the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1988, c. 84, s. 114; 2018, c. 5, s. 1; 2019, c. 5, s. 1.

**115.** The head office of a school board shall be located at such place in its territory as it shall determine.

The school board shall inform the Minister and give public notice of the location or of any new address of its head office.

1988, c. 84, s. 115.

**116.** At the request of the school boards of the same category concerned, whose territories are contiguous, or of a majority of the electors of those school boards, the Government, by order, may

amalgamate their territories and establish a new school board, or extend the boundaries of the territory of one of the school boards by annexing the whole territory of the other school board.

In the case of amalgamation, a new school board shall be established in the territory determined in the order, and the applying school boards shall cease to exist.

In case of total annexation, the school board whose territory is annexed shall cease to exist.

1988, c. 84, s. 116.

**117.** At the request of a school board or of a majority of the electors living in that part of its territory affected by the request, the Government may, by order, divide the territory of that school board and either establish a new territory or annex part of its territory to that of another school board of the same category whose territory is contiguous and which consents thereto.

In the case of a division for the purpose of establishing a new territory, a new school board shall be established in the territory determined in the order.

1988, c. 84, s. 117; 1990, c. 8, s. 11.

**117.1.** The Government may, of its own motion and, where expedient, without the consent referred to in section 117, issue an order under section 116 or 117.

1991, c. 27, s. 1.

**118.** Any order issued under section 116, 117 or 117.1 shall, where applicable, determine the name of the new school board.

The order comes into force on 1 July following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1988, c. 84, s. 118; 1991, c. 27, s. 2; 2018, c. 5, s. 2; 2019, c. 5, s. 2.

**118.1.** Where the territories of school boards are amalgamated, the commissioners of such school boards shall, from the publication of the order, form the provisional council of the new school board resulting from the amalgamation of those territories.

However, the Minister may limit the number of members from each school board; the members shall, in such a case, be designated by their respective councils. Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council. However, if more than 12 months remain before the date set for the next general election, an election must be held to fill the office of chair of the council within the time and on the terms prescribed in section 200 of the Act respecting school elections (chapter E-2.3), with the necessary modifications.

1991, c. 27, s. 3; 1997, c. 96, s. 15; 2008, c. 29, s. 9; 2013, c. 15, s. 6.

**118.2.** Where the territory of a school board is divided to allow for the establishment of new school boards, the provisional council of a new school board shall, from the publication of the order, consist of every commissioner whose electoral division has been totally integrated into the territory of the new school board and of every commissioner whose electoral division has been integrated in part where that part includes the place of residence of a majority of his electors.

1991, c. 27, s. 3.

**118.3.** The provisional council shall be responsible for taking the preliminary measures necessary to put the new school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.

For such purposes, it shall exercise the functions and powers of the new school board as if it were the council of commissioners. However, any co-opted commissioner who is a member of the provisional council is not entitled to vote at sittings of the council.

1991, c. 27, s. 3; 2008, c. 29, s. 10; 2016, c. 26, s. 21.

**119.** Where the territories of school boards are amalgamated or where the territory of a school board is totally annexed to that of another, the rights and obligations of the school boards whose territories are amalgamated or of the school board whose territory is annexed become the rights and obligations of the new school board resulting from the amalgamation or of the annexing school board.

1988, c. 84, s. 119.

**120.** Where the territory of a school board is divided as a result of the formation of a new territory or the annexation of part of its territory to the territory of another school board, the school boards concerned shall apportion the rights and obligations of the school board whose territory has been divided.

The school boards concerned shall send to the Minister, at such time and in such form as he may determine, the apportionment of the rights and obligations of the school board which has had its territory divided. The Minister shall publish a notice in the *Gazette officielle du Québec* indicating the school board succeeding to the obligations of the school board which has had its territory divided.

The Minister shall rule on any dispute among the school boards concerned except disputes respecting the transfer and reassignment of employees who are members of a certified association within the meaning of the Labour Code (chapter C-27) or employees for whom a regulation of the Minister made under section 451 provides a special recourse.

1988, c. 84, s. 120; 1997, c. 96, s. 16.

**121.** In the case of any transfer of ownership of an immovable as a result of the application of section 119 or 120, a notice stating the facts establishing the transfer and describing the immovable concerned shall be registered at the registry office.

1988, c. 84, s. 121; 1999, c. 40, s. 158; 2000, c. 42, s. 179.

## **DIVISION II**

*Repealed, 1997, c. 47, s. 4.*

1997, c. 47, s. 4.

**122.** *(Repealed).*

1988, c. 84, s. 122; 1997, c. 47, s. 4.

**123.** *(Repealed).*

1988, c. 84, s. 123; 1990, c. 78, s. 2; 1997, c. 47, s. 4.

**123.1.** *(Repealed).*

1990, c. 78, s. 3; 1997, c. 47, s. 4.

**124.** *(Repealed).*

1988, c. 84, s. 124; 1997, c. 47, s. 4.

**125.** *(Repealed).*

1988, c. 84, s. 125; 1997, c. 47, s. 4.

**126.** *(Repealed).*

1988, c. 84, s. 126; 1997, c. 47, s. 4.

**127.** *(Repealed).*



1988, c. 84, s. 127; 1989, c. 36, s. 260; 1990, c. 78, s. 54; 1997, c. 47, s. 4.

**128. (Repealed).**

1988, c. 84, s. 128; 1997, c. 47, s. 4.

**129. (Repealed).**

1988, c. 84, s. 129; 1990, c. 8, s. 12; 1990, c. 78, s. 4; 1997, c. 47, s. 4.

**130. (Repealed).**

1988, c. 84, s. 130; 1997, c. 47, s. 4.

**131. (Repealed).**

1988, c. 84, s. 131; 1997, c. 47, s. 4.

**132. (Repealed).**

1988, c. 84, s. 132; 1990, c. 78, s. 5; 1997, c. 47, s. 4.

**133. (Repealed).**

1988, c. 84, s. 133; 1990, c. 78, s. 6; 1997, c. 47, s. 4.

**134. (Repealed).**

1988, c. 84, s. 134; 1990, c. 78, s. 7; 1997, c. 47, s. 4.

**135. (Repealed).**

1988, c. 84, s. 135; 1997, c. 47, s. 4.

**136. (Repealed).**

1988, c. 84, s. 136; 1997, c. 47, s. 4.

**137. (Repealed).**

1988, c. 84, s. 137; 1997, c. 47, s. 4.

**138. (Repealed).**

1988, c. 84, s. 138; 1991, c. 27, s. 5; 1997, c. 47, s. 4.

**138.1. (Repealed).**

1991, c. 27, s. 6; 1997, c. 47, s. 4.

**138.2. (Repealed).**

1991, c. 27, s. 6; 1997, c. 47, s. 4.

**138.3. (Repealed).**

1991, c. 27, s. 6; 1997, c. 47, s. 4.

**139. (Repealed).**

1988, c. 84, s. 139; 1997, c. 47, s. 4.

**140. (Repealed).**

1988, c. 84, s. 140; 1997, c. 47, s. 4.

**141. (Repealed).**

1988, c. 84, s. 141; 1997, c. 47, s. 4.

**142. (Repealed).**

1988, c. 84, s. 142; 1997, c. 47, s. 4.

### **DIVISION III**

### **COUNCIL OF COMMISSIONERS**

§ 1. — *Composition*

**143.** Every school board shall be administered by a council of commissioners composed of the following persons as and when they are appointed or elected:

(1) 8 to 18 commissioners, including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3);

(2) three commissioners or, if the number of commissioners referred to in paragraph 1 is greater than 10, four commissioners representing the parents' committee, at least one of whom is chosen from among the representatives of elementary schools, another from among the representatives of secondary schools and another from among the parents of handicapped students or students with social maladjustments or learning disabilities, elected under this Act;

(3) if the members of the council of commissioners referred to in paragraphs 1 and 2 consider it necessary, a maximum of two commissioners co-opted by a majority of at least two thirds of the council members, after consulting with the groups most representative of the social, cultural, business and labour sectors in the region.

1988, c. 84, s. 143; 1997, c. 47, s. 5; 1997, c. 96, s. 17; 2008, c. 29, s. 11.

**Note from the Quebec Official Publisher**

*Until 1 November 2020, section 143 is to be read as if paragraph 3 were replaced by the following paragraph:*

*“(3) if the members of the council of commissioners referred to in paragraphs 1 and 2 consider it necessary, a maximum of two commissioners co-opted by a majority of at least two-thirds of the council members, after consulting with the groups most representative of the region’s social, cultural, business, labour, health and sports sectors.” (S.Q. 2016, c. 26, s. 61; S.Q. 2018, c. 15, s. 6)*

**143.1.** Co-optation under paragraph 3 of section 143 must enable persons whose competence and qualifications are considered complementary to those of the commissioners or useful for the administration of the school board to sit on the council of commissioners. The persons must meet any selection criteria determined by regulation by the Minister.

2008, c. 29, s. 11.

**Note from the Quebec Official Publisher**

*Until 1 November 2020, section 143.1 is to be read as follows:*

*“143.1. Co-optation under paragraph 3 of section 143 must enable persons to sit on the council of commissioners who are active in the sports or health sector, with a view to promoting consideration of healthy lifestyles in school board decisions, or who are active in other sectors and whose competence and qualifications are considered complementary to those of the commissioners or useful for the administration of the school board. Such persons must meet any selection criteria the Minister may determine by regulation.”*

*(S.Q. 2016, c. 26, s. 61; S.Q. 2018, c. 15, s. 6)*

**143.2.** The term of office of commissioners appointed under paragraph 3 of section 143 shall not exceed four years.

They shall remain in office until re-appointed or replaced.

However, their term shall end on the date of the first meeting of the council of commissioners following a general election held under the Act respecting school elections (chapter E-2.3). Furthermore, their term may be revoked at any time by a vote of at least two thirds of the members of the council of commissioners referred to in paragraphs 1 and 2 of section 143.

2008, c. 29, s. 11.

**144.** The director general of the school board shall take part in meetings of the council of commissioners but is not entitled to vote.

1988, c. 84, s. 144.

**145.** Every two years, before the first Sunday in November, the chair of the parents' committee or, in the chair's absence, the secretary general of the school board shall convene the members of the parents' committee or of the parents' central committee, as the case may be, to elect from among their members a commissioner for each of the positions provided for in paragraph 2 of section 143.

However, the commissioner representing the parents of handicapped students or students with social maladjustments or learning disabilities is elected from among the parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

The grounds for disqualification set out in section 21 of the Act respecting school elections (chapter E-2.3) apply to the seats of commissioners representing the parents' committee.

The representative shall be elected by a majority vote of the members present.

The elected representative shall take office on the first Sunday in November following his election. His term of office shall be two years.

Within 35 days from taking office, every elected representative shall swear before the director general, or the person designated by him, to fulfill his duties faithfully and to the best of his judgment and ability.

An entry of the oath shall be made in the Minutes of Proceedings of the school board.

1988, c. 84, s. 145; 1989, c. 36, s. 261; 1997, c. 96, s. 18; 2006, c. 51, s. 93; 2008, c. 29, s. 12; 2016, c. 26, s. 25.

**146.** (*Repealed*).

1988, c. 84, s. 146; 1989, c. 36, s. 262; 1990, c. 8, s. 64; 1997, c. 47, s. 6.

**147.** A commissioner representing the parents' committee whose child no longer attends a school of the school board may remain on the council of commissioners until the expiry of the commissioner's term of office.

The office of the commissioner representing the parents' committee becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections (chapter E-2.3).

Such vacancy shall be filled in accordance with the procedure prescribed in section 145, but only for the unexpired portion of the term.

1988, c. 84, s. 147; 1997, c. 96, s. 19; 1997, c. 47, s. 7.

**148.** Every co-opted commissioner shall have the same rights, powers and obligations as those prescribed for the other commissioners.

However, the commissioner is not entitled to vote at meetings of the council of commissioners or of the executive committee, or to be appointed vice-chair of the school board.

1988, c. 84, s. 148; 1997, c. 47, s. 8; 2008, c. 29, s. 13; 2016, c. 26, s. 26.

**149.** In case of the amalgamation or total annexation of the territories of school boards, the commissioners of such school boards, other than the representatives of the parents' committee, become members of the council of commissioners of the school board resulting from the amalgamation, or of the annexing school board.

However, the Minister may limit the number of commissioners from each school board; the members shall, in such a case, be designated by their respective councils of commissioners. Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council. However, if more than 12 months remain before the date set for the next general election, an election must be held to fill the office of chair of the council within the time and on the terms prescribed in section 200 of the Act respecting school elections (chapter E-2.3), with the necessary modifications.

They shall remain in office until the date of the next general election of commissioners.

1988, c. 84, s. 149; 1997, c. 96, s. 20; 1997, c. 47, s. 9; 2008, c. 29, s. 14; 2013, c. 15, s. 6.

**150.** Where a school board annexes part of the territory of another school board constituting or including the whole of an electoral division, the commissioner representing the division becomes a member of the council of commissioners of the annexing school board. He shall remain in office until the date of the next general election of commissioners.

1988, c. 84, s. 150.

**151.** Where a school board annexes part of the territory of another school board which does not constitute or include the whole of an electoral division, the commissioner representing the division shall become a member of the council of commissioners of the school board of which the greatest number of electors of the divided electoral division are resident. He shall remain in office until the date of the next general election of commissioners.

1988, c. 84, s. 151.

**152.** Where the whole territory of a school board is divided in view of the creation of new school boards, each of the commissioners of the school board whose territory is divided becomes a member of the council of commissioners of the school board into which the whole of his electoral division has been integrated or of the school board of which the greatest number of electors of the division that has not been wholly integrated are resident. He shall remain in office until the date of the next general election of commissioners.

1988, c. 84, s. 152.

**153.** The secretaries general of the school boards whose territories are amalgamated or totally annexed shall jointly proceed, within 30 days before the change takes effect, to the election of the representative and the chair of the parents' committee of the school board resulting from the amalgamation or annexation.

The secretary general of the school board whose territory is divided to allow the establishment of new school boards shall assume the same obligations in respect of each of the school boards resulting from the division.

The election shall take place according to the procedure prescribed in sections 145 and 190, as the case may be. The persons elected shall remain in office until they are replaced by persons elected in accordance with those sections.

1988, c. 84, s. 153; 1997, c. 47, s. 10; 2008, c. 29, s. 34.

§ 2. — *Operation*

**154.** The director general shall convene the members of the council of commissioners to the first meeting of the council within 15 days after the date of the general election.

1988, c. 84, s. 154.

**155.** The chair shall see to the proper operation of the school board and shall in particular, with due regard for everyone's role and responsibilities, ensure that all applicable legislative and regulatory provisions and all decisions of the council of commissioners are carried out faithfully and impartially. The chair shall convey all relevant information to the council and shall submit to the council any matter brought to the chair's attention with regard to the improvement of educational services.

The chair is the official spokesman for the school board. As official spokesman, the chair shall publicly state the position of the school board on any subject affecting it, in particular where the chair is involved, on behalf of the school board, with the various organizations devoted to local and regional development.

1988, c. 84, s. 155; 2006, c. 51, s. 94; 2008, c. 29, s. 15, s. 34.

**155.1.** The council of commissioners shall appoint, from among its members, the vice-chair of the school board.

The term of office of the vice-chair, unless removed by a vote of not less than two-thirds of the members of the council of commissioners who are entitled to vote, expires at the same time as the vice-chair's term as commissioner.

2008, c. 29, s. 16.

**156.** *(Repealed).*

1988, c. 84, s. 156; 2008, c. 29, s. 17.

**157.** Any vacancy in the office of vice-chair shall be filled within 30 days.

1988, c. 84, s. 157; 2008, c. 29, s. 18, s. 34.

**NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards**

**158.** Where the chair is absent or unable to act, the vice-chair shall exercise his functions and powers. Where the vice-chair is absent or unable to act, another commissioner designated by the council of commissioners for that purpose shall exercise his functions and powers.

1988, c. 84, s. 158; 1990, c. 78, s. 54; 1997, c. 96, s. 21; 1999, c. 40, s. 158; 2008, c. 29, s. 34.

**159.** The chair shall preside over the sittings of the council of commissioners. He shall maintain order at sittings of the council.

1988, c. 84, s. 159; 2008, c. 29, s. 34.

**160.** A majority of the members **in office** entitled to vote constitutes a quorum of the council of commissioners.

1988, c. 84, s. 160.

**161.** The decisions of the council of commissioners are taken by a majority of the votes cast by the members present and entitled to vote.

If votes are equally divided, the chair has the casting vote.

1988, c. 84, s. 161; 1997, c. 96, s. 22; 2008, c. 29, s. 34.

**NOTE: Bill 23 No change (modifications not applicable)**

**162.** The council of commissioners must, by by-law, fix the day, time and place of its regular meetings.

The council of commissioners must hold at least four regular meetings every school year.

1988, c. 84, s. 162.

**163.** The chair or two commissioners may call a special meeting of the council of commissioners.

The meeting shall be called by a notice sent to each commissioner by the secretary general, at least two days before the meeting is held.

Within the same period, the secretary general shall give a public notice of the date, place and time of the meeting and of the matters to be discussed. However, no publication in a newspaper is required.

1988, c. 84, s. 163; 2008, c. 29, s. 34.

**164.** At a special meeting, only the matters mentioned in the notice calling the meeting may be dealt with and decided, unless all the commissioners are present at the special meeting and decide otherwise.

1988, c. 84, s. 164.

**165.** At the opening of a special meeting, the chair shall ascertain that the procedure for calling the meeting has been complied with; in case of non-compliance, the meeting shall be closed forthwith on pain of absolute nullity of any decision which may be made thereat.

The mere presence of a commissioner constitutes a waiver of the notice calling the meeting unless he specifically attends the meeting to object to the holding of the meeting.

1988, c. 84, s. 165; 1999, c. 40, s. 158; 2008, c. 29, s. 34.

**166.** Any regular or special meeting may be adjourned to another hour of the same day or to a subsequent day, without it being necessary to give notice of the adjournment to the absent members.

1988, c. 84, s. 166.

**167.** The meetings of the council of commissioners are public; however, the council may order that they be held in camera for the purpose of examining any matter liable to be prejudicial to a person.

1988, c. 84, s. 167.

**168.** Only a commissioner, the director general of the school board and the persons authorized thereto by the council of commissioners may take part in the deliberations of the council of commissioners.

However, a question period must be provided at each public meeting during which the persons present may put oral questions to the commissioners.

The council of commissioners shall establish the rules relating to the time for question period, its duration and the procedure to be followed for putting questions.

1988, c. 84, s. 168.

**168.1. (Repealed).**

1997, c. 96, s. 23; 2004, c. 38, s. 1.

**169.** The members of the school service centre's board of directors may participate in a meeting of the council of commissioners through a means that allows the persons participating in or attending the meeting to communicate directly with each other unless the operating rules provide otherwise.

At least one commissioner or the director general must however be physically present at the place of the meeting. The director general must ensure that the place of the meeting is equipped with means that allow the persons participating in or attending the meeting to communicate directly with each other.



A commissioner who participates in a meeting through such a means is deemed to be present at the meeting.

1988, c. 84, s. 169; 2002, c. 63, s. 22; 2004, c. 38, s. 2; 2016, c. 26, s. 27.

**170.** The minutes of each meeting of the council of commissioners shall be entered in the register known as the “Minutes of Proceedings” . After having been read and approved at the beginning of the following meeting, they shall be signed by the person presiding over the meeting and countersigned by the secretary general.

The council of commissioners, by resolution, may excuse the secretary general from reading the minutes provided that a copy thereof has been given to each member present at least six hours before the opening of the meeting at which they are approved.

1988, c. 84, s. 170.

**171.** Whenever a by-law or a resolution of the council of commissioners is amended, replaced or repealed, mention shall be made thereof in the margin of the Book of By-laws or of the Minutes of Proceedings, opposite such by-law or resolution, together with the date of its amendment, replacement or repeal.

1988, c. 84, s. 171.

**172.** The minutes of each meeting, approved by the council of commissioners and signed by the chair of the meeting and the secretary general, are authentic. The same applies to documents and copies emanating from the school board or forming part of its records if they have been certified by the chair of the school board, the secretary general or a person authorized to do so by by-law of the school board.

The information included in the register of the minutes is public.

1988, c. 84, s. 172; 2008, c. 29, s. 34.

**173.** The signature of the chair, director general, secretary general or any person designated by the school board may be affixed by means of a signature stamp or replaced by an engraved, lithographed or printed facsimile.

1988, c. 84, s. 173; 2008, c. 29, s. 34.

**174.** The council of commissioners may, by by-law, delegate some of its functions and powers to the director general, an assistant director general, a school principal, the principal of a centre or any other member of the executive staff.

The functions and powers so delegated shall be performed under the direction of the director general.

The council of commissioners may also delegate certain functions and powers to a governing board or to the resource allocation committee.

1988, c. 84, s. 174; 1990, c. 78, s. 54; 1997, c. 96, s. 24; 2016, c. 26, s. 28.

**175.** The council of commissioners may determine the remuneration that may be paid to its members for the services they render to the school board.

It may also provide, on such conditions and to such extent as it may determine, for the payment of allowances to members for expenses incurred in the performance of their functions.

The maximum annual amount of remuneration that may be paid to all the members of the council of commissioners of a school board shall be determined by the Government which may also establish the portion of the remuneration that may be paid to them as compensation for part of their expenses.

1988, c. 84, s. 175; 1990, c. 78, s. 54.

**175.1.** The council of commissioners must, by by-law, establish a code of ethics and professional conduct which is applicable to the commissioners.

The code shall set out the duties and obligations of the commissioners, and may prescribe standards that vary according to the various classes of commissioners or that apply only to certain classes of commissioners. The code must, among other things,

- (1) include preventive measures, in particular rules for the disclosure of interests;
- (2) deal with the identification of situations of conflict of interest;
- (3) regulate or prohibit practices relating to remuneration;
- (4) specify the duties and obligations of commissioners even after they leave office;
- (5) include enforcement mechanisms, in particular the designation of the persons charged with the enforcement of the code and provide for penalties.

No member of the council of commissioners or employee of a school board may be responsible for determining if the code has been contravened or for imposing a penalty.

The school board must ensure public access to the code, and publish it in its annual report.

The annual report shall, in addition, state the number of cases dealt with and the follow-up thereon and set out any breaches determined during the year by the disciplinary authorities, the determination thereof, any penalties imposed by the competent authorities and the names of any commissioners divested of office by a court during the year.

This section must not be construed so as to restrict the freedom of speech inherent in a commissioner's function.

1997, c. 6, s. 2; 2006, c. 51, s. 95.

**175.2.** Persons or authorities charged with examining or inquiring into alleged or actual conduct that may be contrary to standards of ethics or professional conduct, or charged with determining or imposing appropriate penalties, may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

1997, c. 6, s. 2.

**175.3.** Any person who derives a benefit as a result of a failure to comply with any standard of ethics or professional conduct established under section 175.1 is liable to the State for the value of the benefit derived.

1997, c. 6, s. 2.

**175.4.** Any member of the council of commissioners who has a direct or indirect interest in any enterprise which places the member's personal interest in conflict with the interest of the school board must, on pain of forfeiture of office, disclose the interest in writing to the director general of the school board, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a sitting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first sitting of the council

- (1) after a person having such an interest becomes a member of the council;
- (2) after a member of the council acquires such an interest;
- (3) during which the matter is dealt with.

Forfeiture of office incurred under this section shall subsist for five years after the date on which the judgment in which the forfeiture is declared acquires the authority of *res judicata*.

1997, c. 96, s. 25.

**176.** A person is not qualified to hold office as a member of the council of commissioners if convicted of an offence that is a corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification continues for five years from the day on which the judgment convicting the person becomes *res judicata*.

Sections 306 to 312 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply to members of the council of commissioners in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the council of commissioners is deemed to be a municipal council and the school board is deemed to be a municipality.

1988, c. 84, s. 176; 1997, c. 96, s. 26; 2006, c. 51, s. 96.

**176.1.** The members of the council of commissioners shall exercise their functions and powers, with due regard for everyone's role and responsibilities, 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;

(1.1) ensuring that the schools and centres receive adequate support;

(2) seeing to the relevance and quality 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 purpose of providing information to the other council members on any specific matter.

2008, c. 29, s. 19; 2016, c. 26, s. 29.

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

1988, c. 84, s. 177; 1990, c. 78, s. 54.

**177.1.** The members of the council of commissioners must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school board and the population served by the school board.

1997, c. 96, s. 27.

**177.2.** The school board shall assume the defence of any member of the council of commissioners who is prosecuted by a third person for an act done in the exercise of council functions.

In the case of penal or criminal proceedings, the school board may require a member who has been prosecuted to repay the defence expenses, except if the member had reasonable grounds to believe that the act was in conformity with the law, if the proceedings were withdrawn or dismissed or if the member was discharged or acquitted.

As well, the school board may require repayment of the defence expenses by the member if the member was found liable for damage caused by an act done in bad faith in the exercise of council functions.

1997, c. 96, s. 27.

**177.3.** 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.

2008, c. 29, s. 20.

**178.** The school board may take out liability insurance for the benefit of its employees.

Members of the council of commissioners, of a governing board or of any committee of the school board may, while they remain in office, and on the same conditions as those applicable to the employees of the school board, be a party to the liability insurance taken out by the school board under this section.

1988, c. 84, s. 178; 1997, c. 96, s. 28.

#### **DIVISION IV**

#### **SCHOOL BOARD COMMITTEES**

**179.** The council of commissioners shall establish an executive committee composed of the number of commissioners it determines, including the chair, at least one commissioner representing the parents' committee and at least one co-opted commissioner, if any.

The council of commissioners shall determine the term of office of the members of the executive committee.

The seat of a member of the executive committee who is entitled to vote becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections (chapter E-2.3). The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term.

1988, c. 84, s. 179; 1990, c. 8, s. 13; 1997, c. 96, s. 29; 1997, c. 47, s. 11; 2008, c. 29, s. 21; 2016, c. 26, s. 30.

**180.** The director general of the school board takes part in the sittings of the executive committee but is not entitled to vote.

Commissioners who are not members of the executive committee are entitled to attend its sittings, but are not entitled to vote or to take part in the proceedings of the committee.

1988, c. 84, s. 180; 1990, c. 8, s. 14.

**181.** The executive committee shall exercise the functions and powers delegated to it by by-law of the council of commissioners.

1988, c. 84, s. 181; 1990, c. 78, s. 54.

**182.** Sections 154 to 166, 169, 170, 171, 172, 173, 175.4 to 177.2, adapted as required, apply to the executive committee.

1988, c. 84, s. 182; 1997, c. 96, s. 30.

**183.** For the purposes of sections 96.25 and 110.13, every school board shall establish, under the direction of the director general, an advisory committee on management composed of the school principals, the principals of vocational training centres, the principals of adult education centres and of members of the executive staff of the school board.

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

Where the advisory committee on management acts in the place and stead of the resource allocation committee under section 193.5, it shall add to its members the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities

appointed under section 265 if that person is not already a member of the advisory committee on management.

1988, c. 84, s. 183; 1989, c. 36, s. 275; 1997, c. 96, s. 31; 2016, c. 26, s. 31.

**184.** Every school board that divides its territory into administrative regions may, for the same purposes, replace the advisory committee on management by an advisory committee for each region and a central advisory committee composed of delegates from the regional committees and of members of the executive staff of the school board.

The school board shall determine, after consultation with the school principals and the principals of centres, the composition, mode of operation and the distribution of functions of each committee.

The school principals shall constitute the majority of the members of each regional committee and of the central committee.

1988, c. 84, s. 184; 1990, c. 78, s. 54; 1997, c. 96, s. 32.

**185.** Every school board shall establish an advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

The committee shall be composed of

- (1) parents of the students concerned, designated by the parents' committee;
- (2) representatives of the teachers, of the members of the non-teaching professional staff and of the members of the support staff, designated by the associations which represent them in their dealings with the school board and elected from among the persons who provide services to the students concerned;
- (3) representatives of bodies which provide services to handicapped students or to students with social maladjustments or learning disabilities, designated by the council of commissioners after consulting with those bodies;
- (4) a school principal designated by the director general.

The director general or his representative shall take part in the sittings of the committee but he is not entitled to vote.

1988, c. 84, s. 185; 1990, c. 8, s. 16.

**186.** The council of commissioners shall determine the number of representatives from each group.

The representatives of the parents shall constitute the majority of the members of the committee.

1988, c. 84, s. 186.

**187.** The functions of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities are

- (1) to advise the school board on a policy for the organization of educational services to handicapped students and students with social maladjustments or learning disabilities;
- (2) to advise the resource allocation committee and the school board on the allocation of financial resources to the services intended for those students;
- (3) to advise the school board on its commitment-to-success plan.

The committee may also advise the school board on the implementation of an individualized education plan for a handicapped student or a student with social maladjustments or learning disabilities.

1988, c. 84, s. 187; 1990, c. 78, s. 37, s. 54; 1997, c. 96, s. 33; 2016, c. 26, s. 32.

**187.1.** Each year, the school board shall inform the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities of the amount of the financial

resources available for services intended for those students and of the allocation of those resources in light of the policies defined by the Minister.

The school board shall report each year to the committee and the Minister **on complaints filed with the person in charge of processing complaints regarding** services for handicapped students and students with social maladjustments or learning disabilities.

2005, c. 43, s. 43.

**188.** Every school board which provides student transportation shall establish an advisory committee on transportation the composition, operation and functions of which shall meet the norms established by government regulation.

1988, c. 84, s. 188; 1990, c. 78, s. 54.

**189.** A parents' committee composed of the following persons shall be established for each school board:

(1) one representative from each school, elected by the meeting of parents pursuant to the second paragraph of section 47;

(2) one representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

A representative from a school whose child no longer attends the school may remain on the parents' committee.

The parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities may designate a second representative as a substitute to attend and vote at meetings of the parents' committee when their representative is unable to do so.

1988, c. 84, s. 189; 1989, c. 36, s. 263; 1997, c. 47, s. 12; 1997, c. 96, s. 34.

**190.** Each year, before the first Sunday in November, the chair of the parents' committee or, in his absence, the secretary general of the school board shall call a meeting of the parents' committee to elect the chair of the parents' committee.

1988, c. 84, s. 190; 2008, c. 29, s. 34; 2016, c. 26, s. 33.

**191.** Every school board that divides its territory into administrative regions may, for the same purposes, replace the parents' committee by a regional parents' committee for each region and a central parents' committee composed of delegates from the regional parents' committees and a representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

Section 190 applies to the election of the chair of the central parents' committee and the chair of each regional parents' committee.

The school board, after consulting with the members of the regional parents' committees, shall determine the allocation of functions and the mode of operation and financing of the regional and central committees.

1988, c. 84, s. 191; 1989, c. 36, s. 264; 1990, c. 78, s. 54; 1997, c. 47, s. 13; 1997, c. 96, s. 35; 2008, c. 29, s. 34.

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

(1) to promote parents' participation in the activities of the school board and, for such purpose, to designate parents who shall take part in the various committees established by the school board;



- (2) to give advice on any matter conducive to the most efficient operation possible of the school board;
- (3) to inform the school board of the needs of parents as identified by the school representatives and by the representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities;
- (4) to give its opinion to the school board on any matter the latter is required to submit to it.

1988, c. 84, s. 192; 1990, c. 78, s. 54; 1997, c. 96, s. 36.

**193.** The parents' committee shall be consulted on the following matters:

- (1) the division, annexation or amalgamation of the territory of the school board;
  - (1.1) the school board's commitment-to-success plan;
- (2) the three-year plan of allocation and destination of the immovables of the school board, the list of schools and the deeds of establishment;
- (3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school;
  - (3.1) the financial contributions policy adopted under section 212.1;
- (4) *(subparagraph repealed)*;
- (5) the distribution of educational services among the schools;
  - (5.1) the school board's by-law on the complaint examination procedure established under section 220.2;
- (6) the criteria referred to in section 239 for the enrollment of students in schools;
  - (6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school;
- (7) the school calendar;
- (8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level;
- (9) the objectives and principles governing the allocation of the revenues of the school board among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees;
- (10) the learning activities established by the school board and intended for parents.

Moreover, the parents' committee may make recommendations to the school board regarding the matters referred to in the first paragraph and childcare provided at school. It may also waive a consultation on a matter referred to in the first paragraph. In such a case, it shall so inform the school board in writing, and it shall do the same if it wishes to put an end to the waiver.

1988, c. 84, s. 193; 1990, c. 8, s. 17; 1990, c. 78, s. 54; 1997, c. 47, s. 14; 1997, c. 96, s. 37; 2002, c. 63, s. 23; 2005, c. 16, s. 8; 2006, c. 51, s. 97; 2016, c. 26, s. 34; 2018, c. 5, s. 3.

**NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards**

**193.1.** The council of commissioners must establish the following committees:

- (1) a governance and ethics committee;
- (2) an audit committee; and
- (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 the purposes of co-optation under paragraph 3 of section 143, and in developing and updating the code of ethics and professional conduct provided 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.

The human resources committee shall, among other things, assist the commissioners in developing an expertise and experience profile and selection criteria for persons to be 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.

2008, c. 29, s. 22.

**193.2.** The school board must establish a resource allocation committee composed of not more than 15 members, including the director general of the school board, who is responsible for its direction. Subject to the third paragraph, the committee members must be members of the school board's executive staff.

The majority of the committee members must be school principals or principals of centres, including at least one principal of a school providing preschool education or elementary education, one principal of a school providing secondary education and one principal of a centre. These principals of institutions shall be chosen by their peers.

The person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities, appointed under section 265, must also be on the committee.

At least one committee member must be a member of the school board's executive staff not expressly mentioned in any of the first three paragraphs.

At the committee's request, other members of the school board's personnel may also take part in committee sittings, but are not entitled to vote.

2016, c. 26, s. 35.

**193.3.** The resource allocation committee must set up a consultation process with a view to establishing objectives and principles governing the annual allocation of revenues in accordance with section 275, determining how those revenues are to be allocated in accordance with section 275.1, including by setting out the criteria to be used to determine the amounts allocated, and determining how student services are to be distributed in accordance with section 261.

In addition to student services, the committee may also submit the distribution of other professional services to the consultation process.

Each school board and educational institution must provide the committee with any information or document necessary for the exercise of its functions.

At the conclusion of the consultation process, the director general or any other member designated by the committee must present recommendations at a meeting of the council of commissioners concerning the objectives and principles to govern the allocation of revenues, the annual allocation of those revenues and the distribution of student services and other professional services, as applicable. If the council of commissioners fails to implement a recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected. A copy of the minutes of the meeting of the council of commissioners containing the decision with reasons must be sent to the resource allocation committee.

2016, c. 26, s. 35.

**193.4.** The resource allocation committee must annually make a recommendation to the council of commissioners regarding the allocation of the surpluses of the school board's educational institutions in accordance with section 96.24.

2016, c. 26, s. 35.

**193.5.** A school board may entrust the functions assigned to the resource allocation committee under this Act to the advisory committee on management provided the latter complies with the composition requirements set out in section 193.2. It may also do so if it must add the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities to its members in order to comply with the composition requirements of section 193.2.

The advisory committee on management shall then act in the place and stead of the resource allocation committee.

2016, c. 26, s. 35.

**194.** The committees may hold their meetings on the premises of the school board.

The committees may also use, free of charge the administrative support services and the facilities of the school board in accordance with the terms and conditions established by the director general.

1988, c. 84, s. 194; 1997, c. 96, s. 38.

**195.** The committees shall establish their rules of internal procedure. The rules shall provide for at least three sittings every school year.

A member may take part in and vote at a meeting of the committee by any means allowing all the participants to communicate with each other.

1988, c. 84, s. 195; 1997, c. 96, s. 39.

**196.** No committee member may be prosecuted for an act performed in good faith in the discharge of his functions.

Sections 177, 177.1 and 177.2, adapted as required, apply to members of the parents' committee and to members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

1988, c. 84, s. 196; 1990, c. 78, s. 54; 1997, c. 96, s. 40.

**197.** The parents' committee and the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities shall adopt their annual operating budget, see to its administration and give an account thereof to the school board.

The budget shall maintain a balance between the expenditures of each committee on the one hand and the financial resources allocated to each committee by the school board and each committee's own other revenues, on the other.

1988, c. 84, s. 197.

## **DIVISION V**

### **DIRECTOR GENERAL**

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**198.** Every school board shall appoint a director general and an assistant director general. In the cases prescribed by regulation of the Minister under section 451, the board may appoint more than one assistant director general.

1988, c. 84, s. 198; 1990, c. 8, s. 18; 1997, c. 96, s. 41; 1997, c. 47, s. 15.

**199.** In no case may the director general or the assistant director general be a member of the governing board of a school or a centre under the authority of the school board.

1988, c. 84, s. 199; 1997, c. 96, s. 42.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**200.** The suspension or dismissal of the director general and the director general's removal from office requires the vote of at least two-thirds of the voting members of the council of commissioners.

1988, c. 84, s. 200; 1989, c. 36, s. 265, s. 276; 1990, c. 8, s. 19; 1997, c. 96, s. 43.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**201.** The director general shall assist the council of commissioners and the executive committee in the exercise of their functions and powers.

He is responsible for the day-to-day management of the activities and resources of the school board. He shall see that the decisions of the council of commissioners and of the executive committee are carried out and shall perform the duties that they assign to him.

1988, c. 84, s. 201; 1990, c. 78, s. 54; 1997, c. 96, s. 44.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**201.1.** The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively.

The director general may, however, hold an office or position or provide a service if no compensation or direct or indirect benefit is granted to the director general therefor.

Moreover, the director general may, with the authorization of the council of commissioners, hold an office or position or provide a service for which compensation or any direct or indirect benefit is granted.

1997, c. 96, s. 45.

**201.2.** The director general and the assistant director general may not,

on pain of sanctions up to and including revocation, have any direct or indirect interest in an enterprise that places their personal interest in conflict with the interest of the school service centre.

1997, c. 96, s. 45.

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

1988, c. 84, s. 202.

*NOTE: Bill 23 No change - Amendment applicable by decree to English School Boards*

**203.** An assistant director general shall assist the director general in the exercise of his functions and powers.

An assistant director general shall perform his functions under the authority of the director general.

The assistant director general, or the particular assistant director general designated by the school board, shall exercise the functions and powers of the director general if he is absent or unable to act. If the assistant director general is absent or unable to act, the person designated for that purpose by the school board shall exercise the functions and powers of the director general.

1988, c. 84, s. 203; 1990, c. 8, s. 20; 1990, c. 78, s. 54; 1997, c. 96, s. 46.

## **DIVISION VI**

### **FUNCTIONS AND POWERS OF THE SCHOOL BOARD**

#### **§ 1. — Preliminary provisions**

**204.** For the purposes of this division relating to the educational services referred to in section 1 and for the purposes of Division II of Chapter I, the persons who reside in the territory of a school board or who are committed or placed under custody therein pursuant to the Youth Protection Act (chapter P-34.1), the Act respecting health services and social services (chapter S-4.2), except persons to whom Part IV.1 of that Act applies, or the Young Offenders Act (R.S.C. 1985, c. Y-1) come under the jurisdiction of the school board.

For the purposes of the provisions of this division relating to vocational training or adult education, any person entitled and wishing to be enrolled in vocational training or adult education, whether or not resident in the territory of the school board, comes under the jurisdiction of a school board.

1988, c. 84, s. 204; 1990, c. 78, s. 54; 1992, c. 21, s. 175; 1994, c. 23, s. 17; 1997, c. 96, s. 47; 2017, c. 23, s. 5.

**205.** Only those persons who, according to law, are entitled to receive instruction in the English language and who elect to come under the jurisdiction of an English language school board, including for the purpose of being exempted from compulsory school attendance, come under the jurisdiction of that school board.

1988, c. 84, s. 205; 2017, c. 23, s. 6.

**206. (Repealed).**

1988, c. 84, s. 206; 1997, c. 47, s. 16.

**207.** The election to come under the jurisdiction of an English language school board is made upon an application for admission to the educational services of the school board or, in the case of a homeschooled child, by sending the notice provided for in subparagraph a of subparagraph 4 of the first paragraph of section 15.

An election made under the first paragraph remains in force until the person makes a new election.

1988, c. 84, s. 207; 1997, c. 47, s. 17; 2017, c. 23, s. 7.

#### **§ 2. — General functions**

**207.1.** The mission of a school board is to organize educational services for the benefit of the persons who come under its jurisdiction and ensure the quality of those services, to see to the success of students so that the population may attain a higher level of formal education and qualification, and to promote and enhance the status of public education in its territory. A further mission of the school board is to contribute, to the extent provided for by law, to its region's social, cultural and economic development.

In fulfilling its mission, the school board must show due regard for the principle of subsidiarity, supporting the educational institutions in the exercise of their responsibilities and seeing to the effective and efficient management of its human, physical and financial resources.

For the purposes of the second paragraph, "principle of subsidiarity" means the principle whereby powers and responsibilities must be delegated to the appropriate level of authority so that decision-making centres are adequately distributed and brought as close as possible to the students, citizens and communities concerned.

2008, c. 29, s. 23; 2016, c. 26, s. 36.

**207.2.** A school board shall contribute, to the extent provided for by this Act, to children's attending school as required.

2017, c. 23, s. 8.

**208.** Every school board shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act.

The Minister may, in exceptional circumstances, relieve any school board in whole or in part from that function in respect of persons committed or placed under custody in its territory.

1988, c. 84, s. 208.

**209.** In order to carry out that function, the school board shall, in particular,

- (1) admit persons who come under its jurisdiction to educational services;
- (2) organize educational services or, if the school board can establish that its resources are insufficient or if the school board agrees to grant the request of parents, entrust the organization of educational services to another school board, a body or a person with which or whom it has entered into an agreement pursuant to any of sections 213 to 215.1, while making sure the services are provided as near the students' place of residence as possible;
- (3) if it does not arrange certain vocational education programs or adult education services for which it receives no subsidies following a decision of the Minister pursuant to section 466 or 467, refer persons to a school board which provides such services.

In addition, a school board shall provide educational services to persons who come under the jurisdiction of another school board, to the extent indicated in a decision of the Minister pursuant to section 468.

1988, c. 84, s. 209; 1990, c. 8, s. 21; 1990, c. 78, s. 38; 1997, c. 96, s. 48.

**209.0.1.** A school service centre that is informed that a student who attends one of its institutions has been admitted to the educational services of another school service centre or of an educational institution governed by the Act respecting private education (chapter E-9.1) shall communicate, as soon as possible, to the other school service centre or the educational institution the information concerning the student that is necessary for the organization and provision of the educational services.

**209.1.** For the exercise of its functions and powers, every school board shall establish a commitment-to-success plan that is consistent with the strategic directions and objectives of the department's strategic plan. The commitment-to-success plan must also meet any expectations communicated under section 459.2. In addition, the period covered by the plan must be harmonized with the period covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph of section 459.3.

This plan, which the school board may update if necessary, must contain

- (1) the context in which the school board acts, particularly the needs of its schools and centres, the main challenges it faces, and the characteristics and expectations of the community it serves;
- (2) the directions and objectives selected;
- (3) the targets for the period covered by the plan;
- (4) the indicators, particularly Québec-wide indicators, to be used to measure achievement of those objectives and targets;
- (5) a service statement setting out its objectives with regard to the level and quality of the services it provides; and
- (6) any other element determined by the Minister.



In preparing its commitment-to-success plan, the school board shall consult, in particular, the parents' committee, the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, the advisory committee on management, the governing boards, the teachers and other staff members, and the students. The parents' committee and advisory committee on management may, among other things, make recommendations on what should be included in the school board's commitment-to-success plan.

The school board shall send its commitment-to-success plan to the Minister and make it public on the expiry of 60 to 90 days after sending it or of another period if the school board and the Minister so agree. The commitment-to-success plan takes effect on the date of its publication. The school board shall present the content of its commitment-to-success plan to the public at the meeting following the effective date of the plan. Public notice specifying the date, time and place of the meeting must be given not less than 10 days before it is held.

2002, c. 63, s. 24; 2005, c. 28, s. 195; 2008, c. 29, s. 24; 2016, c. 26, s. 37.

**209.2.** The school board shall ensure that the policies and objectives set out in the educational projects of its educational institutions are consistent with its commitment-to-success plan, and that any terms prescribed by the Minister under the first paragraph of section 459.3 are complied with. For those purposes, the school board may, after receiving an institution's educational project, require it, within the period prescribed by section 75 or 109.1, as applicable, to defer publication of the educational project or to amend it.

2008, c. 29, s. 25; 2016, c. 26, s. 37.

**210.** A French language school board shall provide educational services in French; an English language school board shall provide educational services in English.

However, vocational training and adult education services shall be provided in French or in English according to law; the same applies in respect of educational services provided to persons coming under the jurisdiction of a school board of another category pursuant to section 213 or 468.

Nothing in this section shall prevent the teaching of a second language in that language.

1988, c. 84, s. 210; 1997, c. 47, s. 19; 1997, c. 96, s. 49.

**210.1.** The school board shall see to it that each of its schools provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence. To that end, it shall support the principals of its schools in their efforts to prevent and stop bullying and violence.

2012, c. 19, s. 15.

**211.** Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school board shall establish a three-year plan for the allocation and destination of its immovables. The plan must specify, for each school and each vocational training and adult education centre, the name and address of the school or centre, the premises at its disposal, the level of instruction provided, any purpose it may have other than its educational purpose, its capacity and the school enrolment forecast for the duration of the plan.

The school board shall transmit the plan to every municipality or metropolitan community consulted.

The school board shall then draw up, in accordance with the plan, a list of its schools, and of its vocational training and adult education centres, if any, and shall issue a deed of establishment to them.

Where two or more educational institutions are established in the same premises or immovables, the school board shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.

In the case described in the fourth paragraph, the school board may, at the request of the governing boards concerned, establish a coordinating committee composed of representatives of the governing boards and determine the distribution of powers and functions between the governing boards and the coordinating committee, as well as the administrative and operating rules applicable to the coordinating committee.

The school board may also appoint a single principal for all the institutions and one or more vice principals for each institution. In such a case, the school board, after consulting with the governing boards concerned, shall determine the distribution of powers and functions between the principal and the vice principals.

1988, c. 84, s. 211; 1990, c. 8, s. 22; 1997, c. 96, s. 50; 2000, c. 56, s. 159; 2002, c. 68, s. 52; 2003, c. 19, s. 203; 2006, c. 51, s. 98.

**211.1.** Subject to any policy directions the Minister may establish, the school board must adopt a policy on introducing students to democracy in schools, providing, in particular, for a form of student representation with the council of commissioners.

2006, c. 51, s. 99.

**212.** Subject to any policy directions the Minister may establish and after holding a public consultation and consulting the parents' committee, the school board shall adopt a policy on

(1) the continued operation or closure of schools; and

(1.1) the change in destination of an immovable placed at the disposal of one of its schools; and

(2) changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

The policy must include a public consultation process, to take place prior to any change, that must provide for

(1) the consultation timetable;

(2) the manner in which the public, and more particularly the parents and the students of full age concerned, are to be informed, including the place where relevant information on the project, particularly its budgetary and educational impact, may be consulted by any person interested, and the place where additional information may be obtained;

(3) at least one public consultation meeting and the related procedure; and

(4) the presence at the consultation meetings of the chair of the school board and the commissioner of the electoral division concerned.

The policy must also specify that the public consultation process must start with a public notice of the consultation meeting, to be issued

(1) not later than 1 July of the year preceding the year during which the school would be closed; or

(2) not later than 1 April of the year preceding the year during which a change under subparagraph 2 of the first paragraph would be made.

1988, c. 84, s. 212; 1997, c. 96, s. 51; 2006, c. 51, s. 100; 2008, c. 29, s. 34.

**212.1.** After consulting with the parents' committee, the school board shall adopt a policy on the financial contributions that may be made for the documents and objects mentioned in the third and fourth paragraphs of section 7, or that may be claimed for services referred to in sections 256 and 292.

This policy must respect the powers of the governing board and promote accessibility to the educational services provided for in this Act and prescribed by the basic regulations established by the Government.

2005, c. 16, s. 9; 2019, c. 9, s. 5.

**212.2.** The school board shall see to it that its schools and vocational training centres comply with the conditions applicable to required financial contributions and that the schools and centres do not, under any circumstances, require payment of fees contrary to law, including administrative fees.

2019, c. 9, s. 6.

**213.** A school board may enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school board or an educational institution governed by the Act respecting private education (chapter E-9.1), or an educational body in Canada which provides educational services equivalent to those referred to in this Act.

A school board may enter into an agreement with another school board, a body or a person for the provision of student services and special educational services, literacy services or popular education services or for any purposes other than the provision of services referred to in the first paragraph.

Before entering into such an agreement, the school board shall consult every student of full age and the parents of every student likely to be concerned by such an agreement. In the case of a handicapped student or a student with a social maladjustment or a learning disability, the school board shall consult the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

A school board may, pursuant to an agreement under this section, provide services to persons who do not come under its jurisdiction; it may also organize on-the-job training and apprenticeship programs.

1988, c. 84, s. 213; 1990, c. 8, s. 23; 1990, c. 78, s. 54; 1992, c. 68, s. 144, s. 156; 1997, c. 96, s. 52; 1997, c. 47, s. 20; 1997, c. 96, s. 52.

**214.** A school board may, according to law, enter into an agreement with a foreign government or one of its departments, an international organization, or an agency of such government or organization.

A school board may also enter into an agreement with a department or agency of the Government or, with the authorization of the Government and subject to the conditions it determines, with a department or agency of the Government of Canada or the government of another province of Canada.

However, it cannot enter into an agreement concerning the provision of educational services to which students who come under the jurisdiction of the school board are entitled under the basic regulations except where the Minister judges that the services offered are equivalent to those provided for by such regulations.

Under the terms of an agreement entered into pursuant to this section, a school board may provide services to persons who do not come under its jurisdiction.

1988, c. 84, s. 214; 1990, c. 8, s. 24; 1990, c. 78, s. 54; 1997, c. 96, s. 164; 2008, c. 29, s. 26.

**214.1.** A school board and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the school board and the competent authority in respect of a police force in the territory of the school board, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

The director general of the school board shall send a copy of the agreement to the principals of the educational institutions and the regional student ombudsman in charge of accountability assigned to the region in which the institutions are located.

2012, c. 19, s. 16.

**214.2.** A school board shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.

The director general of the school board shall send a copy of the agreement to the principals of the educational institutions and the regional student ombudsman in charge of accountability assigned to the region in which the institutions are located.

2012, c. 19, s. 16.

**214.3.** A school board must enter into an agreement with an institution operating a child and youth protection centre in its territory concerning the services to be provided to a child and his parents by the health and social services network and the education network if the child is the subject of a report for a situation of educational neglect in connection with the schooling the child receives or with the child's compliance with compulsory school attendance under subparagraph iii of subparagraph 1 of subparagraph *b* of the second paragraph of section 38 of the Youth Protection Act (chapter P-34.1).

The agreement must establish a method of cooperation to ensure the child's situation is monitored.

The agreement must cover, among other aspects, the continuity and complementarity of the services provided and the actions to be taken jointly. The parties are required to share the information necessary for the implementation of the agreement.

2017, c. 18, s. 94.

**215.** Any agreement between a school service centre and a body or person as part of providing extracurricular services or carrying out a special school project for the provision of services other than educational services must be made in writing.

The agreement must provide for measures to prevent and stop any form of bullying or violence during the provision of extracurricular services or implementation of the special school project and, where applicable, require that persons who would be required to work with minor students and persons regularly in contact with minor students inform the principal of the school attended by the students directly involved of any act of bullying or violence that they observe. The agreement must also require that, in collaboration with the educational institution, persons who would be required to work with minor students and persons regularly in contact with minor students complete proper anti-bullying and anti-violence training as soon as possible.

**215.1.** A school board may, with the authorization of and subject to the conditions determined by the Minister, enter into a contract of association with a general and vocational college.

A general and vocational college that enters into a contract of association with a school board in accordance with the first paragraph may provide educational services provided for by this Act and prescribed by the basic regulations established by the Government under sections 447 and 448; the college is entitled to such benefits granted by this Act to schools, vocational training centres or adult education centres as are determined by the Minister.

Likewise, a school board that enters into a contract of association with a general and vocational college may provide college studies programs established by the Minister under the General and Vocational Colleges Act (chapter C-29); the school board is entitled to such benefits granted by the General and Vocational Colleges Act to general and vocational colleges as are determined by the Minister.

1997, c. 96, s. 53.

**216.** Every school board shall, in accordance with the budgetary rules established by the Minister of Education, Recreation and Sports, require a financial contribution in respect of a student who is not resident in Québec for services that are not free services under section 3.1.

It may, subject to the maximum amount determined according to the budgetary rules, require a financial contribution in respect of a Québec resident enrolled in vocational training or adult education for services that are not free services under section 3.

Despite the first paragraph, the school board may, following a request made by a student or his parents, exempt the student from payment of the required financial contribution for humanitarian reasons or to avoid serious prejudice to him, particularly if the school board considers there is a risk he will not attend any school, in Québec or elsewhere, if the contribution is required. In the event of refusal by the school board, the Minister may, at the request of the same, order the school board to exempt the student from payment of the required financial contribution.

1988, c. 84, s. 216; 1990, c. 78, s. 39, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 54; 2005, c. 28, s. 195; 2017, c. 23, s. 9.

**217.** Every school board shall consult the governing boards and the school board committees on those matters on which they must be consulted, and hold the public consultations prescribed in this Act.

1988, c. 84, s. 217; 1997, c. 96, s. 55; 2006, c. 51, s. 101.

**218.** Every school board shall facilitate the implementation of the educational project of each school and each centre.

1988, c. 84, s. 218; 1990, c. 8, s. 25; 1990, c. 78, s. 54; 1997, c. 47, s. 21; 1997, c. 96, s. 56; 2000, c. 24, s. 25; 2002, c. 63, s. 25; 2016, c. 26, s. 38.

**218.1.** The school board may require from its educational institutions any information or document it considers necessary for the exercise of its functions and powers, on the date and in the form it specifies.

1997, c. 96, s. 57.

**218.2.** If a school, a vocational training centre or an adult education centre fails or refuses to comply with this Act or with a regulation of the Government, the Minister or the school board, the school board shall give the institution formal notice to comply therewith; failing that, the school board shall take

appropriate action to ensure compliance with this Act and the regulations, such as substituting its decisions for the decisions of the institution.

1997, c. 96, s. 57.

**219.** Every school board shall prepare and transmit to the Minister the documents and information, other than the information referred to in section 6.8 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), he requests for the exercise of his functions and powers at such time and in such form as he prescribes.

1988, c. 84, s. 219; 1990, c. 28, s. 1; 1990, c. 78, s. 54; 1990, c. 78, s. 8; 1991, c. 27, s. 7.

**220.** Every school board shall prepare an annual report giving the population in its territory an account of the implementation of its commitment-to-success plan and the results obtained measured against the objectives and targets it contains. The school board shall, in the report, inform the population of the educational and cultural services it provides and the level of quality of those services.

In the report, the school board shall state separately for each school the nature of the reports and complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed in accordance with the complaint processing procedure provided for by the Act respecting the National Student Ombudsman (2022, chapter 17).

The school board shall send a copy of the report to the Minister and make the report public no later than 31 December each year.

1988, c. 84, s. 220; 1997, c. 96, s. 58; 2002, c. 63, s. 26; 2005, c. 28, s. 195; 2008, c. 29, s. 28; 2012, c. 19, s. 17; 2016, c. 26, s. 39.

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

Public notice specifying the date, time and place of such a meeting must be given not less than 15 days before it is held.

During such a meeting, the school service centre's board members must present to the public the content of the annual report provided for in section 220, subject to the content of the regional student ombudsman's annual activity report which the regional student ombudsman must present. The board members and regional student ombudsman must answer any questions addressed to them concerning the report.

2008, c. 29, s. 29; 2016, c. 26, s. 40.

**220.2.** After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints related to its functions.

The procedure does not apply, however, to complaints filed by a student, homeschooled child or the parents of either with regard to the services the school service centre provides to them. Those complaints are subject to the procedure provided for in the Act respecting the National Student Ombudsman (2022, chapter 17).

2008, c. 29, s. 29; 2012, c. 19, s. 18; 2016, c. 26, s. 41.

§ 3. — *Functions and powers relating to educational services provided in schools*



**221.** This subdivision does not apply to vocational training or adult education services.

A reference to the basic school regulation is a reference to the basic school regulation established by the Government under section 447.

1988, c. 84, s. 221; 1990, c. 78, s. 54; 1997, c. 96, s. 59.

**221.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on schools, that each school has adopted an educational project.

2002, c. 63, s. 27; 2016, c. 26, s. 42.

**222.** Every school board shall ensure that the basic school regulation established by the Government is implemented in accordance with the gradual implementation procedure established by the Minister under section 459.

For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the school principal, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.

The school board may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project applicable to a group of students may be carried out. However, a departure from the list of subjects may only be permitted in the cases and on the conditions determined by a regulation of the Minister made under section 457.2 or with the authorization of the Minister given in accordance with section 459.

1988, c. 84, s. 222; 1990, c. 78, s. 54; 1997, c. 96, s. 60; 2004, c. 38, s. 3.

**222.1.** Every school board shall ensure that the programs of activities or of studies established by the Minister under section 461 are implemented.

However, a school board may, at the request of a school principal, after consulting with the student's parents and subject to the rules governing certification of studies prescribed by the basic school regulation, exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation; no exemption may be granted, however, in respect of those programs.

As well, a school board may, with the authorization of and subject to the conditions determined by the Minister, allow a school to replace a program of studies established by the Minister by a local program of studies designed for a student or a category of students who are unable to benefit from the programs of studies established by the Minister. Every such local program of studies must be submitted by the school board to the Minister for approval.

1997, c. 96, s. 61; 2000, c. 24, s. 26; 2005, c. 20, s. 2; 2019, c. 9, s. 7.

**223.** A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic school regulation does not apply to a program of studies referred to in the first paragraph.

1988, c. 84, s. 223; 1990, c. 78, s. 54; 1997, c. 96, s. 62.

**224.** Every school board shall establish a program for each student service and special educational service contemplated in the basic school regulation except in matters coming under the jurisdiction of a minister other than the Minister of Education, Recreation and Sports.

It may enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the Minister of Education, Recreation and Sports.

The programs must be in conformity with the basic school regulation.

1988, c. 84, s. 224; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 63; 2005, c. 28, s. 195.

**224.1.** In accordance with the conditions and procedures established by the Minister under section 461.1, a school board referred to in that section shall organize preschool educational services, admit students to them, enrol the students in a school and organize activities or services intended for the students' parents in order to help achieve the educational services objectives

The school board may however be exempted from the objectives set by the Minister under the fourth paragraph of section 461.1 if it proves, to the satisfaction of the Minister, that it is unable to provide quality service.

2013, c. 14, s. 2; 2019, c. 24, s. 3.

#### **Note from the Quebec Official Publisher**

*See transitional provisions, 2019, c. 24, s. 20, par. 2.*

**225.** *(Repealed).*

1988, c. 84, s. 225; 1997, c. 96, s. 64; 2000, c. 24, s. 27; 2005, c. 20, s. 3.

**226.** Every school board shall ensure that schools offer to all students student services for spiritual care and guidance and community involvement.

1988, c. 84, s. 226; 1997, c. 96, s. 65; 2000, c. 24, s. 28.

**227.** *(Repealed).*

1988, c. 84, s. 227; 1997, c. 96, s. 66; 2000, c. 24, s. 29.

**228.** *(Repealed).*

1988, c. 84, s. 228; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 1997, c. 96, s. 67; 2000, c. 24, s. 30.

**229.** *(Repealed).*

1988, c. 84, s. 229; 1990, c. 78, s. 54; 1997, c. 96, s. 68.

**230.** Every school board shall ensure that only the textbooks, instructional material or class of instructional material approved by the Minister are used by schools for the teaching of any program of studies established by the Minister.

It shall also ensure that schools, in accordance with section 7, place at the disposal of the students, free of charge, the textbooks and instructional material used for the implementation of programs of activities or for the teaching of the programs of studies, and ensure that students have access, free of charge, to reference and reading material.

1988, c. 84, s. 230; 1990, c. 78, s. 54; 1997, c. 96, s. 69; 2000, c. 24, s. 31; 2019, c. 9, s. 8.

**231.** Every school board shall ensure that each school evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects it determines at the end of each cycle of the elementary level and at the end of the first cycle of the secondary level.

1988, c. 84, s. 231; 1990, c. 8, s. 26; 1990, c. 78, s. 54; 1997, c. 96, s. 70.

**232.** Every school board shall recognize, in accordance with the criteria or conditions established by the Minister, the learning acquired by a student otherwise than as prescribed in the basic school regulation.

1988, c. 84, s. 232; 1990, c. 78, s. 54.

**233.** After consulting with the parents' committee, every school board shall establish rules governing promotion from elementary school to secondary school and from the first cycle to the second cycle of the secondary level, subject to the rules prescribed by the basic school regulation.

1988, c. 84, s. 233; 1990, c. 78, s. 54; 1997, c. 47, s. 22; 1997, c. 96, s. 71.

**234.** Every school board shall, subject to sections 222 and 222.1, adapt the educational services provided to a handicapped student or a student with a social maladjustment or a learning disability according to the student's needs and in keeping with the student's abilities as evaluated by the school board according to the procedures prescribed under subparagraph 1 of the second paragraph of section 235.

1988, c. 84, s. 234; 1997, c. 96, s. 72.

**235.** Every school board shall adopt, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, a policy concerning the organization of educational services for such students to ensure the harmonious integration of each such student into a regular class or group and into school activities if it has been established on the basis of the evaluation of the student's abilities and needs that such integration would facilitate the student's learning and social integration and would not impose an excessive constraint or significantly undermine the rights of the other students.

The policy shall include

- (1) procedures for evaluating handicapped students and students with social maladjustments or learning disabilities; such procedures shall provide for the participation of the parents of the students and of the students themselves, unless they are unable to do so;
- (2) methods for integrating those students into regular classes or groups and into regular school activities as well as the support services required for their integration and, if need be, the weighting required to determine the maximum number of students per class or group;
- (3) terms and conditions for grouping those students in specialized schools, classes or groups;
- (4) methods for preparing and evaluating the individualized education plans intended for such students.

Specialized schools referred to in subparagraph 3 of the second paragraph are not schools established under section 240.

1988, c. 84, s. 235; 1990, c. 78, s. 40; 1997, c. 96, s. 73.

**236.** Every school board shall determine the educational services to be provided by each of its schools.

1988, c. 84, s. 236.

**237. (Repealed).**

1988, c. 84, s. 237; 1990, c. 78, s. 54; 1997, c. 96, s. 74.

**238.** Every school board shall establish the school calendar of its schools, taking into account the provisions of the basic school regulation.

1988, c. 84, s. 238; 1990, c. 78, s. 54.

**239.** Each year, every school board shall enroll students in its schools in keeping with the choice of each student's parents or the choice of the student, if of full age. However, if the number of applications for enrollment in a school exceeds the capacity of the school, enrollment shall be effected according to the criteria established by the school board after consultation with the parents' committee.

The enrollment criteria must give priority to students coming under the jurisdiction of the school board and, as far as possible, to students whose place of residence is nearest to the school premises. They must be adopted, put into force and sent to each governing board at least 15 days before the beginning of the student enrollment period.

The conditions or criteria for participation in a special project may not serve as criteria for enrollment in a school; nor may they operate to exclude a student from the school of the student's choice if the student has a right to enroll in that school pursuant to the criteria referred to in the first paragraph.

1988, c. 84, s. 239; 1997, c. 96, s. 75.

**240.** By way of exception, at the request of a group of parents and after consulting with the parents' committee, a school board may, with the Minister's approval, establish a school for the purposes of a specific project other than a religious project, subject to the conditions and for the period determined by the Minister.

The school board may determine the criteria for the enrollment of the students in that school.

The school service centre may organize and provide, in that school, special welcoming services and French language-learning support services or educational services in specialized classes or groups referred to in section 235 to students who are not admitted to the special project for which the school is established.

1988, c. 84, s. 240; 1997, c. 96, s. 76; 2000, c. 24, s. 32.

**241.** (*Repealed*).

1988, c. 84, s. 241; 2000, c. 24, s. 33; 2005, c. 20, s. 3.

**241.1.** For humanitarian reasons or to avoid a serious prejudice to a child who has not attained the age of admission, the school board may, following a request giving reasons therefor made by the parents, in cases determined by regulation of the Minister,

(1) admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age;

(2) admit to elementary school education a child admitted to preschool education who has attained 5 years of age.

In the event of refusal by the school board, the Minister may, at the request of the parents and if he considers it expedient on the grounds mentioned in the first paragraph, order the school board to admit the child, in the cases and subject to the conditions prescribed in the first paragraph.

1992, c. 23, s. 1.

**241.2.** (*Repealed*).

1992, c. 23, s. 1; 1997, c. 96, s. 77.

**241.3.** (*Repealed*).

1992, c. 23, s. 1; 1997, c. 96, s. 77.

**241.4.** The school board shall, each year and not later than 31 March, send to the Minister a report on the number of students admitted under each of sections 96.17, 96.18 and 241.1.

1992, c. 23, s. 1; 1997, c. 96, s. 78.

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

The school board shall promptly decide on the principal's request, at the latest within 10 days.

A copy of the decision is sent to the **regional student ombudsman in charge of accountability assigned to the region in which the school is located** if it proves necessary to expel the student in order to put an end to acts of bullying or violence.

1988, c. 84, s. 242; 2012, c. 19, s. 19.

**243.** Every school board shall take part in any periodical evaluation by the Minister of the basic school regulation, the programs of activities or of studies, the textbooks and instructional material required for the teaching of the programs of studies established by the Minister and the operation of the school system.

1988, c. 84, s. 243; 1990, c. 78, s. 54; 2019, c. 9, s. 9.

**244.** The functions and powers provided for in sections 222 to 224, in the second paragraph of section 231 and in sections 233 to 240 and 243 are exercised after consultation with the teachers.

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school board.

1988, c. 84, s. 244; 1997, c. 96, s. 79.

§ 4. — *Functions and powers relating to educational services provided in vocational training centres and adult education centres*  
1997, c. 96, s. 80.

**245.** This subdivision applies only to vocational training and adult education services.

A reference to the basic regulation is a reference to a basic regulation established by the Government under section 448.

1988, c. 84, s. 245; 1990, c. 78, s. 54; 1997, c. 96, s. 81.

**245.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on centres, that each centre has adopted an educational project.

2002, c. 63, s. 28; 2016, c. 26, s. 43.

**246.** Every school board shall see to the implementation of the basic regulations established by the Government in accordance with the gradual implementation approach prescribed by the Minister under section 459 and of the programs of studies established by the Minister under section 461.

For humanitarian reasons or to avoid serious harm to a student, the school board may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the principal of the centre, exempt the student from the application of a provision of the basic regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school board must apply therefor to the Minister.

1988, c. 84, s. 246; 1990, c. 8, s. 27; 1990, c. 78, s. 54; 1997, c. 96, s. 82.

**246.1.** A school board may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic regulations do not apply to a program of studies referred to in the first paragraph.

1997, c. 96, s. 83.

**247.** Every school board shall establish a program for each student service and popular education service provided for in the basic regulation.

The programs must comply with the objectives set out in the basic regulation.

1988, c. 84, s. 247; 1990, c. 78, s. 41, s. 54; 1997, c. 96, s. 164.

**248. (Repealed).**

1988, c. 84, s. 248; 1990, c. 78, s. 54; 1997, c. 96, s. 84.

**249.** Every school board shall ensure that each centre evaluates student achievement and administers the examinations imposed by the Minister.

A school board may impose internal examinations in the subjects in which no examination is imposed by the Minister and for which credits are compulsory for the issue of a secondary school diploma or a vocational training diploma.

1988, c. 84, s. 249; 1990, c. 8, s. 28; 1990, c. 78, s. 54; 1997, c. 96, s. 85.

**250.** Every school board shall arrange and offer reception and referral services relating to vocational training or adult education.

It shall recognize, in accordance with the criteria or conditions established by the Minister, the scholastic or experiential learning of a person enrolled in vocational training or adult educational services.

1988, c. 84, s. 250; 1990, c. 78, s. 42, s. 54; 1997, c. 96, s. 86.

**251.** Every school board shall determine the educational services to be provided by each of its vocational training or adult education centres.

1988, c. 84, s. 251; 1997, c. 96, s. 87.

**252.** Every school board shall establish the school calendar of its vocational training and adult education centres, subject to the provisions of the basic school regulation.

1988, c. 84, s. 252; 1990, c. 78, s. 54; 1997, c. 96, s. 88, s. 164.

**253.** Every school board shall take part in any periodical evaluation by the Minister of the basic regulation, the programs of studies and the operation of the school system.

1988, c. 84, s. 253; 1990, c. 78, s. 54; 1997, c. 96, s. 164.

**254.** The functions provided for in this subdivision are exercised after consultation with the teachers.

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school board.

1988, c. 84, s. 254.

§ 5. — *Functions and powers relating to community services*

**255.** A school board may

(1) through workforce training, technical assistance to enterprises and informational activities, contribute to the development and realization of technological innovation projects, to the implementation and dissemination of new technology and to regional development;

(2) provide cultural, social, sports, scientific or community services;



(3) take part, in keeping with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and implementation of external cooperation programs in the fields under its jurisdiction;

(4) collaborate with government departments and agencies and any other partners to carry out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and by paying a financial contribution.

The main object of the exercise of such powers shall not be the operation of a commercial enterprise.

1988, c. 84, s. 255; 1995, c. 43, s. 45; 1997, c. 96, s. 89; 2007, c. 3, s. 72; 2008, c. 29, s. 30.

**255.1.** A school board may, to the extent and on the conditions it determines, entrust the management of all or any part of the activities referred to in section 255, except workforce training activities, to a committee it establishes or to a body it designates.

1995, c. 43, s. 45; 1997, c. 96, s. 90; 2007, c. 3, s. 72.

**256.** At the request of the governing board of a school, a school board must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises.

If childcare is so provided, the governing board shall, at the request of parents, form a childcare parents' committee that is composed of the childcare provider, the principal or his representative and three to five parents elected by and from among the parents of students attending childcare.

The committee may make recommendations to the principal, governing board and school board regarding childcare services, including the financial contributions required for those services.

1988, c. 84, s. 256; 1989, c. 59, s. 28; 1996, c. 16, s. 66; 1997, c. 58, s. 49; 1997, c. 96, s. 91; 2019, c. 9, s. 10.

**256.1.** (*Repealed*).

1992, c. 23, s. 2; 1997, c. 96, s. 92.

**257.** A school board may arrange services to promote access to educational services, such as meals and lodging.

1988, c. 84, s. 257.

**258.** The school board may hire staff and enter into agreements for the purposes of sections 255 to 257. In addition, it may require a financial contribution from users of the services it provides.

1988, c. 84, s. 258; 1992, c. 23, s. 3; 1995, c. 43, s. 46; 1997, c. 58, s. 50; 1997, c. 96, s. 93.

#### § 6. — *Functions and powers relating to human resources*

**258.1.** For the purposes of this subdivision, "judicial record" means

(1) a conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) a charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) a court order subsisting against a person in Canada or elsewhere.

2005, c. 16, s. 10.

**258.2.** For the purposes of this subdivision, the information concerning a judicial record provided for in its provisions may be gathered, used and kept only with a view to ensuring the safety and well-being of the students.

The school board must ensure that that information is accessible only to the persons who are qualified to receive it by reason of their responsibilities, and that those persons undertake in writing with the school board to comply with the limitations set out in the first paragraph.

2005, c. 16, s. 10.

**258.3.** The Minister and the Minister of Public Security shall make a framework agreement for establishing the procedures to be followed by Québec police forces when verifying judicial records for school boards.

2005, c. 16, s. 10.

**258.4.** The Minister shall prepare a judicial record verification guide for school boards and see that it is distributed.

2005, c. 16, s. 10.

**259.** Every school board is the employer of the personnel required for its operation and that of its schools, vocational training centres and adult education centres, except the personnel required for the student services and special educational services programs under the jurisdiction of a minister other than the Minister of Education, Recreation and Sports.

Every school board shall appoint a secretary general who shall perform and exercise, in addition to the functions and powers provided for in this Act and in the regulation of the Minister under section 451, the functions and powers of the secretary of the council of commissioners and of the executive committee and those determined by the school board. The same person may hold the positions of secretary general and assistant director general simultaneously.

1988, c. 84, s. 259; 1990, c. 8, s. 29; 1990, c. 78, s. 43, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 94; 2005, c. 28, s. 195.

**260.** The personnel required for the operation of a school board shall perform their functions under the authority of the director general of the school board.

The personnel assigned to a school shall perform their functions under the authority of the principal and the personnel assigned to a vocational training or adult education centre shall perform their functions under the authority of the principal of the centre.

1988, c. 84, s. 260; 1990, c. 78, s. 54; 1997, c. 96, s. 95.

**261.** Every school board shall, in assigning personnel to its schools, vocational training centres and adult education centres, take into account the staffing requirements submitted to it by the school principals and the principals of the centres, the recommendations of the resource allocation committee under section 193.3 and the applicable collective agreements.

Every school board shall ensure that any person it hires to provide preschool education services or to teach at the elementary or secondary level holds a teaching licence issued by the Minister, except in cases where such a licence is not required.

1988, c. 84, s. 261; 1997, c. 96, s. 96; 2000, c. 24, s. 34; 2016, c. 26, s. 44.

**261.0.1.** Before hiring persons who would be required to work with minor students or be regularly in contact with them, the school board must ensure that they have no judicial record relevant to the functions that could be assigned to them within that school board.

To that end, those persons must send a declaration concerning their judicial record to the school board. The school board must verify the declaration or have it verified.

2005, c. 16, s. 11.

**261.0.2.** At the request of the school board, persons who work with minor students and persons who are regularly in contact with minor students in the school board must send it a declaration concerning their judicial record so that the school board may ensure that they have no judicial record relevant to their functions within that school board.

To that end, the school board may act on the strength of that declaration, or it may verify the declaration or have it verified.

2005, c. 16, s. 11.

**261.0.3.** If the school board has reasonable grounds to believe that a person who works with minor students in the school board or is regularly in contact with them has a judicial record, it must require the person to send it a declaration concerning the person's judicial record. The person must comply with the request within 10 days.

The school board must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the school board.

2005, c. 16, s. 11.

**261.0.4.** Within 10 days of being notified of a change in their judicial record, persons who work with minor students and persons who are regularly in contact with minor students in the school board must inform the school board of that change, regardless of whether they have already filed a declaration concerning their judicial record.

The school board must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the school board.

2005, c. 16, s. 11.

**261.0.5.** When a school board verifies a declaration concerning a judicial record under this subdivision, or has it verified, it may have the declaration verified, in particular, by a Québec police force and communicate or receive any information for the purposes of the verification.

2005, c. 16, s. 11.

**261.0.6.** The form established by the school board for declarations concerning a judicial record under this subdivision must state that the school board may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification.

The declaration form must also state that the school board will inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school board.

2005, c. 16, s. 11.

**261.0.7.** The school board must inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school board.

2005, c. 16, s. 11.

**261.1.** A school board may enter into an agreement with any educational institution at the university level concerning the training of future teachers and the mentoring of teacher trainees or newly qualified teachers.

1997, c. 96, s. 97.

**262.** (*Repealed*).

1988, c. 84, s. 262; 1997, c. 96, s. 98; 2000, c. 24, s. 35.

**263.** (*Repealed*).

1988, c. 84, s. 263; 1997, c. 96, s. 99; 2000, c. 24, s. 35.

**264.** Every school board which provides adult education services shall appoint a person responsible for adult education services.

1988, c. 84, s. 264; 1990, c. 78, s. 44.

**265.** Every school board shall appoint a person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities.

1988, c. 84, s. 265.

§ 7. — *Functions and powers relating to material resources*

**266.** The functions of the school board are

(1) to acquire or lease such property as is required for the carrying on of its activities and the activities of its educational institutions and to accept property gratuitously;

(2) to build, repair or maintain its property;

(3) to determine the use of its property and administer it, subject to the right of its educational institutions to use the property placed at their disposal;

(4) to encourage the use of its immovables by public or community organizations in its territory or to lease out its movable or immovable property, subject to the right of its educational institutions to use the property placed at their disposal.

A school board may be the owner or lessee of premises or immovables situated outside its territory.

1988, c. 84, s. 266; 1990, c. 8, s. 30; 1997, c. 96, s. 100; 1999, c. 40, s. 158; 2006, c. 29, s. 36.

**266.1.** Any contract that allows the total or partial use of an immovable of a school board is deemed to contain a clause allowing the school board to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.

2016, c. 12, s. 33.

**267.** A school board may enter into an agreement with another school board, an educational institution, a municipality or a community organization in its territory to jointly establish, maintain or improve public libraries, administrative, sports, cultural or recreation centres or playgrounds.

The school board shall obtain the prior authorization of the Minister where the agreement provides for the co-ownership of an immovable or where the school board must resort to credit repayable over a period exceeding one year in order to pay the cost of its contribution.

The school board may also, with the authorization of and subject to the conditions determined by the Minister, enter into an agreement with another school board, a general and vocational college, a private educational institution governed by the Act respecting private (chapter E-9.1) or an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of that Act and offers a vocational training program to jointly establish, maintain or improve a school, a vocational training centre, an adult education centre or a college-level educational institution. The agreement may provide for co-ownership of an immovable allocated to the educational institution.

1988, c. 84, s. 267; 1997, c. 96, s. 101.

**268.** *(Repealed).*

1988, c. 84, s. 268; 1992, c. 23, s. 4.

**269.** *(Repealed).*

1988, c. 84, s. 269; 1992, c. 23, s. 4.

**270.** A school board may insure its property.

1988, c. 84, s. 270.

**271.** (*Repealed*).

1988, c. 84, s. 271; 1992, c. 23, s. 5; 1997, c. 96, s. 102.

**272.** No school board shall, without the authorization of the Minister, hypothecate or demolish its immovables.

Every sale, exchange or other disposition of an immovable shall be effected in accordance with the regulation of the Government.

1988, c. 84, s. 272; 1990, c. 78, s. 54.

**273.** A school board may, if authorized by the Minister, expropriate an immovable required for its purposes.

Notwithstanding the foregoing, no school board shall, without the authorization of the Government, expropriate an immovable exempt from school tax under the Act respecting municipal taxation (chapter F-2.1).

1988, c. 84, s. 273.

§ 8. — *Functions and powers relating to financial resources*

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

1988, c. 84, s. 274.

**275.** After consulting with the governing boards and the parents' committee and taking into account the recommendations of the resource allocation committee under the fourth paragraph of section 193.3, the school board shall establish objectives and principles governing the allocation of its revenues.

1988, c. 84, s. 275; 1997, c. 96, s. 103; 2008, c. 29, s. 31; 2016, c. 26, s. 45; 2018, c. 5, s. 4.

**275.1.** The school board shall determine the allocation of its revenues for every school year taking into account the recommendations of the resource allocation committee under the fourth paragraph of section 193.3.

The allocation must be carried out in an equitable manner and reflect the needs expressed by the educational institutions, the social and economic disparities they must deal with, the school board's commitment-to-success plan and the educational projects of its schools and centres.

The allocation must include amounts for the operation of the governing boards and amounts to meet the needs of the school board, its educational institutions and its committees.

2016, c. 26, s. 45; 2018, c. 5, s. 5.

**275.2.** The school board shall include in its annual report a description of the objectives and principles governing the allocation of its revenues and the criteria used to determine the amounts allocated.

2016, c. 26, s. 45.

**276.** Every school board is responsible for approving the budget of its schools, vocational training centres and adult education centres.

The budget of an educational institution shall be without effect until it is approved by the school board. However, the school board may, subject to the conditions it determines, authorize an institution to incur expenses that have not been approved.

1988, c. 84, s. 276; 1997, c. 96, s. 104.

**277.** Every school board shall adopt its operating, investment and debt service budget for the following school year and transmit it to the Minister before such date and in such form as he determines. The school board shall also adopt and transmit to the Minister any budget estimates the Minister requests.

The budget of every school board shall indicate the financial resources allocated to its committees and the financial resources allotted to services for handicapped students and students with social maladjustments or learning disabilities.

The budgets of the educational institutions of the school board shall constitute separate appropriations within the school board's budget.

1988, c. 84, s. 277; 1992, c. 23, s. 6; 1997, c. 96, s. 105; 2009, c. 38, s. 18.

**278.** Before adopting its budget, every school board shall give a public notice of at least 15 days of the date, time and place of the sitting of the council of commissioners at which its budget is to be studied.

1988, c. 84, s. 278.

**279.** Except with the authorization of the Minister and subject to the terms and conditions he determines, the budget may not provide for expenditures that exceed the revenues of the school board.

1988, c. 84, s. 279; 1992, c. 23, s. 7.

**280.** (*Repealed*).

1988, c. 84, s. 280; 1992, c. 23, s. 8; 2009, c. 38, s. 19.

**281.** If, on 1 July, a school board has not adopted its budget, it is authorized to incur expenses for that month for an amount equal to one-twelfth of the amount of expenses of the preceding school year.

The same applies for each month of the school year if, on the first day of the month, the budget has not been adopted.

1988, c. 84, s. 281; 1992, c. 23, s. 9.

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

1988, c. 84, s. 282.

**283.** Every school board shall keep accounting records in such manner and in such form as the Minister may prescribe.

1988, c. 84, s. 283.

**284.** For each fiscal year, every school board shall appoint from among the members of the professional order of accountants governed by the Professional Code (chapter C-26) an external auditor who shall file a report of his audit of the financial transactions of the school board.

The Minister may specify the mandate applicable to all auditors of school boards.

1988, c. 84, s. 284; 1990, c. 8, s. 31; 1994, c. 40, s. 457; 2012, c. 11, s. 32.

**285.** The following shall not act as external auditor for the school boards:

- (1) a member of the council of commissioners;
- (2) an employee of the school board;
- (3) a partner of a person referred to in paragraph 1 or 2;



(4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his partner, any share or interest in or in relation to a contract with the school board, receives a commission pursuant to such a contract or derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession.

1988, c. 84, s. 285.

**286.** Once the financial activities have been audited, the director general shall submit the financial statements of the school board and the external auditor's report to the council of commissioners at its first sitting following by at least 15 days the date of receipt of the report.

The secretary general shall give public notice of the date, time and place of the sitting at least 15 days in advance.

1988, c. 84, s. 286.

**287.** At least one week before the sitting referred to in section 286, the director general shall publish a summary of the annual financial statement of the school board.

He shall submit to the Minister, at such time and in such form as he prescribes, the annual financial statement of the school board together with the external auditor's report.

A school board must, if any of its institutions receives a sum of money by way of a gift, legacy, subsidy or other voluntary contribution from any person or any public or private body wishing to provide funding for the activities of the institution, disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money was granted.

The financial statements of a school board that has entrusted a body with the management of certain of the activities referred to in section 255 must be accompanied with any document or information required by the Minister in respect of those activities.

1988, c. 84, s. 287; 1990, c. 8, s. 32; 1995, c. 43, s. 47; 1997, c. 96, s. 106.

**288.** Notwithstanding any inconsistent legislative provision, a school board may, with the authorization of the Minister and subject to such conditions as he prescribes, borrow money by any method recognized by law.

The Minister may grant to a school board a general authorization to borrow for a period not exceeding one year and up to such amount as he specifies.

At the request of the Minister, the school board, either directly or through the financial institution with which it does business, shall furnish him with any information he may require on its financial position.

1988, c. 84, s. 288.

**289.** No school board shall negotiate 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 without prior authorization from the Minister of Finance and the Minister of Education, Recreation and Sports.

No school board shall contract such a loan or engage in any registration formality permitting access to a money market other than the Canadian market without obtaining such prior authorizations.

The loan authorization of the Minister of Education, Recreation and Sports may prescribe the conditions of the loan.

Where the authorization limits the amount of the loan, that amount is deemed to be the par value of the bonds or other securities issued pursuant to that loan, regardless of any premium which may be payable upon repayment, or of the fact that the bonds or other securities may be sold at a premium or rebate.

The loan is deemed to be authorized both in foreign currency and in Canadian currency notwithstanding the difference that may exist between them when the loan is made or subsequently.

1988, c. 84, s. 289; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**290.** The Government may prescribe, by regulation, the nature and form of the information that must be supplied to the Minister of Finance and to the Minister of Education, Recreation and Sports for the purposes of the first paragraph of section 289, as well as the time when it must be supplied.

Regulation under the first paragraph come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1988, c. 84, s. 290; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**§ 9. — Functions and powers relating to student transportation**

**291.** A school board may, with the authorization of the Minister, provide transportation for all or part of its students.

It may provide the transportation itself if authorized by the Minister, or enter into a contract with a carrier for that purpose.

1988, c. 84, s. 291; 1997, c. 96, s. 107.

**292.** Student transportation provided by a school board before the beginning of classes and after the end of classes each day is free of charge. Where the transportation is provided under a contract with a public transit authority or with the holder of a bus transport permit, within the meaning of government regulation, the school board may claim from a student that portion of the cost of the transportation pass which corresponds to service in addition to service before the beginning of classes and after the end of classes each day.

A school board that provides student transportation at noon to allow students to have their meal at home may claim the cost thereof from the students who elect to use that service.

Whether or not a school board provides transportation at noon to allow students to have their meal at home, it is required to ensure, in the manner agreed upon with the governing boards and on such financial conditions as it may determine, supervision of the students who stay at school.

1988, c. 84, s. 292; 1990, c. 78, s. 9, s. 54; 1997, c. 96, s. 108.

**293.** Section 292 does not apply to the transportation of persons enrolled in adult education.

A school board that provides transportation to persons enrolled in adult education may claim the cost thereof from the users of such service.

1988, c. 84, s. 293; 1990, c. 78, s. 45.

**294.** A school board authorized to provide transportation for its students may enter into an agreement to provide transportation for all or some of the students of another school board, an institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) or a general and vocational college.

1988, c. 84, s. 294; 1989, c. 17, s. 16; 1992, c. 68, s. 146, s. 156; 1994, c. 15, s. 33; 1996, c. 21, s. 70.

**295.** The cost of the transportation provided by one school board for another school board shall be assumed by the latter school board according to the cost of the transportation services received or in such proportion as is determined by the Government, after deducting the subsidies granted for such purposes.

1988, c. 84, s. 295.

**296.** The cost of transportation provided by a school board for a general and vocational college, an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) or an institution governed by the Act respecting private education (chapter E-9.1) shall be assumed by the college or institution according to the cost of the transportation services received, after deducting the subsidies granted for such purposes, if any.

1988, c. 84, s. 296; 1989, c. 17, s. 17; 1992, c. 68, s. 147, s. 156; 1994, c. 15, s. 33; 1996, c. 21, s. 70.

**297.** A school board may grant a student transportation contract after negotiating an agreement or following a call for public tenders.

In the case of a call for public tenders, the school board must accept the lowest admissible tender. However, the Minister may, exceptionally, authorize the school board to award the contract to another admissible bidder and attach conditions to such authorization. The school board may also reject all the tenders and either call for new ones or, in the cases provided for by regulation of the Government, enter into a contract by mutual agreement.

Every student transportation contract shall be made in writing and in accordance with government regulation. The contract must require the carrier to adopt measures to prevent and stop any form of bullying or violence during the transportation of students, and to inform the principal of the school concerned of any act of bullying or violence that occurs during transportation. The contract must also require the carrier to make sure, in collaboration with the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible.

The duration of the contract is determined in accordance with the standards established by regulation of the Government. However, where no regulation exists, the maximum duration shall not exceed three school years.

1988, c. 84, s. 297; 1990, c. 78, s. 54; 1993, c. 27, s. 1; 1997, c. 96, s. 109; 2012, c. 19, s. 20.

**298.** A school board, after determining the number of available seats, may allow any person other than a person to whom it provides student transportation to use such transportation service until all available seats are filled, and determine the fare in requires for such transportation.

The person who effects student transportation is bound by a decision, notwithstanding any contrary provision contained in a student transportation contract.

This section does not apply where student transportation is integrated into the regular service of a public transit authority or of a holder of a bus transport permit.

1988, c. 84, s. 298.

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

1988, c. 84, s. 299.

**300.** Each year, the Minister shall establish and submit to the Conseil du trésor, for approval, budgetary rules to determine the amount of subsidies granted to school boards providing student transportation.

The budgetary rules may provide that subsidies may be granted on the basis of general standards applicable to all students using student transportation or on the basis of special rules applicable to certain students.

The budgetary rules may provide that the grant of a subsidy may be subject to general conditions applicable to all school boards or to special conditions applicable to one school board or to certain school boards.

The budgetary rules may also provide that the grant of a subsidy may be subject to authorization by the Minister or that it can only be made to one school board or to certain school boards.

Every school board shall provide the Minister with any information he may request for purposes of subsidies at such time and in such form as he prescribes.

A school board which entrusts the transportation of its students to another school board is not presumed to provide student transportation for the purposes of this section.

1988, c. 84, s. 300; 1990, c. 78, s. 10; 1991, c. 27, s. 8; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 110; 1999, c. 40, s. 158.

**301.** The Minister may withhold or cancel all or part of a subsidy for student transportation where a provision of this Act or of the regulation under section 453 or 454 is not complied with.

1988, c. 84, s. 301; 1990, c. 78, s. 54; 1997, c. 96, s. 111.

## **DIVISION VII**

### **TAXATION**

#### **§ 1. — Preliminary provisions**

**302.** In this Act,

(1) the word “**clerk**” has the same meaning as in the Act respecting municipal taxation (chapter F-2.1);

(2) “**standardized assessment**” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the comparative factor established for that roll under section 264 of the Act respecting municipal taxation;

(2.1) “**adjusted standardized assessment**” means the value of the standardized assessment or, if there is a variation in the municipality’s standardized assessment of taxable immovables resulting from the coming into force of its assessment roll, the adjusted value obtained after averaging the variation in the standardized assessment in accordance with the provisions of Division IV.3 of Chapter XVIII of the Act respecting municipal taxation, with the necessary modifications;

(3) “**taxable immovable**” means

(a) a taxable unit of assessment, or the taxable part thereof if it is not entirely taxable;

(b) a non-taxable unit of assessment referred to in the first paragraph of section 208 of the Act respecting municipal taxation, or the part thereof referred to in that paragraph if the reference is not to its entirety;

(4) “**owner**” means the person or trust in whose name a taxable immovable is entered on the assessment roll of a municipality.

1988, c. 84, s. 302; 2018, c. 5, s. 6; 2019, c. 5, s. 3.

#### **§ 2. — Levy and determination of the school tax**

2019, c. 5, s. 4.

**303.** For each school year, a school tax is levied on every taxable immovable.

The tax is levied on the value of the adjusted standardized assessment of the immovable that exceeds \$25,000.

**Note from the Quebec Official Publisher**

*For the school years 2019-2020, See School tax rate (2019) 151 G.O. 1, 429 and 487.*

**Not in force**

**303.1.** The school tax rate is the same for all taxable immovables.

It is computed annually, in accordance with section 303.4.

2019, c. 5, s. 4.

**303.2.** The clerk of a municipal body having jurisdiction in property assessment shall provide every school board all or part of whose territory is included in the body's territory with a certified copy of the assessment roll of the taxable immovables situated in the common territory and a certificate attesting the standardizing factor for that roll.

The clerk shall send the copy within 15 days after the day on which the Minister of Municipal Affairs, Regions and Land Occupancy communicates the standardizing factor for the municipal fiscal year in which the roll comes into force to the body.

The copy is provided on payment of the fees payable for the issue of copies of municipal documents.

2019, c. 5, s. 4.

**303.3.** Each year, every school board shall send the Minister the information he considers necessary for computing the school tax rate, in the form determined by the Minister.

The information shall be sent on or before 1 May for the school year beginning on the next 1 July and be based on the assessment roll that is up to date on 1 April of the current school year for all taxable immovables situated in the school board's territory.

2019, c. 5, s. 4.

**Not in force**

**303.4.** The school tax rate for a school year corresponds to the proportion that the amount for financing local needs for all school boards for the school year, computed using the method prescribed by a regulation made under section 455.1, minus the total standardizing compensation referred to in section 303.5, is of the adjusted standardized assessment of all taxable immovables as at 1 April preceding the school year.

The proportion is multiplied by 100 to express the rate in dollars per \$100 of adjusted standardized assessment. The rate is expressed as a five-decimal number. The fifth decimal is increased by 1 if the sixth is greater than 4.

2019, c. 5, s. 4.

**Not in force**

**303.5.** The total standardizing compensation corresponds to the sum of the most recent standardizing compensation amounts computed for each school board under section 35 of the Act to establish a single school tax rate (2019, chapter 5).

2019, c. 5, s. 4.

**303.6.** The maximum school tax rate is \$0.35 per \$100 of the adjusted standardized assessment of all taxable immovables.

The maximum rate is applied where the computation of the school tax rate results in a higher rate.

2019, c. 5, s. 4.

**Not in force**

**303.7.** The Minister shall publish the school tax rate in the *Gazette officielle du Québec* and give notice of it to the school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal, not later than 15 June preceding the school year concerned.

2019, c. 5, s. 4.

**§ 3. — Collection of the school tax**

2019, c. 5, s. 4.

**304.** The school tax levied on an immovable owned by a person who has children admitted to the educational services of a school board having jurisdiction over the territory where the immovable is situated shall be collected exclusively by that school board.

Where the children are admitted to the educational services of different school boards having jurisdiction over the territory where the immovable is situated, the school tax shall be collected exclusively by these school boards, each on a portion of the standardized assessment of the immovable corresponding to the ratio between the number of those persons admitted to the educational services of that school board and the number of those persons admitted to the educational services of all the school boards concerned. The school boards concerned may enter into an agreement in respect of the terms and conditions for collecting the tax intended for each of them.

1988, c. 84, s. 304; 1990, c. 8, s. 33; 2019, c. 5, s. 5.

**305.** The school tax levied on an immovable owned by a natural person to whom section 304 does not apply and whose name is entered on the latest list of electors of a school board having jurisdiction over the territory where the immovable is situated or who has since effected the voting option referred to in section 18 of the Act respecting school elections (chapter E-2.3) shall be collected exclusively by that school board.

1988, c. 84, s. 305; 1990, c. 8, s. 34; 1997, c. 47, s. 25; 2019, c. 5, s. 6.

**306.** The school tax levied on an immovable owned by a natural person to whom sections 304 and 305 do not apply and who has elected to pay the school tax to a school board shall be collected exclusively by that school board.

An election as to the destination of school taxes shall be made by way of a notice transmitted before 1 April to the school board in whose favour the election is made; that school board must, without delay and in writing, inform any other school board which has jurisdiction over the territory where the immovable is situated.

Such an election remains in force until the person revokes it in the manner provided in the second paragraph, until he applies for admission of one of his children to the educational services of another school board having jurisdiction over the territory where the immovable is situated or until his name is entered on the list of electors of another school board.

1988, c. 84, s. 306; 1997, c. 47, s. 25; 2019, c. 5, s. 7.

**307.** The school tax levied on an immovable owned by a person to whom sections 304 to 306 do not apply shall be collected by each school board having jurisdiction over the territory in which the



immovable is situated on a portion of the standardized assessment of the immovable established in proportion to the number of students enrolled on 30 September of the preceding year in the schools that are under the jurisdiction of the school boards concerned and residing in their common territory.

The school boards concerned shall jointly determine the proportion of the tax to be collected by each of them; they may enter into an agreement in respect of the terms and conditions for collecting the tax intended for each of them.

1988, c. 84, s. 307; 1990, c. 8, s. 35; 1990, c. 28, s. 2; 2019, c. 5, s. 8.

**308. (Repealed).**

1988, c. 84, s. 308; 1990, c. 28, s. 3; 1992, c. 23, s. 10; 1999, c. 40, s. 158; 2019, c. 5, s. 9.

**309. (Repealed).**

1988, c. 84, s. 309; 1990, c. 28, s. 4.

**310. (Repealed).**

1988, c. 84, s. 310; 2006, c. 54, s. 1; 2019, c. 5, s. 9.

**311. (Repealed).**

1988, c. 84, s. 311; 1989, c. 36, s. 266; 1999, c. 40, s. 158; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2019, c. 5, s. 9.

**312. (Repealed).**

1988, c. 84, s. 312; 1990, c. 28, s. 5; 1992, c. 23, s. 11; 2019, c. 5, s. 9.

**313. School taxes are payable by the owner of the taxable immovable.**

However, in the case of a tax levied on an immovable owned by a partnership or an immovable held in undivided co-ownership, the tax may be claimed and recovered in its entirety from any member of the partnership or from any co-owner.

1988, c. 84, s. 313; 1997, c. 96, s. 112; 2019, c. 5, s. 10.

**313.1.** Any person, other than the debtor, who pays a school tax owed by another person is subrogated by operation of law in the prior claims and legal hypothecs of the school board on the immovables of the debtor and may recover from the debtor the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt which the school board is required to issue states that the payment was made by a third party for the debtor.

The name of such third party shall be recorded in the books of the school board.

1997, c. 96, s. 113.

**314.** After 1 July of the school year concerned, the director general of the school board shall have a request for payment of school taxes sent to every owner of a taxable immovable, except where the collection of the school tax is entrusted to another school board under section 304 or 307.

1988, c. 84, s. 314; 1989, c. 36, s. 267; 1990, c. 8, s. 36; 1996, c. 2, s. 698; 1999, c. 40, s. 158; 2000, c. 56, s. 160; 2019, c. 5, s. 12.

**315.** School taxes are payable 31 days from the sending of the tax bill.

School taxes are payable in a single payment.

However, if the school tax is equal to or greater than the amount set by the regulation made under paragraph 4 of section 263 of the Act respecting municipal taxation (chapter F-2.1), the debtor may choose to pay it in two equal payments. The second payment is payable 121 days after the sending of the tax bill.

If the first payment is not made within the period prescribed, the entire amount becomes payable immediately. However, the school board may provide that only the first payment becomes payable immediately.

1988, c. 84, s. 315; 2006, c. 54, s. 2.

**316.** Interest is payable on school taxes at the rate applicable under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) on the day the notice required under section 303.7 is published in the *Gazette officielle du Québec*. The notice shall mention the applicable interest rate.

The rate applies to all taxes payable, from 1 July of the school year to which the notice referred to in the first paragraph applies.

Every tax bill shall clearly state the applicable interest rate and the fact that the rate may be changed in accordance with this section.

1988, c. 84, s. 316; 1997, c. 96, s. 114; 2019, c. 5, s. 13.

**317.** No school board may waive the payment of school taxes or interest, except where an owner's annual tax bill is for an amount under \$2.

1988, c. 84, s. 317; 2019, c. 5, s. 14.

**317.1.** In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code, the school tax is secured by a legal hypothec on the immovable subject to the tax.

Registration by the school board of a legal immovable hypothec does not prevent it from exercising its prior claim.

1997, c. 96, s. 115.

**317.2.** A creditor who takes proceedings in execution or who, as holder of an immovable hypothec, has registered a prior notice of his intention to exercise his hypothecary rights, may request the school board to declare the amount of its prior claim. The request must be registered and proof of its notification must be filed at the registry office.

Within 30 days following the notification, the school board must declare the amount of its claim and enter it in the land register; such a declaration does not have the effect of limiting the priority of the school board's claim to the amount entered.

An application for registration, in the land register, of the request for declaration and of the declaration shall be made in the form of a notice. In addition to the provisions of this section and the requirements of the regulation made under Book IX of the Civil Code, the notice shall indicate the legislative provision under which it is given, the name of the debtor and the name of the school board; the notice does not require attestation and may be presented in single copy.

1997, c. 96, s. 115.

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

1988, c. 84, s. 318.

**319.** The school service centre shall collect the school tax itself. However, it may enter into an agreement with the Comité de gestion de la taxe scolaire de l'île de Montréal in order for the Comité to exercise, on behalf of the school service centre, all or part of the functions and powers conferred on the school service centre with regard to collecting the school tax.

**320.** (Repealed).

1988, c. 84, s. 320; 2018, c. 5, s. 13.

**321. (Repealed).**

1988, c. 84, s. 321; 2018, c. 5, s. 13.

**322.** The municipality shall remit to the school board any additional amount relating to school taxes payable by an owner under the Act respecting municipal taxation (chapter F-2.1).

The school board shall remit to the municipality any amount relating to school taxes reimbursed to an owner under the Act respecting municipal taxation.

The remittances shall be made on the first day of the month of April, July or November following the due date of the billing or the reimbursement of the amount, whichever of those three dates is closest.

Any amount remitted after the applicable time limit bears interest at a rate equal to the maximum rate fixed under section 50 of the Act respecting municipal debts and loans (chapter D-7) from the expiration of that time limit. If the maximum rate is changed after the expiration of that time limit but before the amount is paid, the new rate applies from passage of the order.

1988, c. 84, s. 322.

**323. (Repealed).**

1988, c. 84, s. 323; 2018, c. 5, s. 15.

**324.** The clerk of the municipality shall forward to the school board any information it requires in writing in respect of the school tax and the contributions or subsidies given in lieu thereof.

1988, c. 84, s. 324.

**§ 4. — Recovery of school taxes**

**1. — Seizure and sale of movable property**

**325.** The provisions of the Code of Civil Procedure (chapter C-25.01) respecting the seizure in execution of movable property apply except as otherwise provided in this subdivision.

1988, c. 84, s. 325; I.N. 2016-01-01 (NCCP).

**326.** The director general may collect, with legal costs, the taxes due by any owner by the seizure and sale of his movable property not exempt from seizure that is found in the territory of the school board.

1988, c. 84, s. 326; I.N. 2016-01-01 (NCCP).

**327.** The seizure and sale are made under a notice of execution prepared by the chair of the school board and filed with the court office by the clerk of the Court of Québec or the clerk of the Superior Court, according to the amount of the claim.

The clerk shall file the notice of execution upon production of a certificate from the chair of the school board attesting the amount of the debt and the fact that it is due and owing.

1988, c. 84, s. 327; 2008, c. 29, s. 34; I.N. 2016-01-01 (NCCP).

**328.** The notice of execution is addressed to a bailiff, who shall execute it in the same manner as a notice of execution issued under the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 328; I.N. 2016-01-01 (NCCP).

**329.** The bailiff shall announce the day and place of sale of the seized movable property by public notice given in accordance with the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 329; I.N. 2016-01-01 (NCCP).

**330.** The public notice shall state the name and address of the person whose property is to be sold.

1988, c. 84, s. 330.

2. — *Oppositions to seizure and sale of movable property and oppositions to payment out of proceeds of sale*

**331.** The debtor or any person having a right to claim the movable property seized may oppose the seizure and sale on any of the grounds listed in article 735 of the Code of Civil Procedure (chapter C-25.01).

In addition to the grounds mentioned in article 735 of the Code of Civil Procedure, opposition to annul may be brought before the court of competent jurisdiction for any cause likely to affect the claim of the school board.

1988, c. 84, s. 331; 1992, c. 57, s. 594; I.N. 2016-01-01 (NCCP).

**332.** The opposition shall be accompanied by a declaration under oath attesting that the allegations therein contained are true, and that it is not made with intent to unjustly delay the sale, but with a view to obtaining justice. It shall be served upon the bailiff entrusted with the execution of the notice of execution and returned to the office of the Court of Québec, within eight days following the service.

1988, c. 84, s. 332; I.N. 2016-01-01 (NCCP).

**333.** On being served with an opposition, the bailiff shall stay the proceedings, and, within eight days following the service, he shall return all his proceedings respecting the notice of execution to the office of the court mentioned in the opposition.

1988, c. 84, s. 333; I.N. 2016-01-01 (NCCP).

**334.** The opposition shall thereafter be contested, heard and decided according to the rules of procedure governing oppositions to the seizure and sale of movable property before the court in which it is brought.

1988, c. 84, s. 334.

**335.** Where the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with the seizure, or any other bailiff, to proceed on the notice of execution, and, upon the delivery to him of such notice and of a copy of the judgment, the bailiff shall proceed with the sale of the movable property seized, after notice given in the manner provided in the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 335; I.N. 2016-01-01 (NCCP).

**336.** Where no opposition to the distribution of the proceeds of the sale of the seized movable property is made, the bailiff shall return the notice and his proceedings, and remit the proceeds of the sale, after deducting the costs of seizure and sale, to the director general, who shall apply such proceeds towards the payment of the school taxes for which the notice of execution was issued.

1988, c. 84, s. 336; I.N. 2016-01-01 (NCCP).

**337.** Where an opposition is made to the payment of the proceeds of the sale, the bailiff shall remit the moneys in his possession, after deducting the costs of seizure and sale, to the director general, who shall receive them on deposit, and make a return of all his proceedings respecting the seizure and sale to the court.

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

The proceeds of the sale shall be distributed by the court, and paid by the director general as ordered by the court.

1988, c. 84, s. 337.

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

1988, c. 84, s. 338.

**3. — *Sale of immovable property***

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

The statement shall show the name and address of each owner and describe the taxable immovables subject to the school tax according to the assessment roll. The description of the taxable immovables is made in accordance with the provisions of the Cities and Towns Act (chapter C-19) respecting the sale of immovables for non-payment of taxes.

1988, c. 84, s. 339.

**340.** The statement contemplated in section 339 shall be submitted to the council of commissioners for approval.

Before the beginning of the month of November, the director general shall transmit the approved statement to the secretary-treasurer of the local municipality governed by the Municipal Code of Québec (chapter C-27.1) in whose territory the immovables are situated.

The provisions of the Municipal Code of Québec respecting the sale of immovables for non-payment of taxes, including the redemption of immovables sold, apply.

Where the taxes to be collected relate to immovables situated in the territory of a municipality governed by the Cities and Towns Act (chapter C-19), the provisions of that Act respecting the sale of immovables for non-payment of taxes and the redemption of immovables sold apply.

1988, c. 84, s. 340; 1996, c. 2, s. 699.

**341.** Where the director general of a school board receives from the secretary-treasurer of the municipality a statement of the immovable property to be sold for taxes by the secretary-treasurer of the regional county municipality, he shall, if he has not already done so under section 340 with respect to the secretary-treasurer of the local municipality, forward to the secretary-treasurer of the regional county municipality, before 31 December, a statement showing the amount of school taxes due and affecting each such immovable for school purposes; the secretary-treasurer of the regional county municipality shall take such claim into account in preparing his list.

1988, c. 84, s. 341.

**342.** Where immovables in the territory of a school board are put up for sale for non-payment of school taxes, the school board may bid for and purchase immovables through its chair or another person authorized by the school board, without being bound to pay the purchase price forthwith.

The school board may also bid for and purchase those immovables at any sale under judicial authority or any other sale having the effect of a sale under judicial authority.

In no case, however, may the bid of the school board exceed the amount of the school taxes in principal, interest and costs, plus a sufficient amount to satisfy any prior claim of prior or equal rank to the school taxes, in which case the school board shall pay the purchase price in the same manner as any other bidder.

1988, c. 84, s. 342; 1992, c. 57, s. 595; 2008, c. 29, s. 34; I.N. 2016-01-01 (NCCP).

**343.** The school board shall enter in its own name the immovables purchased at auction upon the assessment and collection rolls and upon the special apportionment rolls; such immovables shall remain subject to municipal and school taxes like any other immovables and shall be so assessed but the municipal taxes shall not be collectable from the school board.

If the right of redemption is exercised by the owner of the immovable, the redemption price shall include, in addition to the amount paid by the school board for the immovable and interest thereon at 10%, the amount of the municipal and school taxes levied on the immovable from the date of the auction purchase to the date of the redemption, or the instalments due upon such taxes if they are payable by instalments, and also the sums of money owing for municipal and school taxes which were not paid in the distribution of the proceeds of the sale.

After the redemption, the undue instalments of special taxes shall continue to encumber the redeemed immovable and the owner shall be liable therefor.

If the right of redemption is not exercised within the period fixed by law, the bailiff or clerk, as the case may be, shall draw up and sign a deed of sale in favour of the school board and cause it to be registered.

1988, c. 84, s. 343; I.N. 2016-01-01 (NCCP); 2019, c. 5, s. 15.

**344.** Immovables acquired at auction by the school board which are not redeemed and are not required for the carrying on of its activities shall be disposed of in accordance with the regulation referred to in the second paragraph of section 272.

1988, c. 84, s. 344; 2019, c. 5, s. 16.

§ 5. —

*Repealed, 2018, c. 5, s. 27.*

1988, c. 84, Sd. 5; 2018, c. 5, s. 27.

**345.** *(Repealed).*

1988, c. 84, s. 345; 1990, c. 78, s. 54; 2002, c. 10, s. 103; 2018, c. 5, s. 27.

**346.** *(Repealed).*

1988, c. 84, s. 346; 2018, c. 5, s. 27.

**347.** *(Repealed).*

1988, c. 84, s. 347; 2002, c. 10, s. 104; 2018, c. 5, s. 27.

**348.** *(Repealed).*

1988, c. 84, s. 348; 1990, c. 8, s. 38; 1990, c. 28, s. 6; 2018, c. 5, s. 27.

**349.** *(Repealed).*

1988, c. 84, s. 349; 2018, c. 5, s. 27.

**350.** *(Repealed).*

1988, c. 84, s. 350; 2008, c. 29, s. 34; 2018, c. 5, s. 27.

**351.** *(Repealed).*

1988, c. 84, s. 351; 2018, c. 5, s. 27.

**352.** *(Repealed).*

1988, c. 84, s. 352; 1990, c. 8, s. 39; 1990, c. 28, s. 7; 2018, c. 5, s. 27.

**353.** *(Repealed).*

1988, c. 84, s. 353; 2018, c. 5, s. 27.

## **DIVISION VIII**

*Repealed, 1997, c. 47, s. 26.*

1997, c. 47, s. 26.

**354.** *(Repealed).*

1988, c. 84, s. 354; 1997, c. 47, s. 26.

**355.** *(Repealed).*

1988, c. 84, s. 355; 1997, c. 47, s. 26.

**356.** *(Repealed).*



1988, c. 84, s. 356; 1997, c. 47, s. 26.

**357. (Repealed).**

1988, c. 84, s. 357; 1997, c. 47, s. 26.

**358. (Repealed).**

1988, c. 84, s. 358; 1997, c. 47, s. 26.

**359. (Repealed).**

1988, c. 84, s. 359; 1997, c. 47, s. 26.

**360. (Repealed).**

1988, c. 84, s. 360; 1997, c. 47, s. 26.

**361. (Repealed).**

1988, c. 84, s. 361; 1997, c. 47, s. 26.

**362. (Repealed).**

1988, c. 84, s. 362; 1997, c. 47, s. 26.

**363. (Repealed).**

1988, c. 84, s. 363; 1997, c. 47, s. 26.

**364. (Repealed).**

1988, c. 84, s. 364; 1997, c. 47, s. 26.

**365. (Repealed).**

1988, c. 84, s. 365; 1997, c. 47, s. 26.

**366. (Repealed).**

1988, c. 84, s. 366; 1991, c. 27, s. 9; 1997, c. 47, s. 26.

**366.1. (Repealed).**

1991, c. 27, s. 10; 1997, c. 47, s. 26.

**367. (Repealed).**

1988, c. 84, s. 367; 1991, c. 27, s. 11; 1997, c. 47, s. 26.

**368. (Repealed).**

1988, c. 84, s. 368; 1997, c. 47, s. 26.

**369. (Repealed).**

1988, c. 84, s. 369; 1997, c. 47, s. 26.

**370. (Repealed).**

1988, c. 84, s. 370; 1997, c. 47, s. 26.

**371. (Repealed).**

1988, c. 84, s. 371; 1997, c. 47, s. 26.

**372. (Repealed).**

1988, c. 84, s. 372; 1997, c. 47, s. 26.

**373. (Repealed).**

1988, c. 84, s. 373; 1997, c. 47, s. 26.

**374. (Repealed).**

1988, c. 84, s. 374; 1997, c. 47, s. 26.

**375. (Repealed).**

1988, c. 84, s. 375; 1997, c. 47, s. 26.

**376. (Repealed).**

1988, c. 84, s. 376; 1997, c. 47, s. 26.

**377. (Repealed).**

1988, c. 84, s. 377; 1990, c. 8, s. 65; 1997, c. 47, s. 26.

**378. (Repealed).**

1988, c. 84, s. 378; 1997, c. 47, s. 26.

**379. (Repealed).**

1988, c. 84, s. 379; 1997, c. 47, s. 26.

**380. (Repealed).**

1988, c. 84, s. 380; 1997, c. 47, s. 26.

**381. (Repealed).**

1988, c. 84, s. 381; 1990, c. 8, s. 40; 1997, c. 47, s. 26.

**382. (Repealed).**

1988, c. 84, s. 382; 1990, c. 8, s. 41; 1997, c. 47, s. 26.

**383. (Repealed).**

1988, c. 84, s. 383; 1997, c. 47, s. 26.

**384. (Repealed).**

1988, c. 84, s. 384; 1990, c. 78, s. 54; 1997, c. 47, s. 26.

**385. (Repealed).**

1988, c. 84, s. 385; 1997, c. 47, s. 26.

**386. (Repealed).**

1988, c. 84, s. 386; 1997, c. 47, s. 26.

**387. (Repealed).**

1988, c. 84, s. 387; 1997, c. 47, s. 26.

**388. (Repealed).**

1988, c. 84, s. 388; 1997, c. 47, s. 26.

**389. (Repealed).**

1988, c. 84, s. 389; 1990, c. 28, s. 8; 1997, c. 47, s. 26.

**390. (Repealed).**

1988, c. 84, s. 390; 1989, c. 36, s. 268; 1996, c. 2, s. 700; 1997, c. 47, s. 26.

**391. (Repealed).**

1988, c. 84, s. 391; 1997, c. 47, s. 26.

**DIVISION IX  
PROCEDURE**

**§ 1. — By-laws and resolutions**

**392.** No by-law may be adopted by a school board where this procedure is provided for in this Act, unless the school board gives public notice of 30 days before adoption, indicating the object of the by-law, the day appointed for its adoption and the place where the draft may be examined.

The school board shall send to each governing board a copy of every draft by-law within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

This section does not apply to by-laws pertaining to the delegation of functions or powers of the council of commissioners.

1988, c. 84, s. 392; 1997, c. 96, s. 116.

**393.** No resolution may be adopted by a school board authorizing an application to be made to the Government for the making of an order pursuant to this Act, unless the school board gives public notice of at least 30 days before adoption, indicating the object of the resolution and the day appointed for its adoption.

A school board shall send to each governing board a copy of every draft resolution within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

1988, c. 84, s. 393; 1997, c. 96, s. 117.

**394.** By-laws come into force on the day of the publication of a public notice that they have been adopted or on any later date indicated in the notice.

1988, c. 84, s. 394; 1990, c. 8, s. 66.

**395.** The secretary general of a school board shall, without delay, send a true copy of the by-laws to each governing board and to the parents' committee.

1988, c. 84, s. 395; 1997, c. 96, s. 118.

**396.** All by-laws shall be recorded in a by-law registry kept at the head office of the school board.

Each entry of by-laws in the by-law registry shall be signed by the chair and the secretary general of the school board.

1988, c. 84, s. 396; 2008, c. 29, s. 34.

## **§ 2. — Public notices**

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

1988, c. 84, s. 397; 1997, c. 96, s. 119.

**398.** The notice shall indicate its object and shall be published within the time limit prescribed by this Act or, where none is prescribed, as soon as possible.

1988, c. 84, s. 398.

## **CHAPTER VI**

### **COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L'ÎLE DE MONTRÉAL**

2002, c. 75, s. 1.

## **DIVISION I**

### **CONSTITUTION AND COMPOSITION**

1999, c. 40, s. 158.

**399.** The Comité de gestion de la taxe scolaire de l'île de Montréal replaces the Conseil scolaire de l'île de Montréal. The Comité shall acquire the rights and assume the obligations of the Council.

The Comité has jurisdiction over the school boards situated in whole or in part on the island of Montréal in those matters that are assigned to it. **The Comité also has jurisdiction to provide services in those matters to any other school service centre with which it enters into an agreement for that purpose.**

1988, c. 84, s. 399; 2002, c. 75, s. 2.

**400.** The Comité is a legal person established in the public interest.

1988, c. 84, s. 400; 1997, c. 96, s. 120; 2002, c. 75, s. 31.

**401.** The head office of the Comité is located in the territory of Ville de Montréal.

The Comité shall notify the Minister and give public notice of the location or of any relocation of the head office.

The Comité shall send a copy of the notice to each school board on the island of Montréal.

1988, c. 84, s. 401; 1989, c. 36, s. 269; 1996, c. 2, s. 701; 2000, c. 56, s. 161; 2002, c. 75, s. 31.

**402.** The Comité shall consist of members designated in the following manner:

(1) each school board on the island of Montréal shall designate one person from among its commissioners elected or appointed under the Act respecting school elections (chapter E-2.3);

(2) **the Minister shall designate four persons, including one person domiciled on the island of Montreal, chosen after consultation with the parents' committees of the school service centres on the island of Montreal, one person domiciled outside the island of Montreal, chosen after consultation with organizations representing the parents, and two persons chosen from among the managerial staff of the Ministère de l'Éducation, du Loisir et du Sport.**

If a school board fails to make the designation as provided in subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the commissioners of that school board.

1988, c. 84, s. 402; 2002, c. 75, s. 3; 2005, c. 28, s. 195; 2016, c. 26, s. 46.

**403.** A school board may designate another of its commissioners as a substitute to sit and vote in the commissioner's stead when that commissioner is unable to take part in a sitting of the Comité.

1988, c. 84, s. 403; 2002, c. 75, s. 4.

**404.** The director general shall take part in the sittings of the Comité but is not entitled to vote.

1988, c. 84, s. 404; 2002, c. 75, s. 31.

**405.** *(Repealed).*

1988, c. 84, s. 405; 1990, c. 8, s. 42; 2002, c. 75, s. 5.

**406.** *(Repealed).*

1988, c. 84, s. 406; 2002, c. 75, s. 6.

**407.** No officer or employee of the Comité or of a school board on the island of Montréal may be designated or appointed as a member of the Comité.

1988, c. 84, s. 407; 2002, c. 75, s. 7.

## **DIVISION II**

### **OPERATION**

**408.** *(Repealed).*

1988, c. 84, s. 408; 2002, c. 75, s. 8.

**409.** The members of the Comité shall designate a president from among themselves.

The president must be a person referred to in subparagraph 1 of the first paragraph of section 402.

1988, c. 84, s. 409; 2002, c. 75, s. 9.

**410. (Repealed).**

1988, c. 84, s. 410; 2002, c. 75, s. 10.

**411.** The Council shall send a copy of the notice and of the agenda for its extraordinary sittings to each school board on the island of Montréal and to the members of the Council.

1988, c. 84, s. 411.

**412.** The Comité may delegate certain of its functions and powers to the director general or to another member of the personnel of the Comité.

1988, c. 84, s. 412; 2002, c. 75, s. 11; 2018, c. 5, s. 36.

**413. (Repealed).**

1988, c. 84, s. 413; 2002, c. 75, s. 12.

**414. (Repealed).**

1988, c. 84, s. 414; 2002, c. 75, s. 12.

**415.** Sections 159 to 161, the first paragraph of section 162, the first and second paragraphs of section 163, sections 164 to 166, 169 to 173, 175 to 176, paragraph 3 of section 176.1 and sections 177 to 178 apply to the Comité or to its members, with the necessary modifications. For that purpose, “commissioner” means a member of the Comité.

1988, c. 84, s. 415; 2002, c. 75, s. 13; 2018, c. 5, s. 37.

**415.1.** The Comité shall fix the date, time and place of its regular sittings. It shall hold at least one regular sitting each school year.

2002, c. 75, s. 13.

### **DIVISION III**

*Repealed, 2002, c. 75, s. 14.*

2002, c. 75, s. 14.

**416. (Repealed).**

1988, c. 84, s. 416; 1990, c. 8, s. 43; 2002, c. 75, s. 14.

**417. (Repealed).**

1988, c. 84, s. 417; 1990, c. 8, s. 44; 2002, c. 75, s. 14.

**418. (Repealed).**

1988, c. 84, s. 418; 2002, c. 75, s. 14.

**419. (Repealed).**

1988, c. 84, s. 419; 1990, c. 8, s. 45; 1997, c. 96, s. 121; 2002, c. 75, s. 14.

### **DIVISION IV**

#### **STAFF**

**420.** The Comité shall appoint a director general and the necessary staff for its operations.

The director general shall assist the members of the Comité in the exercise of their functions and powers. He shall be responsible for the day-to-day management of the Comité's activities and resources, see that the decisions of the Comité are carried out and perform the duties that the Comité assigns to him.

The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively. He may, however, hold an office or position or provide a service, provided that no remuneration or other direct or indirect benefit is granted to him for it. The director general may also, with the Comité's consent, hold an office or position or provide a service for which remuneration or another direct or indirect benefit is granted to him.

The director general may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise that places his personal interest in conflict with the interest of the Comité. However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the director general renounces or disposes of it promptly.

The suspension or dismissal of the director general and the termination of his term of office require the vote of at least two-thirds of the members of the Comité.

1988, c. 84, s. 420; 1997, c. 96, s. 122; 2002, c. 75, s. 31; 2018, c. 5, s. 38.

**421. (Repealed).**

1988, c. 84, s. 421; 2002, c. 75, s. 15; 2018, c. 5, s. 39.

**422.** The Comité shall designate a member of its executive staff to perform the functions of the director general if he is absent or unable to act.

1988, c. 84, s. 422; 1990, c. 78, s. 54; 1997, c. 96, s. 123; 2002, c. 75, s. 31.

## **DIVISION V**

### **FUNCTIONS AND POWERS**

**423.** Only the Comité may, with the authorization of the Minister and on the conditions he determines, borrow money by any legal means for its purposes and the purposes of school boards on the island of Montréal.

Sections 288 to 290, adapted as required, apply to the Comité.

The second paragraph of section 288 also applies to the school boards on the island of Montréal.

1988, c. 84, s. 423; 1990, c. 8, s. 46; 2002, c. 75, s. 16.

**424.** The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities issued by the Council from 1 July 1998 shall be derived from the general revenue of the Council and of the school boards on the island of Montréal.

The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities forming part of the bonded debt of the Council on 1 July 1998 shall be derived from the general revenue of the Council and of the school boards on the island of Montréal.

1988, c. 84, s. 424; 1997, c. 96, s. 124.

**424.1.** The funds required for the amortization of the principal and the payment of interest on bonds or other evidences of indebtedness or securities issued by the Comité on or after 28 February 2003 shall be derived from the general revenue of the Comité and of the school boards on the island of Montréal.

The funds required for the amortization of the principal and the payment of interest on bonds or other evidences of indebtedness or securities forming part of the debt of the Comité on 28 February 2003 shall be derived from the general revenue of the Comité and of the school boards on the island of Montréal.

2002, c. 75, s. 17.



**425.** The bonds or other evidences of indebtedness or securities issued by the Council from 1 July 1998 constitute a direct, general and unconditional undertaking of the Council and of the school boards on the island of Montréal and rank *pari passu* with all other undertakings of the Council and of the school boards on the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.

The same applies to those bonds or other evidences of indebtedness or securities forming part of the bonded debt of the Council on 1 July 1998.

1988, c. 84, s. 425; 1997, c. 96, s. 125.

**425.1.** The bonds or other evidences of indebtedness or securities issued by the Comité on or after 28 February 2003 constitute a direct, general and unconditional undertaking of the Comité and of the school boards on the island of Montréal and rank *pari passu* with all other undertakings of the Comité and of the school boards on the island of Montréal in respect of loans not secured by hypothec or other encumbrance.

The same applies to bonds or other evidences of indebtedness or securities forming part of the debt of the Comité on 28 February 2003.

1990, c. 78, s. 11; 1997, c. 47, s. 27; 2002, c. 75, s. 18.

**426.** Before being delivered, every bond issued by the Comité shall be stamped with the seal of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire and provided with a certificate of the Minister of Municipal Affairs, Regions and Land Occupancy or of a person specially authorized by him attesting that the resolution authorizing the issue thereof has been approved by the Minister of Municipal Affairs, Regions and Land Occupancy and that such bond is issued in accordance with that resolution.

Every bond issued pursuant to a resolution approved by the Minister of Municipal Affairs, Regions and Land Occupancy that bears such seal and certificate is valid and its validity cannot be contested for any reason.

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

1988, c. 84, s. 426; 1999, c. 43, s. 13; 2002, c. 75, s. 31; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**427.** The Comité may authorize a person designated by it to keep, outside Québec, in its place and stead, a register for the entry of the bonds or other evidences of indebtedness or securities redeemable in foreign currency issued by it or already included in its bonded debt. The register will also serve for the entry of the names and addresses of the original holders or transferees of the bonds or other evidences of indebtedness or securities redeemable in foreign currency, the amount, date of issue and number of each such bond or other evidence of indebtedness or security, and the date on which each such entry is made.

Sections 23 and 24 of the Act respecting municipal debts and loans (chapter D-7) cease from such date to apply in respect of the bonds or other evidences of indebtedness or securities in respect of which the entry is made.

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

1988, c. 84, s. 427; 2002, c. 75, s. 31.

**428.** The Comité shall receive government subsidies, which have not been transferred as loan securities, relating to the bonds or other evidences of indebtedness or securities forming part of any bonded debt contracted for its purposes and those of the school boards on the island of Montréal.

1988, c. 84, s. 428; 2002, c. 75, s. 31.

**429.** For the purposes of the rules contained in the Civil Code as regards investments presumed sound, the Comité is considered a school board.

1988, c. 84, s. 429; 1999, c. 40, s. 158; 2002, c. 75, s. 31.

**430.** Each school board on the island of Montréal, by by-law, shall adopt measures calculated to ensure the upgrading of education in economically disadvantaged areas of school boards on the island of Montréal.

1988, c. 84, s. 430; 1990, c. 78, s. 54; 2002, c. 75, s. 19.

**431.** Following an agreement with a school board, the Comité may provide technical, administrative or financial support services to it. The agreement shall provide for the costs of such services.

1988, c. 84, s. 431; 2002, c. 75, s. 31.

**432.** *(Repealed).*

1988, c. 84, s. 432; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 126; 2002, c. 75, s. 20.

**433.** *(Repealed).*

1988, c. 84, s. 433; 2002, c. 75, s. 20.

**434.** *(Repealed).*

1988, c. 84, s. 434; 1990, c. 8, s. 47; 1990, c. 28, s. 9; 1990, c. 78, s. 54; 2002, c. 75, s. 20.

**434.1.** The Comité shall collect the school tax intended, under sections 304 to 307, for any of the school boards situated in whole or in part on the island of Montréal.

To that end, it shall exercise the functions and powers the law confers on school boards, with the necessary modifications.

1990, c. 28, s. 9; 2002, c. 75, s. 31; 2019, c. 5, s. 17.

**434.2.** *(Repealed).*

1990, c. 28, s. 9; 1999, c. 40, s. 158; 2002, c. 75, s. 31; 2019, c. 5, s. 18.

**434.3.** *(Repealed).*

1990, c. 28, s. 9; 2002, c. 75, s. 31; 2019, c. 5, s. 18.

**434.4.** *(Repealed).*

1990, c. 28, s. 9; 1999, c. 40, s. 158; 2002, c. 75, s. 21; 2019, c. 5, s. 18.

**434.5.** Each year, every school board on the island of Montréal shall, by resolution of its council of commissioners, require from the Comité the payment of the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.

The school boards on the island of Montréal shall prepare and transmit to the Comité the documents and information it requests for the purposes of school taxation.

1990, c. 28, s. 9; 2002, c. 75, s. 22; 2019, c. 5, s. 19.

**435.** *(Repealed).*

1988, c. 84, s. 435; 1990, c. 8, s. 48; 1990, c. 28, s. 10; 1992, c. 23, s. 12; 2002, c. 75, s. 23; 2019, c. 5, s. 20.

**436.** *(Repealed).*

1988, c. 84, s. 436; 1990, c. 8, s. 49; 1990, c. 28, s. 11; 1999, c. 40, s. 158; 2002, c. 75, s. 31; 2006, c. 54, s. 4; 2019, c. 5, s. 20.

**437.** *(Repealed).*

1988, c. 84, s. 437; 1990, c. 28, s. 12.

**438.** *(Repealed).*

**438.** The Comité shall remit to the school service centre with which it has entered into an agreement in accordance with section 319 or 399 the investment income and the revenues derived from the provision of services, after deducting the amount the Comité determines for its purposes.

1988, c. 84, s. 438; 1990, c. 28, s. 13.

**439.** The Comité shall, for each school year, apportion the amount for financing local needs and the investment income of all or part of that amount according to the following rules:

(1) every school board on the island of Montréal shall, not later than 3 January of each year, receive the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1;

(2) the remainder, after deducting the amount determined by the Comité for its purposes, shall be apportioned among the school boards to ensure the upgrading of education in economically disadvantaged areas served by those school boards, at such periods and according to such allocation rules as determined by a resolution adopted by the vote of at least two-thirds of the members of the Comité.

The remainder referred to in subparagraph 2 of the first paragraph must be apportioned in a fair and non-discriminatory manner.

1988, c. 84, s. 439; 1990, c. 28, s. 14; 1990, c. 78, s. 12, s. 54; 2002, c. 75, s. 24; 2019, c. 5, s. 21.

**440.** *(Repealed).*

1988, c. 84, s. 440; 1990, c. 8, s. 50; 1990, c. 28, s. 15; 2002, c. 75, s. 25; 2019, c. 5, s. 22.

**441.** *(Repealed).*

1988, c. 84, s. 441; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**442.** *(Repealed).*

1988, c. 84, s. 442; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**443.** *(Repealed).*

1988, c. 84, s. 443; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**444.** *(Repealed).*

1988, c. 84, s. 444; 1990, c. 8, s. 51; 1990, c. 28, s. 16; 1990, c. 78, s. 54; 2002, c. 75, s. 26.

**445.** The Comité shall adopt its operating, capital and debt service budget for the following school year and transmit it to the Minister before the date and in the form prescribed by him. The Comité shall also adopt and transmit to the Minister any budget estimates the Minister requests. The Comité shall send a copy of its budget to the school boards on the island of Montréal.

1988, c. 84, s. 445; 1992, c. 23, s. 13; 2002, c. 75, s. 31; 2009, c. 38, s. 20.

**446.** Sections 266, 270, 272, 274, 279 to 285, the first paragraph of section 286 and the second paragraph of section 287 apply to the Comité, with the necessary modifications.

1988, c. 84, s. 446; 1990, c. 8, s. 52; 1997, c. 96, s. 127; 2002, c. 75, s. 27.

## **CHAPTER VII**

### **THE GOVERNMENT AND THE MINISTER OF EDUCATION, RECREATION AND SPORTS**

1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

## **DIVISION I**

### **REGULATIONS**

**447.** The Government may make regulations to be known as the “basic school regulation”.

The basic school regulation shall relate to

- (1) the nature and objectives of educational services, including preschool education, instructional services, student services and special educational services as well as the general organizational framework thereof;
- (2) the date, between the beginning of the school year and 1 January, for determining the age at which a person is eligible for admission to the educational services referred to in section 1.

In addition, the basic school regulation may

- (1) establish rules on the school admission and enrolment of students and on school attendance;
- (2) establish rules respecting the school calendar;
- (3) establish rules respecting textbooks, instructional material or classes of instructional material and their accessibility;
- (3.1) prescribe the formalities and conditions governing instruction in English to foster the learning thereof;
- (4) establish rules on the evaluation of learning achievement and the certification of studies;
- (5) determine the diplomas, certificates and other official attestation awarded by the Minister and prescribe the conditions under which they are to be awarded;
- (6) provide for the admission of students or categories of students under five years of age and indicate the educational services that they are to receive;
- (7) authorize the Minister to draw up a list of the school boards to which subparagraph 6 applies and to specify the conditions for admission;
- (8) allow, on conditions determined by the Minister, the admission of students or a category of students over the age limit provided for in section 1;
- (9) *(subparagraph repealed)*;
- (9.1) *(subparagraph repealed)*;
- (10) authorize a school board, on conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic school regulation;
- (11) determine the number of students per teacher for the preschool education services intended for students 4 years of age on the date determined under subparagraph 2 of the second paragraph.

1988, c. 84, s. 447; 1990, c. 8, s. 53; 1990, c. 78, s. 46, s. 54; 1992, c. 23, s. 14; 1993, c. 40, s. 63; 1997, c. 96, s. 128; 2019, c. 24, s. 6.

**448.** The Government shall, by regulation, establish a basic vocational training regulation and a basic adult education regulation.

The basic regulations shall relate to the nature and objectives of instructional, training and student services and, in the case of adult education, literacy and popular education services, as well as to the general organization framework for those services. The basic regulations shall prescribe, subject to the third paragraph of section 3, the conditions that a person resident in Québec must meet to qualify for free access to those services.

The basic regulations may also

- (1) establish rules on the school admission and enrolment of students;
- (2) establish rules respecting the school calendar;
- (3) establish rules respecting textbooks, instructional material or classes of instructional material and their accessibility;
- (4) establish rules on the evaluation of learning achievement and the certification of prior learning;
- (5) determine the diplomas, certificates and other official attestations awarded by the Minister and prescribe the conditions under which they are to be awarded;
- (6) prescribe the cases in which, or the conditions or circumstances under which a person resident in Québec cannot avail himself of the right of free access to vocational training or adult education services provided for in the second paragraph of section 3;

(7) *(subparagraph repealed)*;

(8) authorize a school board, on the conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic regulation.

1988, c. 84, s. 448; 1990, c. 8, s. 54; 1990, c. 78, s. 47, s. 54; 1997, c. 96, s. 129, s. 164; 2017, c. 23, s. 11.

**448.1.** The Government shall, by regulation, determine standards for homeschooling, which must, among other things, specify how the Minister is to monitor homeschooling and how the school board that has jurisdiction is to support the child.

When determining regulatory standards under subparagraph *d* of subparagraph 4 of the first paragraph of section 15, the Government shall take into account the instruction generally provided at school and the educational experience involved as well as the possibility for the child to attend a school.

2017, c. 23, s. 12.

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

(1) determine, from among the exceptional or unforeseeable circumstances that prevent such services from being received at school, those in which the preschool education services and elementary and secondary school instructional services prescribed by the basic school regulation made under section 447 may be provided from a distance, on the terms and conditions prescribed by the Government; and

(2) prescribe the terms and conditions according to which the home or hospital special instructional services prescribed by the basic school regulation may be provided from a distance.

The regulation may, among other things,

(1) require the authorization of the Minister in certain cases;

(2) empower the Minister to grant, following a request giving reasons, authorization for a student or a group of students to receive educational services from a distance according to rules that depart from a provision of the regulation made under this section or a provision of the basic school regulation, subject to the rules governing certification of studies; and

(3) specify the cases where the requirement under section 11 of the Act respecting private education (chapter E-9.1) to include an indication in the permit does not apply.

**449. (Repealed).**

1988, c. 84, s. 449; 1990, c. 78, s. 54; 1997, c. 96, s. 164; 2000, c. 24, s. 36.

**450.** The Government may, by regulation, provide for the organization of services other than educational services to handicapped students and students with social maladjustments or learning disabilities.

1988, c. 84, s. 450.

**451.** The Minister may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards and for the Comité de gestion de la taxe scolaire de l'île de Montréal, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (chapter C-27).

The Conseil du trésor may limit the authorization requirement under the first paragraph to the matters it considers to be of governmental import. It may also attach conditions to its authorization.

1988, c. 84, s. 451; 1997, c. 96, s. 130; 2000, c. 8, s. 155; 2002, c. 75, s. 28.

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

(1) *(subparagraph repealed)*;

(2) determine the norms, conditions and procedure for disposing of an immovable of a school board or of the Comité de gestion de la taxe scolaire de l'île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister. The regulation provided for in this section may

(1) require the authorization of the Minister at various stages; the authorization given may be subject to certain conditions;

(2) allow the Minister to waive the requirements of certain provisions of the regulation with regard to those dispositions of immovables which he indicates.

1988, c. 84, s. 452; 1990, c. 78, s. 54; 2002, c. 75, s. 31; 2006, c. 29, s. 37.

**453.** The Government may regulate student transportation, namely,

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

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

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

(4) to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration;

(5) set standards for the cost that may be claimed for the service.

A regulation contemplated in this section may allow the Minister to exempt contracts for the transportation of students from the application of some of the provisions of that regulation.

1988, c. 84, s. 453; 1993, c. 27, s. 2; 1997, c. 96, s. 131; 2019, c. 9, s. 11.

**454.** The Government may, by regulation, establish the composition, mode of operation and functions of the advisory committee on student transportation.

1988, c. 84, s. 454.

**454.1.** The Government may by regulation, prescribe standards for the provision of childcare at school.

The regulation may also deal with the nature and objectives of childcare provided at school as well as its general organizational framework and the financial contributions that may be required for the service.

1997, c. 58, s. 51; 1997, c. 96, s. 132; 2019, c. 9, s. 12.

**455.** The Government may define, by regulation, the expression "resident in Québec" for the purposes of this Act.

1988, c. 84, s. 455.

**455.0.1.** The Government may, by regulation, determine the situations in which, for the purposes of subparagraph 3 of the first paragraph of section 3.1, a person who is not resident in Québec may avail himself of the right of free access to services in accordance with that section.

2017, c. 23, s. 13.

**455.1.** The Government shall, by regulation, prescribe the method for computing the amount referred to in section 303.4 for financing local needs for a school board. The method must make it possible to determine basic financing and financing that takes the number of students into account.



The method for computing basic financing may vary according to categories of school boards and types of activities.

The method for computing financing that takes the number of students into account may include rules for establishing the number of eligible students and may vary according to categories of students, weighting indexes applicable to students, measures to mitigate the impact of a decline in the number of students in a school board, and categories of school boards.

The regulation may provide for the indexing of the amounts included in the computation method.

1990, c. 28, s. 17; 1992, c. 23, s. 15; 2019, c. 5, s. 23.

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

(1) a classification of teaching licences, the nature and term of such licences, and the requirements and procedure applicable to their issuance or renewal, as the case may be, including the documents and information to be furnished;

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

1988, c. 84, s. 456; 2000, c. 24, s. 37.

**456.1.** The Minister shall, by regulation, establish the salary of the members of the inquiry committee set up under section 28 and rules relating to the reimbursement of expenses incurred by the members in the exercise of their functions.

1997, c. 43, s. 323.

**457.** The Minister may, by regulation, prescribe the conditions and procedures relating to the continuing education referred to in section 22.0.1 of this Act and section 54.12 of the Act respecting private education (chapter E-9.1), including those pertaining to recognition of the content of the continuing education activities, to methods for monitoring, supervising or evaluating the continuing education requirements and, where applicable, to exemptions.

The regulation may entrust functions in that area to a person or body, in particular to a school principal or the principal of a centre, to an institution governed by the Act respecting private education or to the Institut national d'excellence en éducation.

1988, c. 84, s. 457; 2000, c. 24, s. 38.

**457.1.** The Minister may determine by regulation

(1) the cases in which a school board may exercise the powers provided for in section 241.1 in respect of the admission of a child who has not attained the age of admission;

(2) the information which must be included in a request made under sections 96.17, 96.18 and 241.1 as well as the documents which must be attached to a request;

(3) the evaluations, consultations, opinions or recommendations required for the purposes of sections 96.17, 96.18 and 241.1.

1992, c. 23, s. 16; 1997, c. 96, s. 133.

**457.2.** The Minister may determine by regulation the cases in which and the conditions on which a school board may permit a departure from the provisions of a basic regulation that relate to the list of subjects so that a special school project may be carried out.

The regulation must prescribe that a report be made to the Minister, at intervals determined by the Minister, on departures from those provisions granted to carry out special school projects.

2004, c. 38, s. 4.

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

(1) determine the services and school activities to which the right to free educational services, provided for in section 3, does not apply;

(2) specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7, does or does not apply; and

(3) establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3, section 7 or the third paragraph of section 292, does not apply.

The standards provided for in the first paragraph may vary according to the basic regulation, level of instruction or school project to which they apply.

2019, c. 9, s. 13.

**457.3.** Repealed.

2008, c. 29, s. 32.

**457.4.** 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.

2008, c. 29, s. 32.

**457.5.** The Minister may, by regulation, provide for and regulate the carrying out of information and prevention activities related to safety at school. The Minister may also, by regulation, prescribe or limit the application by school authorities of certain measures relating to safety at school and to the safety and well-being of students and the safety and integrity of their property.

2016, c. 26, s. 48.

~~**458.** A draft copy of the regulation provided for in sections 447, 448 and 456 shall be submitted before passage to the Conseil supérieur de l'éducation for preliminary examination.~~

*(Repealed)*

1988, c. 84, s. 458; 1990, c. 78, s. 54; 2006, c. 52, s. 23.

## **DIVISION II**

### **FUNCTIONS AND POWERS OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS**

1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**459.** The Minister shall ensure quality in the educational services provided by school boards.

In order to exercise that function, the Minister may establish an approach for gradual implementation of the provisions of the basic regulations relating to the list of subjects and to the rules governing the evaluation of learning achievement and the certification of studies.

Moreover, following a request, with reasons, made by a school board, the Minister may permit, on the conditions and to the extent determined by the Minister, a departure from provisions of a basic regulation relating to the list of subjects so that a special school project applicable to a group of students may be carried out.

1988, c. 84, s. 459; 1990, c. 78, s. 54; 1997, c. 96, s. 134.

**NOTE: Bill 23 New section not applicable - Amendment applicable by decree to English School Boards**

~~459.0.0.1. The Minister may determine, for all school service centres or based on the situation of one or certain school service centres, policy directions that must be taken into account in organizing educational services.~~

**459.0.1.** The Minister may enter into an agreement with a minister or a public body to collect from or communicate to the minister or body any information needed for the purpose of applying the provisions of this Act that relate to a child's compulsory school attendance, in particular for the purpose of identifying, including by means of a comparison of files, the children who may not be attending school as required.

The Minister may also communicate to a school board personal information concerning any child who comes under its jurisdiction or concerning the child's parents that is needed for the purpose of applying the provisions referred to in the first paragraph.

2017, c. 23, s. 14.

**459.1.** After consultation with the school boards, the Minister shall establish national indicators and make them available to all school boards, particularly so that they may define, in their commitment-to-success plans, the main challenges they face.

2002, c. 63, s. 29; 2016, c. 26, s. 49.

**459.2.** The Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives or targets they must take into account in preparing their commitment-to-success plans.

2008, c. 29, s. 33; 2016, c. 26, s. 50.

**459.3.** The Minister may, for any school board, prescribe terms governing the coordination of the entire strategic planning process between the educational institutions, the school board and the department.

The Minister may also, after receiving a school board's commitment-to-success plan, require the school board, within the period prescribed by section 209.1, to defer publication of the plan or to amend it to harmonize the period covered by the plan with that covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph. The Minister may also impose such a requirement to ensure that the plan is consistent with the strategic directions and objectives of the department's strategic plan or that it meets the expectations communicated under section 459.2.

2008, c. 29, s. 33; 2016, c. 26, s. 50.

**459.4.** The Minister shall evaluate the results obtained under each school board's commitment-to-success 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 policy directions, objectives or targets set out in the commitment-to-success plan are achieved.

If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve those policy directions, objectives or targets, the Minister may prescribe any additional measure to be put in place by the school board within a specified period.

2008, c. 29, s. 33; 2016, c. 26, s. 51 .

**459.4.1.** The Minister may evaluate students' needs in connection with their educational success. For that purpose, the Minister may determine the tools, targets and indicators enabling the detection of risk factors for students' school success and may, if the Minister considers it useful, analyze the situation of certain students or groups of students. The Minister may consult any expert for the determination of those tools, targets and indicators."

Where, under the first paragraph, the Minister finds that certain categories of students or groups of students present risk factors jeopardizing their school success, the Minister shall inform the school service centre concerned and discuss with it the measures to be taken. The Minister may, if he considers it necessary, advise and support the school service centre in order to foster the school success of those students.

**459.5.** The Minister shall prepare a guide for the school boards on good management practices, in particular with respect to decentralization, that takes into account such factors as the number of students they have and the size of their territory, and shall see that it is distributed.

The Minister shall develop the content of the training for the directors general and assistant directors general of school service centres and see that the training is provided to them.

2016, c. 26, s. 52.

**459.5.1.** The Minister shall prepare a guide for school boards and parents on good homeschooling practices, and see that it is disseminated among school boards and parents.

2017, c. 23, s. 15.

**459.5.2.** The Minister shall establish a Québec-wide advisory panel on homeschooling.

The panel shall advise the Minister on any matter he submits to it.

2017, c. 23, s. 15.

**459.5.3.** The Minister may establish and implement a pilot project to experiment or innovate in the field of distance educational services, or to study, improve or define standards for distance educational services.

Within such a pilot project, the Minister may

- (1) provide distance education services or authorize a school board or an educational institution governed by the Act respecting private education (chapter E-9.1) to provide such services, or a person to receive them, according to standards that depart from those established by or under this Act or the Act respecting private education, all in compliance with the right to free educational services; and
- (2) issue directives establishing the applicable standards and rules.

The Minister may also, at any time, make changes or put an end to a pilot project after notifying all interested persons.

The maximum duration of a pilot project is three years, which the Minister may extend by up to two years if he considers it necessary. The Minister shall evaluate the pilot project and make the evaluation public every two years as well as at the end of the pilot project.

2017, c. 23, s. 15.

**459.6.** Within the scope of the Minister's responsibilities, the Minister may issue directives to a school board concerning its administration, organization, operation and actions. Such directives may also complement or clarify the budgetary rules during a school year.

The directives may apply to one or more school boards and contain different elements according to the school board concerned.

The directives must be submitted to the Government for approval. Once approved, they are binding on the school board. Such directives must be tabled in the National Assembly within 30 days of being approved by the Government or, if the Assembly is not sitting, within 30 days of resumption.

2016, c. 26, s. 52.

*NOTE: Bill 23 New section not applicable - Amendment applicable by decree to English School*

~~459.7. If the Minister is of the opinion that a decision made by a school service centre is not consistent with the targets, objectives, policy directions and directives he has established in accordance with this Act, he shall inform the school service centre.~~

~~The school service centre has 15 days to give the Minister the reasons for its decision. Where applicable, it shall also inform him, within that period, of its intention to overturn, entirely or in part, that decision and of the decision it intends to make.~~

~~If the school service centre does not give reasons within the prescribed period or if the reasons given or the decision it intends to make are not to the Minister's satisfaction, the Minister may then annul, entirely or in part, the school service centre's decision and make the decision that, in his opinion, ought to have been made in the first instance.~~

~~This section applies, with the necessary modifications, where the Minister is of the opinion that a decision should be made to ensure that the school service centre complies with the targets, objectives, policy directions and directives he has established.~~

**460.** The Minister may, on such conditions as he determines, exempt any student or any category of students he determines from the application of certain rules of certification of studies or of prior learning.

1988, c. 84, s. 460; 1990, c. 78, s. 48; 1997, c. 96, s. 135.

**461.** The Minister shall establish the programs for preschool education, the programs of compulsory subjects for elementary and secondary schools as well as the elective subjects specified in a list drawn up by him under section 463 and, if he considers it appropriate, the programs of vocational education.

Every program shall include compulsory objectives and contents and may include optional objectives and contents that shall be enriched or adapted according to the needs of students who receive the services.

The Minister may, in the broad areas of learning established by the Minister, prescribe activities or content to be integrated into the educational services provided to students, and determine exemption conditions.

The Minister shall seek the opinion of the Religious Affairs Committee on the religious aspects of a program of studies in ethics and religious culture established by the Minister.

Furthermore, the Minister may establish literacy and presecondary and secondary education programs to be offered as part of the adult education services.

1988, c. 84, s. 461; 1990, c. 78, s. 49; 1997, c. 96, s. 136; 2000, c. 24, s. 39; 2005, c. 20, s. 4; 2012, c. 19, s. 21.

**461.1.** The Minister may, after consultation with the school boards, provide for the organization, by the latter, of preschool educational services intended for students having reached the age of 4 in the 12 months preceding the date prescribed by the third paragraph of section 1 for admission to preschool education.

In such a case, the Minister shall, after consultation with the Minister of Families, Seniors and the Status of Women establish conditions and procedures for the organization of such services. The Minister shall, in those conditions and procedures, specify the activities or services for the students' parents that a school board must organize to help achieve the educational services objectives.

The conditions and procedures established under the second paragraph may be different from those determined by the basic school regulation and may, in particular, specify the responsibilities of the various participants from the educational sector. The conditions and procedures may be general or specific or they may be applicable only to one or to certain school boards. They are primarily designed to meet the needs of students from underprivileged backgrounds, as defined by the Minister, when allocating available physical, human and financial resources.

In addition, the Minister may set objectives for and limits to the organization of the educational services by the school boards.

The aim of the consultation provided for in the second paragraph is to ensure consistency between the preschool educational services intended for the students referred to in the first paragraph and organized under this section and, in particular, the childcare services for children 4 years of age governed by the Educational Childcare Act (chapter S-4.1.1).

2013, c. 14, s. 3; 2019, c. 24, s. 7.

#### **Note from the Quebec Official Publisher**

*See transitional provisions, 2019, c. 24, s. 20, par. 2.*

**462.** The Minister may draw up a list of textbooks, instructional material or classes of instructional material approved by him which may be selected for the teaching of the programs of studies established by him.

This section does not apply to vocational training or adult education.

1988, c. 84, s. 462; 1990, c. 78, s. 54; 1997, c. 96, s. 137; 2000, c. 24, s. 40.

**463.** The Minister shall draw up a list of elective subjects for which he establishes a program of studies, a list of vocational education programs, the number of credits assigned to each elective subject and to each vocational education program and a list of the subjects and vocational education programs for which he imposes examinations.

The Minister may authorize a school, following a request sent by the school board, to assign a greater number of credits than that prescribed in the basic school regulation to an elective subject for which the school board has adopted a local program of studies.

1988, c. 84, s. 463; 1990, c. 78, s. 54; 1997, c. 96, s. 138.



**464.** The Minister shall ensure that every school board, governing board, school principal, principal of a centre and teacher and the Institut national d'excellence en education have access, free of charge, to the programs and lists established by the Minister.

1988, c. 84, s. 464; 1997, c. 96, s. 139; 2000, c. 24, s. 41.

**465.** The Minister may establish, subject to what is prescribed in the basic regulations, conditions of admission to vocational education programs.

1988, c. 84, s. 465; 1990, c. 78, s. 50, s. 54; 1997, c. 96, s. 164.

**466.** The Minister may draw up a list of school boards which, for purposes of subsidies, are authorized to provide adult education services.

Expenditures incurred by an unlisted school board to provide such adult education services are not qualified for subsidies granted by the Minister of Education, Recreation and Sports.

Pursuant to an agreement with interested school boards which do not provide adult education services, a school board authorized under the first paragraph shall establish mechanisms whereby they may take part in the definition of its adult education policies.

In addition, in an agreement entered into with a school board not included on the list for the provision of adult education services, it may, with the authorization of the Minister and according to the conditions determined by him, send to that school board any sums received from the Minister as subsidies for the organization of those services.

1988, c. 84, s. 466; 1990, c. 8, s. 55; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**467.** The Minister may draw up a list of vocational education programs which a school board, for purposes of subsidies, is authorized to provide.

Expenditures incurred by a school board to provide any vocational education program that is not included on the list drawn up in its respect are not qualified for subsidies granted by the Minister of Education, Recreation and Sports.

1988, c. 84, s. 467; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 140; 2005, c. 28, s. 195.

**468.** The Minister may establish a school, vocational training centre or adult education centre having a regional or provincial role under the jurisdiction of one or more school boards, pursuant to an agreement with each of the school boards concerned.

The agreement shall state the name and address of the institution, indicate the premises or immovables placed at its disposal, specify the educational services to be provided by the institution, the enrollment criteria, the territory to be served as well as the mode of administration and operation of the institution.

In addition, the agreement may entrust the management of any or all of the services provided by the institution to a committee or body established by the agreement and determine the distribution of the functions and powers between the institution, the school board and the committee or body.

Neither Chapter III nor Chapter IV applies to the institution.

1988, c. 84, s. 468; 1990, c. 78, s. 51; 1997, c. 96, s. 141.

**469.** The Minister shall establish criteria or requirements for the recognition by school boards of the learning acquired by a person otherwise than as prescribed in the basic school regulation established under section 447.

In addition, the Minister shall establish criteria or requirements for the recognition by school boards of the scholastic or experiential learning of a person enrolled in vocational training or adult education.

1988, c. 84, s. 469; 1990, c. 78, s. 52, s. 54; 1997, c. 96, s. 142.

**470.** The Minister may, to avoid penalizing students unduly, revise the results obtained by them in the examinations he imposes, to compensate for any error or ambiguity in the examinations brought to his attention after they are taken.

The Minister may, where circumstances so require, invalidate the examination and either retain as the final result the grades obtained in the school board internal examinations or hold another examination.

In addition, the Minister may, in accordance with the criteria and methods established by him, weight the results obtained in the school board internal examinations in subjects for which he imposes examinations, to make the results comparable to those obtained in the internal examinations held in other school boards.

1988, c. 84, s. 470.

**471.** The Minister shall award diplomas, certificates and other official attestations prescribed in the basic regulations as well as the official attestations and transcripts of marks which he determines.

1988, c. 84, s. 471; 1990, c. 78, s. 54; 1997, c. 96, s. 164.

**472.** After consulting with the school boards, the Minister shall establish annually and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses allowable for the purpose of subsidies to be allocated to school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal. The budgetary rules shall be drafted in such a way as to provide an equitable apportionment with regard to the allocation of subsidies applicable to the operating expenses of school boards.

The budgetary rules shall also provide for the allocation of subsidies to a school board which is authorized, for the purpose of subsidies, to organize vocational training programs or adult education services or which fulfils a special obligation it is subject to under this Act, and, in particular, under subparagraphs 6 and 7 of the third paragraph of section 447 and sections 461.1 and 468. The allocation of such subsidies may be made on the basis of general or specific standards or be subject to the authorization of the Minister.

The budgetary rules may provide that the allocation of subsidies applicable to capital expenditures and debt service for capital expenditures may be made on the basis of general or specific standards, be subject to the authorization of the Minister or be made only to one school board or certain school boards or the Comité de gestion de la taxe scolaire de l'île de Montréal.

The budgetary rules may provide that the allocation of subsidies applicable to the expenses referred to in the second and third paragraphs may also be subject to general conditions applicable to all school boards or to special conditions applicable only to one school board or certain school boards.

1988, c. 84, s. 472; 1990, c. 78, s. 54; 1997, c. 96, s. 143; 2002, c. 75, s. 29; 2013, c. 14, s. 4; 2019, c. 24, s. 8.

**473.** The budgetary rules may also prescribe

(1) the financial contribution to be collected from a person not resident in Québec for services that are not free services under section 3.1, and the exceptions applicable to the collection of that contribution for certain categories of persons covered by that section;

(2) the maximum amount of the financial contribution that may be required for services to which the right to free access, as provided in section 3 does not apply, from a resident of Québec enrolled in vocational training or adult education;

(3) the terms and conditions of the computation of subsidies payable to school boards for the application of the right of free access to vocational training or adult education services.

1988, c. 84, s. 473; 1990, c. 78, s. 54; 1997, c. 96, s. 144; 2017, c. 23, s. 16.

**473.1.** The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal, in order to take into account special situations or to carry out certain projects or activities. The budgetary rules may also, subject to the conditions or in accordance with the criteria prescribed in them or determined by the Minister, stipulate that certain budgetary measures are intended for a transfer to the budget of educational institutions.

Such subsidies may

(1) be granted on the basis of general or special standards;

(2) be subject to general conditions applicable to every school board, or to special conditions applicable to one or some of them;

(3) be granted only to one or some of the school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal.

For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l'Éducation, du Loisir et du Sport to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) does not apply to such an authorization.

1992, c. 23, s. 17; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2002, c. 75, s. 31; 2005, c. 28, s. 195; 2016, c. 26, s. 53.

**474.** The budgetary rules may also provide, subject to the conditions prescribed by the Minister, that a subsidy shall be granted to a school board or to the Comité de gestion de la taxe scolaire de l'île de Montréal where the property of the school board or the Comité de gestion de la taxe scolaire de l'île de Montréal is damaged as the result of a disaster, theft or vandalism.

The Minister is, in such a case, subrogated to the rights of the school board or the Comité de gestion de la taxe scolaire de l'île de Montréal.

1988, c. 84, s. 474; 2002, c. 75, s. 31.

**475.** The Minister shall, in the budgetary rules referred to in section 472, provide for the payment of a fiscal balance subsidy to allow each school board to obtain the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.

The subsidy corresponds to the difference between that amount and the school tax proceeds for the year concerned established on the basis of the assessment roll referred to in section 303.3. It is paid in equal parts not later than 31 July and 31 October of the year concerned.

The school boards shall send the Minister the information he considers necessary for computing the fiscal balance subsidy, on the date and in the form determined by the Minister.

### ***Not in force***

The Minister shall also, in those budgetary rules, provide for the payment to the school boards and to the Comité de gestion de la taxe scolaire de l'île de Montréal of compensation for loss of revenue

incidental to the taxation in an amount corresponding to the last compensation that was paid to them under section 40 of the Act to establish a single school tax rate (2019, chapter 5), where applicable.

1988, c. 84, s. 475; 1990, c. 28, s. 18; 1992, c. 23, s. 18; 2019, c. 5, s. 24.

**475.0.1.** Where the sum of the school tax proceeds and the fiscal balance subsidy provided for in section 475 does not correspond to the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1, the difference between the sum and the amount is taken into account in establishing the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of a subsidy, in whole or in part.

The first paragraph does not apply to a school board on the island of Montréal where the sum of the school tax proceeds and the fiscal balance subsidy is greater than the amount for financing local needs for that school board.

2019, c. 5, s. 24.

**475.1.** A fiscal balance subsidy intended for a school board on the island of Montréal under section 475 is paid to the Comité de gestion de la taxe scolaire de l'île de Montréal.

### ***Not in force***

The same applies to the compensation for loss of revenue incidental to the taxation.

2002, c. 75, s. 30; 2019, c. 5, s. 24.

**475.2.** The Minister shall also, in the budgetary rules referred to in section 472, provide for the allocation, to school boards, of a subsidy allowing, in the Minister's opinion, the financing of two school activities, including transportation, for each student enrolled in preschool education services or in elementary or secondary school instructional services.

The allocation of the subsidy provided for in the first paragraph may take into account special conditions applicable to certain school boards, in particular their geographic location.

2006, c. 54, s. 5; 2013, c. 16, s. 186; 2019, c. 9, s. 14.

**476.** The Minister may, on the terms and conditions he determines, grant on behalf of the Government a subsidy to any school board or the Comité de gestion de la taxe scolaire de l'île de Montréal for the payment, in whole or in part, out of the funds voted annually for such purpose by the Parliament, of the principal and interest of any loan contracted or to be contracted by the school board or the Comité de gestion de la taxe scolaire de l'île de Montréal.

The school board shall apply the proceeds of the loan referred to in the first paragraph to the capital expenditures and debt service for the capital expenditures referred to in section 472, to the repayment of loans contracted for the purposes of such capital expenditures and debt service or to the payment of the costs and expenses related to the loan.

The Minister may entrust to the Minister of Finance the management of any amount intended for the payment in principal of a loan contracted 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 loan and, out of the proceeds or revenues of the fund, the loans contracted by any school board.

The third paragraph applies only to loans contracted before 1 April 1991.

1988, c. 84, s. 476; 1990, c. 66, s. 8; 2002, c. 75, s. 31; 2016, c. 7, s. 183.

**477.** The Minister may withhold or cancel all or part of the amount of any subsidy, other than a subsidy for the transportation of students, intended for a school board or the Comité de gestion de la taxe

scolaire de l'île de Montréal if it refuses or neglects to comply with a provision governing the school board and the Comité. The same applies if a school board does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety.

In no case, however, may the Minister withhold or cancel a subsidy granted under section 476 related to the payment in principal and interest of any duly authorized loan of a school board or the Comité de gestion de la taxe scolaire de l'île de Montréal.

1988, c. 84, s. 477; 2002, c. 75, s. 31; 2016, c. 12, s. 34.

**477.1.** The Minister may entrust to the Minister of Finance the management of sums intended for the repayment of the principal of a loan in respect of which a subsidy has been granted under section 476, in order to constitute a sinking fund for the purpose of repaying, out of such sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund shall be used for the repayment of any duly authorized loan of any school board, or allocated for the repayment of any loan for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted on or after 1 April 1991.

1990, c. 66, s. 9; 2016, c. 7, s. 183.

**477.1.1.** On the recommendation of the Minister, the Government may, if it considers it advisable in the public interest and so as to foster effective and efficient management of the immovables belonging to school boards, order that the ownership of an immovable belonging to a school board be transferred to another school board so that the latter school board may establish an educational institution.

Such a transfer shall take effect on the date determined by the Government.

2000, c. 11, s. 7.

**477.1.2.** The Government shall determine, by order in council, whether an indemnity is to be paid as consideration for the transfer and, where applicable, the amount of the indemnity and the other conditions of the transfer.

2000, c. 11, s. 7.

**477.1.3.** Before making a recommendation to the Government, the Minister must give the school boards concerned an opportunity to present observations in writing and grant them at least 30 days to do so.

2000, c. 11, s. 7.

**477.1.4.** Notwithstanding section 40 and paragraph 1 of section 79, a deed of establishment that places all or part of the immovable to which the decision applies at the disposal of an educational institution shall cease to have effect

(1) on 30 June, if the decision takes effect on 1 July following the decision; or

(2) on the date of the day preceding the date determined by the Government under section 477.1.1.

2000, c. 11, s. 7.

**477.1.5.** Where the ownership of an immovable is transferred pursuant to section 477.1.1, a notice stating the facts that establish the transfer and containing a description of the immovable concerned shall be given to the registrar of the registration division in which the immovable is situated.

2000, c. 11, s. 7.

## **DIVISION II.1**

## COMMITTEES OF THE MINISTER

1997, c. 96, s. 145; 2005, c. 44, s. 2.

§ 1. —

*Repealed, 2005, c. 44, s. 3.*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

1. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.2.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.3.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

2. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.4.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.5.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.6.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.7.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

§ 2. —

*Repealed, 2005, c. 44, s. 3.*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

1. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.8.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.9.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

2. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.10.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.11.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.12.** *(Repealed).*



**42. Division II.1 of Chapter VII of the Act, comprising sections 477.13 to 477.28, is repealed.**

**~~§ 3. — Comité d'agrément des programmes de formation à l'enseignement~~**

~~1997, c. 96, s. 145.~~

**~~1. — Establishment~~**

~~1997, c. 96, s. 145.~~

**477.13.** A teacher training program accreditation committee is hereby established under the name “Comité d'agrément des programmes de formation à l'enseignement”.

~~1997, c. 96, s. 145.~~

**477.14.** The committee shall be composed of nine members, as follows:

~~(1) the chair shall be, alternately, an education sector professional and a person from university education sector;~~

~~(2) three elementary or secondary-level teachers;~~

~~(3) a teaching sector professional;~~

~~(4) three university-level teachers;~~

~~(5) a representative of the university education sector with experience at the preschool, elementary or secondary level.~~

~~At least two members of the committee must represent the English-language education sector.~~

~~The chair is appointed by the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology.~~

~~The members referred to in subparagraphs 2 and 3 of the first paragraph are appointed by the Minister, after consultation with the interested bodies. The members referred to in subparagraphs 4 and 5 of the first paragraph are appointed by the Minister of Higher Education, Research, Science and Technology, after consultation with the interested bodies.~~

~~In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l'Éducation, du Loisir et du Sport, the other from among the managerial staff of the school boards. An additional associate member, chosen from among the employees of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, may be appointed by the Minister of Higher Education, Research, Science and Technology.~~

~~Associate members are not entitled to vote.~~

~~1997, c. 96, s. 145; 2005, c. 28, s. 195; 2013, c. 28, s. 160.~~

**~~2. — Mission and functions~~**

~~1997, c. 96, s. 145.~~

**477.15.** The mission of the committee is to advise the Minister on any matter relating to the accreditation of teacher training programs for the elementary and secondary levels.

The committee shall, in the pursuit of its mission,

~~(1) examine and approve training teacher programs for the preschool, elementary and secondary levels;~~

~~(2) make recommendations to the Minister concerning teacher training programs required for the issue of teaching licences;~~

~~(3) advise the Minister on the determination of the qualifications required of teachers at the elementary and secondary levels.~~

~~In addition, the committee shall advise the Minister of Higher Education, Research, Science and Technology on the financing of university-level teacher education programs.~~

~~Before approving a program or making a recommendation, the committee shall consult the administrative committee set up by the Minister of Higher Education, Research, Science and Technology to provide advice on university training programs.~~

~~1997, c. 96, s. 145; 2013, c. 28, s. 161.~~

~~§ 4. —~~

~~Repealed, 2005, c. 44, s. 4.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 4.~~

~~1. —~~

~~(Repealed).~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 4.~~

~~**477.16.** (Repealed).~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 4.~~

~~**477.17.** (Repealed).~~

~~1997, c. 96, s. 145; 2005, c. 28, s. 195; 2005, c. 44, s. 4.~~

~~2. —~~

~~(Repealed).~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 4.~~

~~**477.18.** (Repealed).~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 4.~~

~~§ 4.1. — *Religious Affairs Committee*~~

~~1. — *Establishment*~~

~~**477.18.1.** A Religious Affairs Committee is hereby established.~~

~~2000, c. 24, s. 42.~~

~~**477.18.2.** The committee shall be composed of 13 members, including the committee chair, appointed by the Minister after consultation with groups or bodies active in the religious sector or in the education field, as follows:~~

~~(1) two parents of students attending an elementary school and two parents of students attending a secondary school;~~

~~(2) four members of the staff of school boards, including a teacher at the elementary level, a teacher at the secondary level, an education sector professional exercising education functions and a member of the management staff whose functions are related to educational services;~~

~~(3) four representatives of the university education sector, including one from the field of philosophy and three from the field of religious sciences;~~

~~(4) an employee of the Ministère de l'Éducation, du Loisir et du Sport.~~

~~The member referred to in subparagraph 4 of the first paragraph may not be appointed as the committee chair.~~

~~2000, c. 24, s. 42; 2005, c. 28, s. 195; 2005, c. 20, s. 5.~~

~~2. — *Mission and functions*~~

~~**477.18.3.** The mission of the committee is to advise the Minister on any matter relating to the place of religion in schools.~~

~~The committee may be called upon, in particular, to give its opinion on the orientations to be favoured in this area by the school system and on the adaptation of the school system to the socioreligious evolution of Québec society.~~

~~The committee shall also give its opinion on the religious aspects of the programs of studies in ethics and religious culture established by the Minister.~~

~~When called upon to give its opinion, the committee shall consult interested persons or bodies.~~

~~2000, c. 24, s. 42; 2005, c. 20, s. 6.~~

~~§ 5. — *Operation*~~

~~1997, c. 96, s. 145.~~

**477.19.** ~~Members of the committees shall be appointed for three years.~~

~~However, the Minister may appoint one-third of the first members designated by the Minister for one year and another third of the members designated by the Minister for two years.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 5.~~

**477.20.** ~~At the expiry of their terms, the members shall remain in office until reappointed or replaced.~~

~~The total duration of successive terms of a member and of any period in which the member remained in office between terms shall not exceed six years. At the end of such a six-year period, a member shall remain in office until replaced.~~

~~1997, c. 96, s. 145.~~

**477.21.** ~~Any vacancy during a term of office shall be filled, in the manner prescribed for the member's appointment, for the unexpired portion of the term.~~

~~1997, c. 96, s. 145.~~

**477.22.** ~~Members of the committees shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 6.~~

**477.23.** ~~The chair shall preside at the meetings of the committee and manage its operations.~~

~~The Minister shall designate a member of the committee to replace the chair if the chair is absent or unable to act.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 7.~~

**477.24.** ~~The quorum at meetings of a committee is the majority of its members.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 8.~~

**477.25.** ~~The committees may hold their meetings anywhere in Québec.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 9.~~

**477.26.** ~~The Minister shall place at the disposal of the committees the department personnel and physical resources they need for the exercise of their missions.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 10.~~

~~§ 6. — *Annual report*~~

~~1997, c. 96, s. 145.~~

**477.27.** ~~The committees shall submit to the Minister, not later than 15 November each year, a report of its activities for the school year ending on the preceding 30 June.~~

~~1997, c. 96, s. 145; 2005, c. 44, s. 11.~~

~~**477.28.** The Minister shall table the reports in the National Assembly within 30 days after receiving them if the Assembly is in session or, if it is not sitting, within 30 days of resumption.~~

1997, c. 96, s. 145.

### **DIVISION III**

#### **CONTROL MEASURES**

1988, c. 84, DIV. III; 2016, c. 26, s. 54.

**478.** The Minister may designate a person generally or specially to ascertain whether the provisions of this Act and the statutory instruments are being complied with.

The person designated may

- (1) enter, at any reasonable time, the premises or immovables of a school board, including the premises or immovables that are placed at the disposal of the educational institutions of the school board, or of the Comité de gestion de la taxe scolaire de l'île de Montréal;
- (2) examine and make copies of any register or document relating to the activities of a school board or of any of the school board's educational institutions or of the Comité de gestion de la taxe scolaire de l'île de Montréal;
- (2.1) enter, at any reasonable time, any place where the person has reason to believe children required to attend school are receiving training or instruction not governed by this Act or the Act respecting private education (chapter E-9.1) and require the persons present to provide their names and contact information and the names and contact information of the children and their parents;
- (2.2) take photographs or make recordings;
- (3) require any information or document relating to the application of this Act.

Despite subparagraph 2.1 of the second paragraph, to enter a dwelling house, a designated person must obtain the occupant's authorization or, failing that, a search warrant in accordance with the Code of Penal Procedure (chapter C-25.1).

The owner or person in charge of a place being inspected and any other person present is required to assist a designated person in the exercise of his functions.

1988, c. 84, s. 478; 1997, c. 96, s. 146; 2002, c. 75, s. 31; 2017, c. 23, s. 17.

**478.0.1.** A person designated under section 478 may, in a request sent by registered mail or by personal service, require any person to communicate any information or document relating to the application of this Act to the designated person, by registered mail or by personal service, within a specified reasonable time.

2017, c. 23, s. 18.

**478.0.2.** The Minister may designate a person generally or specially to inquire into any matter relating to the application of this Act.

2017, c. 23, s. 18.

**478.1.** On request, the person designated by the Minister must identify himself or herself and show a certificate of capacity, signed by the Minister.

1997, c. 96, s. 146.

**478.2.** The person designated by the Minister may not be prosecuted for acts done in good faith in the exercise of official functions.

1997, c. 96, s. 146.

**478.3.** The Minister may designate a person to inquire into any matter relating to the quality of educational services or to the administration, organization or operation of any school board or of any

of a school board's educational institutions or of the Comité de gestion de la taxe scolaire de l'île de Montréal.

The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety.

The person designated by the Minister shall be vested, for the purposes of an inquiry, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1997, c. 96, s. 146; 2002, c. 75, s. 31; 2016, c. 12, s. 35.

**478.4.** The Minister and the Deputy Minister have *ex officio* the right and power to make verifications or conduct inquiries.

1997, c. 96, s. 146; 2000, c. 24, s. 43.

**478.5.** The Minister may, during or after a verification or inquiry, recommend or order that a school board or the Comité de gestion de la taxe scolaire de l'île de Montréal comply with oversight or monitoring measures or apply the corrective measures the Minister specifies.

2016, c. 26, s. 55.

**479.** The Minister may, during or after the verification or investigation, order all or part of the powers and functions of a school service centre or of the Comité de gestion de la taxe scolaire de l'île de Montréal to be suspended for a period not exceeding six months and appoint an administrator to exercise the functions and powers of the school service centre's board of directors or of the Comité de gestion de la taxe scolaire de l'île de Montréal that have been suspended.

The administrator may, subject to the rights of third persons in good faith, annul any decision made by the school service centre or by the Comité de gestion de la taxe scolaire de l'île de Montréal under the powers which have been suspended.

The administrator may not be prosecuted for acts performed in good faith in the exercise of his functions.

The administrator shall, before the date set for the expiration of his term of office and of any extension, submit to the Minister, within the time limit determined by the Minister, a report of his findings, together with his recommendations. The report must contain any information required by the Minister.

After examining the administrator's report, the Minister may extend the period provided for in the first paragraph for one or more periods not exceeding 120 days.

1988, c. 84, s. 479; 1990, c. 78, s. 54; 2002, c. 75, s. 31; 2016, c. 26, s. 56.

## **CHAPTER VIII**

### **OFFENCES AND PENALTIES**

**480.** A commissioner, director general, secretary general or any other person who, after ceasing to hold office at the school board or the Comité de gestion de la taxe scolaire de l'île de Montréal and after being notified by the Minister, the school board or the Comité, does not surrender any money, document or other object that he has in his possession and that belongs to the school board or the Comité, is guilty of an offence.

Service of the notice upon such person must be made at his domicile by a bailiff, who must then make a return of service to the Minister.

1988, c. 84, s. 480; 2002, c. 75, s. 31.

**481.** *(Repealed).*

1988, c. 84, s. 481; 1999, c. 40, s. 158; 2018, c. 5, s. 51.

**482.** *(Repealed).*

1988, c. 84, s. 482; 2018, c. 5, s. 51.

**483.** *(Repealed).*

1988, c. 84, s. 483; 2018, c. 5, s. 51.

**484.** *(Repealed).*

1988, c. 84, s. 484; 2018, c. 5, s. 51.

**485.** *(Repealed).*

1988, c. 84, s. 485; 1989, c. 36, s. 270; 2018, c. 5, s. 51.

**486.** *(Repealed).*

1988, c. 84, s. 486; 1990, c. 4, s. 509; 1999, c. 52, s. 13.

**487.** Every person who is guilty of an offence described in section 480 is liable to a fine of not less than \$100 nor more than \$1,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3,000 and, for any subsequent conviction, to a fine of not less than \$200 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6,000.

1988, c. 84, s. 487; 1990, c. 4, s. 510; 2018, c. 5, s. 52.

**488.** *(Repealed).*

1988, c. 84, s. 488; 1990, c. 4, s. 511; 2018, c. 5, s. 53.

**488.1.** Every person who contravenes section 18.0.1 is guilty of an offence and is liable to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$30,000 and, for any subsequent conviction, to a fine of not less than \$2,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$6,000 nor more than \$60,000.

2017, c. 23, s. 19.

**488.2.** Every person who hinders a person designated under section 478 or 478.0.2 in the exercise of his functions or misleads the designated person by misrepresentation is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$15,000 and, for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$30,000.

The same applies to every person who refuses to provide any information or document to a person designated under section 478 that he is authorized to require under this Act.

2017, c. 23, s. 19.

**489.** Every person who, by his act or omission, aids another person to commit an offence may be found guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

1988, c. 84, s. 489.

**490.** Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence may be found guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

1988, c. 84, s. 490.



**491.** The school board or the Comité de gestion de la taxe scolaire de l'île de Montréal may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under this chapter, except an offence under section 488.1 or 488.2.

1988, c. 84, s. 491; 1990, c. 4, s. 512; 1992, c. 61, s. 357; 1999, c. 52, s. 14; 2002, c. 75, s. 31; 2017, c. 23, s. 20.

**492.** The fine imposed for an offence referred to in section 491 belongs to the school board or the Comité de gestion de la taxe scolaire where it has taken charge of the prosecution.

1988, c. 84, s. 492; 1992, c. 61, s. 358; 2018, c. 5, s. 54.

## **CHAPTER IX**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

## **DIVISION I**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**493.** *(Repealed).*

1988, c. 84, s. 493; 2005, c. 20, s. 7.

## **DIVISION II**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**494.** *(Repealed).*

1988, c. 84, s. 494; 2005, c. 20, s. 7.

**495.** *(Repealed).*

1988, c. 84, s. 495; 2005, c. 20, s. 7.

**496.** *(Repealed).*

1988, c. 84, s. 496; 1991, c. 27, s. 12; 2005, c. 20, s. 7.

**497.** *(Repealed).*

1988, c. 84, s. 497; 1989, c. 36, s. 271; 2005, c. 20, s. 7.

**498.** *(Repealed).*

1988, c. 84, s. 498; 1989, c. 36, s. 272; 1991, c. 27, s. 13; 2005, c. 20, s. 7.

**499.** *(Repealed).*

1988, c. 84, s. 499; 2005, c. 20, s. 7.

**500.** *(Repealed).*

1988, c. 84, s. 500; 2005, c. 20, s. 7.

**501.** *(Repealed).*

1988, c. 84, s. 501; 2005, c. 20, s. 7.

**502.** *(Repealed).*

1988, c. 84, s. 502; 1990, c. 8, s. 57; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

## **DIVISION III**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**503.** *(Repealed).*

1988, c. 84, s. 503; 1990, c. 8, s. 58; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

**504. (Repealed).**

1988, c. 84, s. 504; 1990, c. 8, s. 59; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

#### **DIVISION IV**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**505. (Repealed).**

1988, c. 84, s. 505; 2002, c. 75, s. 32.

**506. (Repealed).**

1988, c. 84, s. 506; 2005, c. 20, s. 7.

**507. (Repealed).**

1988, c. 84, s. 507; 2005, c. 20, s. 7.

**508. (Repealed).**

1988, c. 84, s. 508; 1990, c. 28, s. 19.

#### **CHAPTER X**

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 29; 2005, c. 20, s. 7.

#### **DIVISION I**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**509. (Repealed).**

1988, c. 84, s. 509; 1997, c. 47, s. 30; 1997, c. 47, Schedule (s. 2); 2005, c. 20, s. 7.

#### **DIVISION II**

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 31; 2005, c. 20, s. 7.

**510. (Repealed).**

1988, c. 84, s. 510; 1997, c. 47, s. 31; 2005, c. 20, s. 7.

**511. (Repealed).**

1988, c. 84, s. 511; 1997, c. 47, s. 31; 2005, c. 20, s. 7.

**512. (Repealed).**

1988, c. 84, s. 512; 1997, c. 47, s. 31; 2005, c. 20, s. 7.

**513. (Repealed).**

1988, c. 84, s. 513; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514. (Repealed).**

1988, c. 84, s. 514; 1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514.1. (Repealed).**

1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514.2. (Repealed).**

1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514.3. (Repealed).**

1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514.4. (Repealed).**

1997, c. 47, s. 31; 2005, c. 20, s. 7.

**514.5. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 3); 2005, c. 20, s. 7.

**515. (Repealed).**

1988, c. 84, s. 515; 1997, c. 47, s. 31; 1997, c. 96, s. 156; 2005, c. 20, s. 7.

## **DIVISION II.1**

*Repealed, 1997, c. 47, Schedule (s. 4).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.1. (Repealed).**

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.2. (Repealed).**

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.3. (Repealed).**

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.4. (Repealed).**

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.5. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.6. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.7. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.8. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.9. (Repealed).**

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

## **DIVISION II.2**

*Repealed, 2005, c. 20, s. 7.*

1990, c. 78, s. 18; 2005, c. 20, s. 7.

§ 1. —

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 32; 2005, c. 20, s. 7.

**516. (Repealed).**

1988, c. 84, s. 516; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**517. (Repealed).**

1988, c. 84, s. 517; 1997, c. 47, s. 33; 2005, c. 20, s. 7.

**518. (Repealed).**

1988, c. 84, s. 518; 2005, c. 20, s. 7.

**518.1. (Repealed).**

1997, c. 47, s. 34; 1997, c. 47, Schedule (s. 5); 2005, c. 20, s. 7.

**519. (Repealed).**

1988, c. 84, s. 519; 1997, c. 47, s. 35; 2005, c. 20, s. 7.

**520. (Repealed).**

1988, c. 84, s. 520; 1997, c. 47, s. 36, s. 52; 1997, c. 96, s. 157; 1997, c. 47, Schedule (s. 6); 1999, c. 28, s. 2; 2000, c. 56, s. 162; 2002, c. 68, s. 52; 2005, c. 20, s. 7.

**521. (Repealed).**

1988, c. 84, s. 521; 1997, c. 47, s. 37; 1997, c. 96, s. 158; 2005, c. 20, s. 7.

**522. (Repealed).**

1988, c. 84, s. 522; 1997, c. 47, s. 38.

**523. (Repealed).**

1988, c. 84, s. 523; 1997, c. 47, s. 39, s. 52; 1997, c. 96, s. 159; 2005, c. 20, s. 7.

§ 2. —

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.1. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.2. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.3. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.4. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.5. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.6. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.7. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.8. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.9. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.10. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.11. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.12. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.13. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.14. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.15. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.16. (Repealed).**

1997, c. 47, s. 40; 2005, c. 20, s. 7.

### **DIVISION III**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**524. (Repealed).**

1988, c. 84, s. 524; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 47, s. 41, s. 52; 1997, c. 96, s. 160; 2005, c. 20, s. 7.

**525. (Repealed).**

1988, c. 84, s. 525; 1989, c. 36, s. 273; 1997, c. 47, s. 42.

**526. (Repealed).**

1988, c. 84, s. 526; 2005, c. 20, s. 7.

**527. (Repealed).**

1988, c. 84, s. 527; 1997, c. 47, s. 43, s. 52; 2005, c. 20, s. 7.

### **DIVISION IV**

*Repealed, 1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 8, s. 9).*

1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 8, s. 9).

**528. (Repealed).**

1988, c. 84, s. 528; 1997, c. 98, s. 20.

**529. (Repealed).**

1988, c. 84, s. 529; 1990, c. 78, s. 20; 1997, c. 47, s. 44; 1997, c. 98, s. 20.

**529.1. (Repealed).**

1997, c. 47, s. 44; 1997, c. 98, s. 20.

**529.2. (Repealed).**

1997, c. 47, s. 44; 1997, c. 98, s. 20.

**530. (Repealed).**

1988, c. 84, s. 530; 1990, c. 78, s. 54; 1997, c. 47, s. 45, s. 52; 1997, c. 98, s. 20.

**530.1. (Repealed).**

1997, c. 47, s. 46; 1997, c. 47, Schedule (s. 8).

**530.2. (Repealed).**

1997, c. 47, s. 46; 1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 9).

### **DIVISION IV.1**

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.3. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.4. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.5. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.6. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.7. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.8. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.9. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.10. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.11. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.12. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.13. (Repealed).**

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**DIVISION V**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**531. (Repealed).**

1988, c. 84, s. 531; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 20, s. 7.

**532. (Repealed).**

1988, c. 84, s. 532; 2005, c. 20, s. 7.

**533. (Repealed).**

1988, c. 84, s. 533; 1997, c. 47, s. 47; 1997, c. 96, s. 161; 1997, c. 47, Schedule (s. 10); 2005, c. 20, s. 7.

**534. (Repealed).**

1988, c. 84, s. 534; 1997, c. 47, s. 48, s. 52; 2005, c. 20, s. 7.

**535. (Repealed).**

1988, c. 84, s. 535; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**536. (Repealed).**

1988, c. 84, s. 536; 1997, c. 47, s. 49.

**537. (Repealed).**

1988, c. 84, s. 537; 2005, c. 20, s. 7.



**538. (Repealed).**

1988, c. 84, s. 538; 1997, c. 96, s. 162; 2005, c. 20, s. 7.

**539. (Repealed).**

1988, c. 84, s. 539; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**540. (Repealed).**

1988, c. 84, s. 540; 1997, c. 47, s. 50, s. 52; 2005, c. 20, s. 7.

**CHAPTER XI**

**CONCORDANCE PROVISIONS**

**ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION**

**541. (Amendment integrated into c. A-2.1, s. 6).**

1988, c. 84, s. 541.

**ACT RESPECTING THE CREE REGIONAL AUTHORITY**

**542. (Amendment integrated into c. A-6.1, Schedule).**

1988, c. 84, s. 542.

**ARCHIVES ACT**

**543. (Amendment integrated into c. A-21.1, Schedule).**

1988, c. 84, s. 543.

**ACT RESPECTING THE NATIONAL ASSEMBLY**

**544. (Amendment integrated into c. A-23.1, s. 57).**

1988, c. 84, s. 544.

**ACT RESPECTING INSURANCE**

**545. (Amendment integrated into c. A-32, s. 93.247).**

1988, c. 84, s. 545.

**ACT RESPECTING THE BUREAU DE LA STATISTIQUE**

**546. (Amendment integrated into c. B-8, s. 7).**

1988, c. 84, s. 546.

**CHARTER OF THE FRENCH LANGUAGE**

**547. (Amendment integrated into c. C-11, s. 79).**

1988, c. 84, s. 547.

**548. (Amendment integrated into c. C-11, s. 88).**

1988, c. 84, s. 548.

**549. (Amendment integrated into c. C-11, s. 208.1).**

1988, c. 84, s. 549.

**550. (Amendment integrated into c. C-11, Schedule).**

1988, c. 84, s. 550.

**CITIES AND TOWNS ACT**

**551.** *(Amendment integrated into c. C-19, s. 500).*

1988, c. 84, s. 551.

**552.** *(Omitted).*

1988, c. 84, s. 552.

#### CODE OF CIVIL PROCEDURE

**553.** *(Amendment integrated into c. C-25, a. 629).*

1988, c. 84, s. 553.

**554.** *(Amendment integrated into c. C-25, a. 696).*

1988, c. 84, s. 554.

#### MUNICIPAL CODE OF QUÉBEC

**555.** *(Amendment integrated into c. C-27.1, a. 986).*

1988, c. 84, s. 555.

**556.** *(Amendment integrated into c. C-27.1, a. 1022).*

1988, c. 84, s. 556.

**557.** *(Amendment integrated into c. C-27.1, a. 1023).*

1988, c. 84, s. 557.

**558.** *(Amendment integrated into c. C-27.1, a. 1024).*

1988, c. 84, s. 558.

#### GENERAL AND VOCATIONAL COLLEGES ACT

**559.** *(Amendment integrated into c. C-29, s. 6.1).*

1988, c. 84, s. 559.

**560.** *(Amendment integrated into c. C-29, s. 6.3).*

1988, c. 84, s. 560.

#### ACT RESPECTING THE COMMISSION MUNICIPALE

**561.** *(Amendment integrated into c. C-35, s. 65).*

1988, c. 84, s. 561.

#### ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

**562.** *(Amendment integrated into c. C-37, s. 14).*

1988, c. 84, s. 562.

#### ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**563.** *(Amendment integrated into c. C-37.1, s. 196).*

1988, c. 84, s. 563.

#### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**564.** *(Amendment integrated into c. C-37.2, s. 290).*

1988, c. 84, s. 564.

**565.** *(Amendment integrated into c. C-37.2, s. 330).*

1988, c. 84, s. 565.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**566.** (*Amendment integrated into c. C-37.3, s. 216*).

1988, c. 84, s. 566.

CHARTERED ACCOUNTANTS ACT

**567.** (*Amendment integrated into c. C-48, s. 28*).

1988, c. 84, s. 567.

ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION

**568.** (*Amendment integrated into c. C-60, s. 22*).

1988, c. 84, s. 568.

**569.** (*Amendment integrated into c. C-60, s. 23*).

1988, c. 84, s. 569.

**570.** (*Amendment integrated into c. C-60, s. 30*).

1988, c. 84, s. 570.

**571.** (*Amendment integrated into c. C-60, s. 31*).

1988, c. 84, s. 571.

**572.** (*Amendment integrated into c. C-60, s. 32*).

1988, c. 84, s. 572.

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

**573.** (*Amendment integrated into c. C-61.1, s. 151*).

1988, c. 84, s. 573.

ACT RESPECTING SECURITY FUND CORPORATIONS

**574.** (*Amendment integrated into c. C-69.1, s. 36*).

1988, c. 84, s. 574.

**575.** (*Amendment integrated into c. C-69.1, s. 38*).

1988, c. 84, s. 575.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**576.** (*Amendment integrated into c. C-70, s. 66*).

1988, c. 84, s. 576.

FORESTRY CREDIT ACT

**577.** (*Amendment integrated into c. C-78, s. 46.2*).

1988, c. 84, s. 577.

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

**578.** (*Amendment integrated into c. C-78.1, s. 55*).

1988, c. 84, s. 578.

ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

**579.** (*Amendment integrated into c. D-7, title of the Act*).

1988, c. 84, s. 579.

**580.** (*Amendment integrated into c. D-7, s. 15*).

1988, c. 84, s. 580.

**581.** (*Amendment integrated into c. D-7, s. 15.1*).

1988, c. 84, s. 581.

**582.** (*Amendment integrated into c. D-7, s. 16*).

1988, c. 84, s. 582.

**583.** (*Amendment integrated into c. D-7, s. 17*).

1988, c. 84, s. 583.

**584.** (*Amendment integrated into c. D-7, s. 20*).

1988, c. 84, s. 584.

**585.** (*Amendment integrated into c. D-7, s. 21*).

1988, c. 84, s. 585.

**586.** (*Amendment integrated into c. D-7, s. 23*).

1988, c. 84, s. 586.

**587.** (*Amendment integrated into c. D-7, s. 26*).

1988, c. 84, s. 587.

**588.** (*Omitted*).

1988, c. 84, s. 588.

**589.** (*Amendment integrated into c. D-7, s. 36*).

1988, c. 84, s. 589.

**590.** (*Amendment integrated into c. D-7, s. 42*).

1988, c. 84, s. 590.

**591.** (*Omitted*).

1988, c. 84, s. 591.

**592.** (*Omitted*).

1988, c. 84, s. 592.

#### ACT RESPECTING PRIVATE EDUCATION

**593.** (*Amendment integrated into c. E-9, s. 1*).

1988, c. 84, s. 593.

**594.** (*Amendment integrated into c. E-9, s. 14.1*).

1988, c. 84, s. 594.

**595.** (*Amendment integrated into c. E-9, s. 17.1*).

1988, c. 84, s. 595.

**596.** (*Amendment integrated into c. E-9, s. 21*).

1988, c. 84, s. 596.

**597.** (*Amendment integrated into c. E-9, s. 31*).

1988, c. 84, s. 597.

**598.** (*Amendment integrated into c. E-9, s. 34*).

1988, c. 84, s. 598.

**599.** (*Amendment integrated into c. E-9, s. 38*).

1988, c. 84, s. 599.

**600.** (*Amendment integrated into c. E-9, s. 42*).

1988, c. 84, s. 600.

**601.** (*Amendment integrated into c. E-9, s. 43*).

1988, c. 84, s. 601.

**602.** (*Amendment integrated into c. E-9, s. 44*).

1988, c. 84, s. 602.

**603.** (*Amendment integrated into c. E-9, s. 45*).

1988, c. 84, s. 603.

**604.** (*Amendment integrated into c. E-9, s. 46*).

1988, c. 84, s. 604.

**605.** (*Amendment integrated into c. E-9, s. 48*).

1988, c. 84, s. 605.

**606.** (*Amendment integrated into c. E-9, s. 56*).

1988, c. 84, s. 606.

**607.** (*Amendment integrated into c. E-9, s. 59*).

1988, c. 84, s. 607.

**608.** (*Amendment integrated into c. E-9, s. 59.2*).

1988, c. 84, s. 608.

**609.** (*Amendment integrated into c. E-9, s. 59.3*).

1988, c. 84, s. 609.

#### ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

**610.** (*Amendment integrated into c. E-20.1, s. 25*).

1988, c. 84, s. 610.

**611.** (*Amendment integrated into c. E-20.1, s. 26*).

1988, c. 84, s. 611.

#### EXPROPRIATION ACT

**612.** (*Amendment integrated into c. E-24, s. 37*).

1988, c. 84, s. 612.

#### ACT RESPECTING MUNICIPAL TAXATION

**613.** (*Amendment integrated into c. F-2.1, s. 1*).

1988, c. 84, s. 613.

**614.** (*Amendment integrated into c. F-2.1, s. 153*).

1988, c. 84, s. 614.

**615.** (*Amendment integrated into c. F-2.1, s. 177*).

1988, c. 84, s. 615.

**616.** *(Amendment integrated into c. F-2.1, s. 180).*

1988, c. 84, s. 616.

**617.** *(Amendment integrated into c. F-2.1, s. 495).*

1988, c. 84, s. 617.

**618.** *(Omitted).*

1988, c. 84, s. 618.

#### HYDRO-QUÉBEC ACT

**619.** *(Amendment integrated into c. H-5, s. 40).*

1988, c. 84, s. 619.

#### EDUCATION ACT

**620.** *(Amendment integrated into c. I-14, title of the Act).*

1988, c. 84, s. 620.

**621.** *(Amendment integrated into c. I-14, s. 568).*

1988, c. 84, s. 621.

**622.** *(Amendment integrated into c. I-14, s. 569).*

1988, c. 84, s. 622.

**623.** *(Amendment integrated into c. I-14, s. 571).*

1988, c. 84, s. 623.

**624.** *(Amendment integrated into c. I-14, s. 572).*

1988, c. 84, s. 624.

**625.** *(Amendment integrated into c. I-14, s. 573).*

1988, c. 84, s. 625.

**626.** *(Amendment integrated into c. I-14, s. 575).*

1988, c. 84, s. 626.

**627.** *(Amendment integrated into c. I-14, s. 579).*

1988, c. 84, s. 627.

**628.** *(Amendment integrated into c. I-14, s. 580).*

1988, c. 84, s. 628.

**629.** *(Amendment integrated into c. I-14, ss. 582.1-582.11).*

1988, c. 84, s. 629.

**630.** *(Amendment integrated into c. I-14, s. 585).*

1988, c. 84, s. 630.

**631.** *(Amendment integrated into c. I-14, s. 587).*

1988, c. 84, s. 631.

**632.** *(Amendment integrated into c. I-14, s. 590).*

1988, c. 84, s. 632.

**633.** *(Amendment integrated into c. I-14, s. 599).*

1988, c. 84, s. 633.



**634.** *(Amendment integrated into c. I-14, s. 603).*

1988, c. 84, s. 634.

**635.** *(Amendment integrated into c. I-14, s. 604).*

1988, c. 84, s. 635.

**636.** *(Amendment integrated into c. I-14, s. 605).*

1988, c. 84, s. 636.

**637.** *(Amendment integrated into c. I-14, s. 609).*

1988, c. 84, s. 637.

**638.** *(Amendment integrated into c. I-14, ss. 613.1-613.2).*

1988, c. 84, s. 638.

**639.** *(Amendment integrated into c. I-14, s. 614).*

1988, c. 84, s. 639.

**640.** *(Amendment integrated into c. I-14, s. 619).*

1988, c. 84, s. 640.

**641.** *(Amendment integrated into c. I-14, s. 620).*

1988, c. 84, s. 641.

**642.** *(Amendment integrated into c. I-14, s. 622).*

1988, c. 84, s. 642.

**643.** *(Amendment integrated into c. I-14, s. 622.1).*

1988, c. 84, s. 643.

**644.** *(Amendment integrated into c. I-14, s. 649).*

1988, c. 84, s. 644.

**645.** *(Amendment integrated into c. I-14, s. 653).*

1988, c. 84, s. 645.

**646.** *(Amendment integrated into c. I-14, s. 654).*

1988, c. 84, s. 646.

**647.** *(Amendment integrated into c. I-14, s. 657).*

1988, c. 84, s. 647.

**648.** *(Amendment integrated into c. I-14, s. 663).*

1988, c. 84, s. 648.

**649.** *(Amendment integrated into c. I-14, s. 664).*

1988, c. 84, s. 649.

**650.** *(Amendment integrated into c. I-14, s. 667).*

1988, c. 84, s. 650.

**651.** *(Amendment integrated into c. I-14, s. 669).*

1988, c. 84, s. 651.

**652.** *(Amendment integrated into c. I-14, s. 680).*

1988, c. 84, s. 652.

**653.** *(Amendment integrated into c. I-14, s. 686).*

1988, c. 84, s. 653.

**654.** (*Amendment integrated into c. I-14, s. 690*).

1988, c. 84, s. 654.

**655.** (*Amendment integrated into c. I-14, s. 720*).

1988, c. 84, s. 655.

**656.** (*Amendment integrated into c. I-14, s. 721*).

1988, c. 84, s. 656.

#### ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

**657.** (*Amendment integrated into c. M-15, s. 2*).

1988, c. 84, s. 657.

**658.** (*Amendment integrated into c. M-15, s. 4*).

1988, c. 84, s. 658.

**659.** (*Omitted*).

1988, c. 84, s. 659.

**660.** (*Amendment integrated into c. M-15, s. 8*).

1988, c. 84, s. 660.

**661.** (*Amendment integrated into c. M-15, s. 12.1*).

1988, c. 84, s. 661.

**662.** (*Amendment integrated into c. M-15, s. 17*).

1988, c. 84, s. 662.

**663.** (*Amendment integrated into c. M-15, s. 18*).

1988, c. 84, s. 663.

#### ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**664.** (*Amendment integrated into c. M-30, s. 3.11*).

1988, c. 84, s. 664.

#### PHOTOGRAPHIC PROOF OF DOCUMENTS ACT

**665.** (*Amendment integrated into c. P-22, s. 1*).

1988, c. 84, s. 665; 1987, c. 95, s. 402.

#### ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN PUBLIC PLACES

**666.** (*Amendment integrated into c. P-38.01, s. 6*).

1988, c. 84, s. 666.

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

**667.** (*Amendment integrated into c. R-8.2, s. 1*).

1988, c. 84, s. 667.

**668.** (*Amendment integrated into c. R-8.2, s. 30*).

1988, c. 84, s. 668.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**669.** *(Amendment integrated into c. R-10, Schedule II).*

1988, c. 84, s. 669.

ACT RESPECTING SUPPLEMENTAL PENSION PLANS

**670.** *(Amendment integrated into c. R-17, s. 75).*

1988, c. 84, s. 670.

ACT RESPECTING CHILD DAY CARE

**671.** *(Amendment integrated into c. S-4.1, s. 2).*

1988, c. 84, s. 671.

**672.** *(Amendment integrated into c. S-4.1, s. 13).*

1988, c. 84, s. 672.

**673.** *(Amendment integrated into c. S-4.1, s. 32).*

1988, c. 84, s. 673.

**674.** *(Amendment integrated into c. S-4.1, s. 35).*

1988, c. 84, s. 674.

**675.** *(Amendment integrated into c. S-4.1, s. 50).*

1988, c. 84, s. 675.

**676.** *(Amendment integrated into c. S-4.1, s. 73).*

1988, c. 84, s. 676.

**677.** *(Amendment integrated into c. S-4.1, ss. 22 and 38).*

1988, c. 84, s. 677.

**678.** *(Amendment integrated into c. S-4.1, ss. 1, 4, 7, 33, 41 and 44).*

1988, c. 84, s. 678.

ACT RESPECTING THE NASKAPI DEVELOPMENT CORPORATION

**679.** *(Amendment integrated into c. S-10.1, Schedule).*

1988, c. 84, s. 679.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL DU CENTRE DU QUÉBEC

**680.** *(Amendment integrated into c. S-15, s. 25).*

1988, c. 84, s. 680.

ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

**681.** *(Amendment integrated into c. S-17.1, s. 36).*

1988, c. 84, s. 681.

ACT RESPECTING THE MAKIVIK CORPORATION

**682.** *(Amendment integrated into c. S-18.1, Schedule).*

1988, c. 84, s. 682.

ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L'AMIANTE

**683.** *(Amendment integrated into c. S-18.2, s. 19).*

1988, c. 84, s. 683.

**684.** *(Omitted).*

1988, c. 84, s. 684.

**685.** *(Omitted).*

1988, c. 84, s. 685.

**686.** *(Omitted).*

1988, c. 84, s. 686.

**687.** *(Omitted).*

1988, c. 84, s. 687.

**688.** *(Omitted).*

1988, c. 84, s. 688.

**689.** *(Omitted).*

1988, c. 84, s. 689.

**690.** *(Omitted).*

1988, c. 84, s. 690.

**691.** *(Omitted).*

1988, c. 84, s. 691.

**692.** *(Omitted).*

1988, c. 84, s. 692.

#### ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

**693.** *(Amendment integrated into c. A-23.001, s. 26).*

1988, c. 84, s. 693.

#### ACT RESPECTING FARM FINANCING

**694.** *(Amendment integrated into c. F-1.2, s. 130).*

1988, c. 84, s. 694.

#### ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

**695.** *(Amendment integrated into c. S-29.01, s. 203).*

1988, c. 84, s. 695.

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**696.** *(Amendment integrated into c. O-9, s. 285).*

1988, c. 84, s. 696.

#### ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES

**697.** *(Amendment integrated into c. M-21.1, s. 23).*

1988, c. 84, s. 697.

#### OTHER CONCORDANCE PROVISIONS

**698.** In the following legislation, any reference to the Education Act (chapter I-14) is a reference to the Education Act (chapter I-13.3) and to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14):

(1) *(amendment integrated into c. C-26, s. 37);*

- (2) *(amendment integrated into c. P-21, s. 5);*
  - (3) *(amendment integrated into c. T-11.1, s. 2).*
- 1988, c. 84, s. 698.

**699.** In the following legislation, any reference to the Education Act (chapter I-14) is a reference to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14):

- (1) *(amendment integrated into c. A-2.1, Schedule A);*
- (2) *(amendment integrated into c. C-35, s. 97);*
- (3) *(amendment integrated into c. R-8.2, s. 35).*

1988, c. 84, s. 699.

**700.** The words “school corporation” and “school corporations” are replaced by the words “school board” and “school boards”, respectively, in the following legislation:

- (1) *(amendment integrated into c. A-19.1, s. 5);*
- (2) *(amendment integrated into c. C-2, ss. 20 and 26);*
- (3) *(inoperative, 1983, c. 37, s. 194);*
- (4) *(amendment integrated into c. C-19, s. 415);*
- (5) *(amendment integrated into c. C-27, ss. 11 and 68);*
- (6) *(amendment integrated into c. C-27.1, a. 564);*
- (7) *(amendment integrated into c. E-9, s. 2);*
- (8) *(amendment integrated into c. E-24, s. 53.15);*
- (9) *(inoperative, 1988, c. 63, s. 1);*
- (10) *(amendment integrated into c. N-1.1, s. 30);*
- (11) *(amendment integrated into c. P-40.1, s. 188);*
- (12) *(amendment integrated into c. P-41.1, s. 1);*
- (13) *(amendment integrated into c. R-20.1, s. 1);*
- (14) *(amendment integrated into c. S-3.1, s. 31);*
- (15) *(amendment integrated into c. S-38, s. 40);*
- (16) *(amendment integrated into c. V-1.1, ss. 41 and 44).*

1988, c. 84, s. 700.

**701.** In the following legislation, the words “or school corporation”, “and school corporations” and “school” are replaced, adapted as required, by the words “corporation or school board”, “corporations and school boards” and “school boards”, respectively:

- (1) *(amendment integrated into c. A-32, s. 225);*
- (2) *(amendment integrated into c. B-1, s. 136);*
- (3) *(amendment integrated into c. C-4, s. 83);*
- (4) *(amendment integrated into c. C-25, aa. 35 and 36);*
- (5) *(amendment integrated into c. C-27, s. 40);*
- (6) *(amendment integrated into c. F-5, s. 27);*
- (7) *(amendment integrated into c. Q-2, s. 2).*

1988, c. 84, s. 701.

**702.** For the application of any other Act, or any regulation, ordinance, order in council, order, contract or other document,

- (1) the expressions “corporation of commissioners” or “school commissioners” or the words “corporation” or “commissioners”, where the two latter words are used to mean the two former expressions, shall designate a school board other than a dissentient school board;
- (2) the expressions “corporation of trustees” or “school trustees” or the words “corporation” or “trustees”, where the two latter words are used to mean the two former expressions, shall designate a dissentient school board;

- (3) the expression “school municipality” or the word “municipality” where the latter is used to mean the former, shall designate a school board or the territory thereof, according to the context;
- (4) the expression “school corporation” or the word “corporation”, where the latter is used to mean the former, shall designate a school board;
- (5) the word “secretary-treasurer”, where it refers to a school board, shall designate the director general of a school board.

1988, c. 84, s. 702.

**703.** In any other Act, and in any regulation, ordinance, order in council, order, contract or other document, any reference to the Education Act (chapter I-14) or to any of the provisions thereof is a reference to this Act or to the corresponding provision of this Act.

Concerning the Cree School Board, the Kativik School Board and the Naskapi Education Committee contemplated in Parts X to XII of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a reference to the Education Act shall be deemed to be a reference to the Education Act for Cree, Inuit and Naskapi Native Persons.

1988, c. 84, s. 703; 1999, c. 40, s. 158.

**704.** In any Act other than this Act and the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), and in any regulation, ordinance, order in council or order, unless the context indicates a different meaning, “school board” means a school board governed by this Act and a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons.

1988, c. 84, s. 704; 1997, c. 47, s. 51.

**705.** In any Act, proclamation, regulation, order in council, order, ordinance, contract or other document, any reference to the Act respecting municipal and school debts and loans (chapter D-7) is a reference to the Act respecting municipal debts and loans (chapter D-7).

1988, c. 84, s. 705.

## **CHAPTER XII**

### **TRANSITIONAL AND FINAL PROVISIONS**

**706.** Every commissioner, school trustee, representative of the parents’ committee and every chair or vice-chair of a school board who is in office on 30 June 1989 is deemed to have been elected or appointed pursuant to the Act respecting school elections (chapter E-2.3) or to this Act, as the case may be.

Such trustees and representatives of the parents’ committee are deemed to be commissioners within the meaning of this Act.

Every commissioner and school trustee and every chair and vice-chair shall remain in office until the third Sunday of November 1990 or until he is replaced by a person elected or appointed pursuant to the Act respecting school elections or to this Act, as the case may be.

Every representative of the parents’ committee shall remain in office until he is re-elected or replaced pursuant to this Act.

1988, c. 84, s. 706; 1999, c. 40, s. 158; 2008, c. 29, s. 34.

**707.** In a school board contemplated in sections 146 and 498, the members referred to in section 706 shall exercise alone the functions and powers of the council of commissioners until the parents’ representatives of the minority of students contemplated in these sections have been appointed.

1988, c. 84, s. 707; 1990, c. 78, s. 54.



**708.** The commissioners of the Kativik School Board in office on 30 June 1989 are deemed to have been elected or appointed pursuant to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14).

They shall remain in office until the third Wednesday in November 1990 or until they are replaced by persons appointed or elected pursuant to the said Act.

1988, c. 84, s. 708.

**709.** Every principal of a school and every member of an orientation committee, school committee or parents' committee in office on 30 June 1989 is deemed to have been elected or appointed pursuant to this Act.

He shall remain in office until he is reelected, reappointed or replaced pursuant to this Act.

1988, c. 84, s. 709.

**710.** The members of the Conseil scolaire de l'île de Montréal and the chair and vice-chair of the Conseil in office on 30 June 1989 are deemed to have been designated or appointed pursuant to this Act.

They shall remain in office until the first meeting of the Conseil following the third Sunday of November 1990 or until they are replaced by persons designated or appointed pursuant to this Act.

1988, c. 84, s. 710; 2008, c. 29, s. 34.

**711.** Every school and adult education centre in existence on 30 June 1989 is deemed to have been established in conformity with this Act.

Every school shall retain the confessional recognition that it has on 30 June 1989 until the Catholic committee or Protestant committee revokes it *ex officio* or upon application therefor by the school board.

1988, c. 84, s. 711.

**712.** Teaching permits and teaching certificates or diplomas issued under the Regulation respecting teaching permits and teaching diplomas (R.R.Q., 1981, c. C-60, r. 7) are teaching licences within the meaning of this Act and are deemed to have been issued pursuant thereto.

1988, c. 84, s. 712.

**713.** Any deficit of a school board on 30 June 1980 or any expense arising from a court judgment, a judgment of the Bureau de révision de l'évaluation foncière or an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the school board that incurred the deficit or expense.

Notwithstanding sections 308, 440 and 444, the special tax is not subject to the approval of the electors.

This section has effect from 30 June 1980.

1988, c. 84, s. 713.

**714.** Any bonded debt contracted by a school board before 1 July 1980 is taken out of the general fund of the school board and must be discharged by means of a special tax levied in the whole of the territory of the school board and, notwithstanding section 308, the special tax is not subject to the approval of the electors.

1988, c. 84, s. 714.

**715. (Repealed).**

1988, c. 84, s. 715; 1990, c. 8, s. 60; 2018, c. 5, s. 55.

**716.** A dissentient school board which, on 1 July 1989, must acquire jurisdiction over new levels of instruction and a school board for Catholics or for Protestants of which all or part of the territory includes that of the former, shall distribute between themselves the rights and obligations of the school board for Catholics or for Protestants.

The Minister shall rule on every dispute between the school boards involved, except disputes relating to the transfer or integration of employees belonging to certified associations within the meaning of the Labour Code (chapter C-27) or of employees who are provided a special remedy by government regulation. The Minister shall ensure that his ruling does not deprive the dissentient school board of the property it requires to function.

In the case of the transfer of ownership of an immovable, a notice stating the facts which resulted in the transfer and containing a description of the immovable transferred shall be registered at the registry office.

1988, c. 84, s. 716; 1999, c. 40, s. 158; 2000, c. 42, s. 180.

**717.** The provisions of the Act respecting municipal and school debts and loans (chapter D-7) as they read before 1 July 1989 continue to apply to an issue of bonds made before 1 July 1989 by a school board or by the Conseil scolaire de l'île de Montréal to the extent that they were applicable before being amended.

1988, c. 84, s. 717.

**718.** Every regulation, by-law, resolution, order or ordinance of a school board or the Conseil scolaire de l'île de Montréal in force on 30 June 1989 remains in force, to the extent that it is consistent with this Act and as long as its object has not been carried out or until it is replaced or repealed.

Every act performed before 1 July 1989 by a school board or the Conseil scolaire de l'île de Montréal pursuant to a provision replaced or repealed by this Act retains its effects if it is still useful and is deemed, in that case, to have been performed pursuant to the corresponding provision of this Act.

1988, c. 84, s. 718; 1990, c. 8, s. 61.

**719.** For the school years 1989-90 to 1993-94, the Minister shall establish and submit to the Government, for approval, directives in respect of adult education services pertaining to the matters listed in the second paragraph of section 448 and, if he considers it expedient, to those listed in the third paragraph of the said section.

The Regulations Act (chapter R-18.1) does not apply to the directives or to their drafts. The directives come into force on 1 July following the date of their publication in the *Gazette officielle du Québec*.

For the purposes of the provisions of this Act, except section 458, during the school years 1989-90 to 1993-94, any reference to the basic school regulation for adult education is a reference to the directives established by the Minister under the first paragraph.

This section ceases to have effect upon the coming into force of the basic school regulation for adult education made under section 448.

1988, c. 84, s. 719; 1990, c. 78, s. 23, s. 53.

**720.** The Government and the Minister of Education may validly exercise, before 1 July 1989, their functions and powers under Chapter VII and section 719 so that the provisions of this Act may be given effect as early as 1 July 1989.

1988, c. 84, s. 720; 1990, c. 78, s. 54.

**721.** Every regulation and every decision made by the Government, the Minister of Education or the Minister of Transport under the Education Act (chapter I-14) as it read before 1 July 1989, or under section 30 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60) and applicable to the persons or bodies contemplated in this Act remains applicable thereto, to the extent that it is consistent with this Act, unless otherwise provided under this Act.

The words "School bussing or transportation" used in any regulation, decision or contract mean "student transportation" .

1988, c. 84, s. 721.

**722.** This Act, except sections 620 to 656, does not apply to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The Cree School Board and the Kativik School Board are governed by the Education Act (chapter I-14) as it read on 8 June 1978 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. They are also governed by the regulations made under that Act to the extent that they are expressly applicable.

The Naskapi Education Committee is governed by the Education Act as it read on 22 June 1979 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. It is also governed by the regulations made under that Act, to the extent that they are expressly applicable.

The Government may, however, by regulation, at the request of the Cree School Board, the Kativik School Board or the Naskapi Education Committee, render a provision or part of a provision of this Act applicable to such school board or committee, with the necessary adjustments of concordance, and indicate the provision of the Education Act applicable to Cree, Inuit and Naskapi Native Persons it replaces.

Such regulation may specify what provision or part of a provision of a regulation made under this Act applies, or ceases to apply, to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The regulation shall be published in the *Gazette officielle du Québec* and comes into force on the date of its publication or on any later date indicated therein.

1988, c. 84, s. 722.

**723.** This Act replaces the Education Act (chapter I-14), except as regards the Cree School Board, the Kativik School Board and the Naskapi Education Committee.

1988, c. 84, s. 723.

**723.1.** For the purposes of the levy of school taxes for the years 2001-02 and 2002-03, Division IV.3 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) applies, with the necessary modifications, to the Conseil scolaire de l'île de Montréal. The Conseil is deemed to have adopted the resolution referred to in the second paragraph of section 253.27 of that Act.

The school tax shall be levied in accordance with section 310. However, the standardized assessment of taxable immovables shall be established by multiplying the adjusted values resulting from the application of the said Division IV.3 by the comparative factor established for the assessment roll under section 264 of the Act respecting municipal taxation.

2001, c. 30, s. 1.

**723.2.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.3.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.4. (Repealed).**

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.5. (Repealed).**

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**724. (Repealed).**

1988, c. 84, s. 724; 1989, c. 36, s. 274.

**725.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.

1988, c. 84, s. 725; 1990, c. 8, s. 62; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 163; 2005, c. 28, s. 195.

**726. (Repealed).**

1988, c. 84, s. 726; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 8.

**727. (This section ceased to have effect on 1 July 2008).**

1988, c. 84, s. 727; 1990, c. 78, s. 54; 1994, c. 11, s. 1; 1999, c. 28, s. 1; 2000, c. 24, s. 44; 2005, c. 20, s. 9; 2005, c. 20, s. 19.

**728. (Omitted).**

1988, c. 84, s. 728; 1990, c. 8, s. 63.

## **SCHEDULE I**

**(Repealed).**

2018, c. 5, s. 59; 2019, c. 5, s. 25.

## **REPEAL SCHEDULES**

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 84 of the statutes of 1988, in force on 1 March 1989, is repealed, except sections 685 to 692 and 728, effective from the coming into force of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 110, 113 to 122, 125 to 130, 132, 133, the first, second, third and fourth paragraphs of section 134, sections 135, 136, 138, 140 to 204, 208, 209, 211 to 261, 264 to 353, 356 to 401, 403 to 508, 541 to 684, 693 to 715, 717 to 719, 721 to 727 of chapter 84 of the statutes of 1988, in force on 1 March 1990, are repealed effective from the coming into force of the updating to 1 March 1990 of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 111, 112, 205 to 207, 516 to 521, 523, 524, 526, 527, 531 to 535 and 537 to 540 of chapter 84 of the statutes of 1988, in force on 1 April 1998, are repealed effective from the coming into force of the updating to 1 April 1998 of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 262, 263 and 402 of chapter 84 of the statutes of 1988, in force on 1 April

1999, are repealed effective from the coming into force of the updating to 1 April 1999 of chapter I-13.3 of the Revised Statutes.

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