



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 86

**An Act to modify the organization and
governance of school boards to give
schools a greater say in decision-making
and ensure parents' presence within each
school board's decision-making body**

Introduction

**Introduced by
Mr. François Blais
Minister of Education, Higher Education and Research**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This bill amends the Education Act in order to replace the council of commissioners by a school council composed of parents, school board personnel members and persons from the community. It also sets out the powers and duties of the school council, its mode of operation and the rules governing the election of school council members. To that end, it provides that the community representatives may, depending on the result of a consultation, be elected either by all the electors domiciled in the territory of the French language or English language school board concerned or by the parents' committee. The Act respecting school elections is consequently repealed.

The central role of schools in students' development is affirmed, and certain measures to ensure the participation of the principals of schools, vocational training centres and adult education centres in various decisions concerning the educational institutions under their direction are introduced. To that end, the bill provides that each school board must establish a resource allocation committee composed mainly of principals of its schools and centres, and sets out the powers and duties of such a committee. In addition, teachers are entitled under the bill to exercise certain rights in their capacity as key pedagogical experts.

The bill simplifies the planning and accountability reporting mechanisms imposed on schools, centres and school boards.

The Minister is given the power to issue directives to school boards, and the oversight powers governing school boards are tightened. In addition, the role of the director generals of school boards and the process for renewing their term of office are revised.

The rules governing territorial changes are also revised, mainly by making it mandatory for the Government to consult the school boards before changing their territories and by adding a regulatory power making it possible to establish the transitional plan that is to apply in such a case.

The principle of entitlement to free preschool education and elementary and secondary instruction is broadened by limiting exclusions to three categories of students who are not Québec residents.

Various special amendments are also made, including amendments to modify certain rules related to governing boards, to ensure that vocational training is relevant to labour market needs, and to facilitate the merging of services provided by school boards.

Lastly, numerous amendments are required as a result of the disappearance of the notions of commissioner and council of commissioners, and rules are introduced to govern the transition from the council of commissioners to the school council.

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Act respecting land use planning and development (chapter A-19.1);
- Charter of the French language (chapter C-11);
- Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1);
- Labour Code (chapter C-27);
- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Election Act (chapter E-3.3);
- Act respecting private education (chapter E-9.1);
- Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (chapter G-1.011);
- Education Act (chapter I-13.3);
- Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.2.0.0.3);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting school elections (chapter E-2.3).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the definition of resident in Québec (chapter I-13.3, r. 4);
- Regulation respecting the complaint examination procedure established by a school board (chapter I-13.3, r. 7.1);
- Regulation respecting student transportation (chapter I-13.3, r. 12);
- Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1);
- Regulation respecting certain conditions of employment of senior executives of school boards made by a ministerial order dated 18 November 2004 (2004, G.O. 2, 3529);
- Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal made by a ministerial order dated 10 May 2012 (2012, G.O. 2, 1817).

Bill 86

AN ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF SCHOOL BOARDS TO GIVE SCHOOLS A GREATER SAY IN DECISION-MAKING AND ENSURE PARENTS' PRESENCE WITHIN EACH SCHOOL BOARD'S DECISION-MAKING BODY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 3 of the Education Act (chapter I-13.3) is amended by replacing “thereto under section 1” in the first paragraph by “to them under section 1. In addition, those educational services shall also be provided free to a student entitled to them under section 1 who is not a resident of Québec, unless that student belongs to a category excluded by government regulation.”

2. Section 9 of the Act is amended by replacing “decision of the council of commissioners, the executive committee” and “request the council of commissioners to reconsider such” by “decision of the school council” and “request the school council to reconsider the”, respectively.

3. Section 19 of the Act is amended by replacing “The teacher” in the introductory clause of the second paragraph by “As a key pedagogical expert, the teacher”.

4. Section 36 of the Act is replaced by the following section:

“36. In keeping with the principle of equal opportunity, the school’s mission 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. The school shall pursue its mission within the framework of an educational project.

The school’s role, as an educational institution whose purpose is to provide, to the persons entitled to them 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, is central to students’ development. The school shall, in particular, target school perseverance and academic success for the greatest number of students and facilitate the spiritual development of students so as to promote self-fulfilment.

A further purpose of the school is to contribute to the social and cultural development of the community.”

5. Sections 36.1 to 37.1 of the Act are replaced by the following sections:

“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 results targeted over the period covered by the educational project;

(4) the measures selected to achieve the objectives and results targeted;

(5) the indicators to be used to measure achievement of those objectives and results; and

(6) 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, the basic school regulation and 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 school’s educational project must respect students’, parents’ and school staff’s freedom of conscience and of religion.

“37.1. The educational project must take into account 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.”

6. Section 42 of the Act is amended by replacing the third paragraph by the following paragraph:

“A substitute member may, for each of the subparagraphs of the second paragraph, be appointed or elected, as applicable, to attend and vote at meetings of the governing board when a regular member is unable to do so.”

7. Section 45 of the Act is amended

(1) by replacing “Commissioners elected or appointed under the Act respecting school elections (chapter E-2.3)” in the first paragraph by “School council members”;

(2) by adding “, with the exception of the principal of that school” at the end of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

“However, if so authorized by the governing board, a school council member may take part in meetings of the governing board but is not entitled to vote.”

8. Section 47 of the Act is amended by replacing the last paragraph by the following paragraph:

“The term of office of a member of the parents’ committee who is elected or appointed to the school council ends on the date the member takes office on that council.”

9. Section 67 of the Act is amended by adding the following sentences at the end of the first paragraph: “The rules may, in particular, prescribe the procedures for preparing, organizing and holding board meetings. For that purpose, the rules shall specify how long before a meeting the documents required for decision making are to be sent to the members. If no time period is specified, a minimum of five days is required.”

10. Section 68 of the Act is amended by inserting “, on the recommendation of the school principal,” after “may”.

11. Section 69 of the Act is amended by replacing “at least six hours before the beginning of the meeting at which the minutes are to be approved” in the third paragraph by “within the time period referred to in section 67 for sending the members the documents required for decision making”.

12. Section 74 of the Act is amended

(1) by inserting “, with the school principal’s assistance,” after “governing board shall” in the first paragraph;

(2) by replacing “strategic plan of the school board” in the first paragraph by “school board’s commitment-to-success plan” and by replacing “adopt, oversee the implementation of and periodically evaluate the school’s educational project” in that paragraph by “adopt the school’s educational project, oversee the project’s implementation and evaluate the project at the intervals specified in it”;

(3) by replacing the second and third paragraphs by the following paragraph:

“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 and other school staff members as well as community and school board representatives.”

13. Section 75 of the Act is repealed.

14. Sections 75.1 and 76 of the Act are amended by replacing “approving” by “adopting”.

15. Section 77 of the Act is amended by replacing “75 to 76” by “75.1 to 76”.

16. Section 77.1 of the Act is amended

(1) by replacing “approve” in the second paragraph by “adopt”;

(2) by replacing “approved” in the third paragraph by “adopted”.

17. Section 78 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) the school principal’s work performance for the purposes of his annual evaluation;”.

18. Section 79 of the Act is amended by inserting “and the addition of elements to the expertise and experience profile” after “criteria” in paragraph 2.

19. Section 83 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“The governing board shall communicate the school’s educational project and any evaluation of the project to the parents and the school staff.”

20. Sections 84, 85 and 87 of the Act are amended by replacing all occurrences of “approving” by “adopting”.

21. Section 89.1 of the Act is amended by inserting “, with the school principal’s assistance,” after “governing board may”.

22. Section 96.6 of the Act is amended by replacing “and to the principal that are likely to facilitate the proper operation of the school” in the third paragraph by “and to the governing board, the school principal or the school council that are conducive to facilitating the proper operation of the school or the school board”.

23. Section 96.13 of the Act is amended

(1) by replacing subparagraphs 1 and 1.1 of the first paragraph by the following subparagraph:

“(1) coordinate the analysis of the situation prevailing at the school and the development, implementation and evaluation of the school’s educational project,

and send the educational project to the school board, which shall make it public;”;

(2) by adding “or adoption, as applicable” at the end of subparagraph 2 of the first paragraph;

(3) by inserting “or adopting” after “approving” in subparagraph 2.1 of the first paragraph;

(4) by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) table at meetings of the governing board any document from the school board that is intended for the governing board.”;

(5) by inserting “ou à l’adoption” after “l’approbation” in the second paragraph in the French text.

24. Section 96.14 of the Act is amended by adding the following sentence at the end of the first paragraph: “In addition, the plan must state that the school board has a complaint examination procedure if the parent or child is not satisfied.”

25. Section 96.24 of the Act is amended by replacing the second sentence of the fourth paragraph by the following sentences: “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 recommends it. If the school council fails to implement a recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected.”

26. Section 96.25 of the Act is amended by replacing “strategic plan” by “commitment-to-success plan”.

27. Section 97 of the Act is amended

(1) by replacing “of the policies and the objectives determined under section 109 and implemented by means of a success plan” in the third paragraph by “of an educational project”;

(2) by adding “and, in the case of vocational training centres, to contribute to its economic development or to provincial economic development by offering training that is relevant to regional or provincial labour market needs” at the end of the fourth paragraph.

28. Section 97.1 of the Act is replaced by the following sections:

“**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 the relevance of 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 results targeted over the period covered by the educational project;

(4) the measures selected to achieve the objectives and results targeted;

(5) the indicators to be used to measure achievement of those objectives and results; and

(6) 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.

“97.2. The educational project must take into account 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.”

29. Section 104 of the Act is amended

(1) by replacing “Commissioners elected or appointed under the Act respecting school elections (chapter E-2.3)” in the first paragraph by “School council members”;

(2) by adding “, with the exception of the principal of that centre” at the end of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

“However, if so authorized by the governing board, a school council member may take part in meetings of the governing board but is not entitled to vote.”

30. Section 109 of the Act is amended

(1) by replacing the second and third sentences of the first paragraph by the following sentence: “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.”;

(2) by replacing the second and third paragraphs by the following paragraph:

“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 school board representatives. It shall also encourage the collaboration of community representatives, including employers in the case of the governing board of a vocational training centre.”

31. Section 109.1 of the Act is repealed.

32. Section 110 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) the work performance of the centre’s principal, for the purposes of his annual evaluation;”.

33. Section 110.1 of the Act is amended by inserting “and the addition of elements to the expertise and experience profile” after “criteria” in paragraph 2.

34. Section 110.2 of the Act is amended by replacing “approving” in the first paragraph by “adopting”.

35. Section 110.3.1 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“The governing board shall communicate the centre’s educational project and any evaluation of the project to the students and the staff.”

36. Section 110.10 of the Act is amended

(1) by replacing subparagraphs 1 and 1.1 of the first paragraph by the following subparagraph:

“(1) coordinate the analysis of the situation prevailing at the centre and the development, implementation and evaluation of the centre’s educational project, and send the educational project to the school board, which shall make it public;”;

(2) by adding “or adoption, as applicable” at the end of subparagraph 2 of the first paragraph;

(3) by inserting “or adopting” after “approving” in subparagraph 2.1 of the first paragraph;

(4) by adding the following subparagraph after subparagraph 2.1 of the first paragraph:

“(3) table at meetings of the governing board any document from the school board that is intended for the governing board.”;

(5) by inserting “ou à l’adoption” after “approbation” in the second paragraph in the French text.

37. Sections 116 to 121 of the Act are replaced by the following:

“DIVISION I.1

“CHANGES TO SCHOOL BOARD TERRITORIES AND TRANSITIONAL PLAN

“116. At a school board’s request or on its own initiative after consulting with the school board concerned, the Government may, by order, make any change to school board territories. Such territorial changes come into force on 1 July of the year determined by the Government.

The order shall determine which school board has jurisdiction over any changed or new territory and may, for that purpose, prescribe that a school board cease to exist or establish a new school board from the date the order is published or any later date set in the order. The Government shall determine the name of the new school board, if applicable, by order and after consulting with the school boards concerned.

Until the territorial changes come into force, a school board established under the second paragraph shall exercise only the functions necessary to prepare its first school year. On the coming into force of those changes, the school board acquires all the powers and duties conferred on a school board under this Act.

Likewise, until the territorial changes come into force, a school board whose territory is changed in accordance with the first paragraph or that acquires jurisdiction over a new territory in accordance with the second paragraph shall exercise, with respect to any new territory, only the functions necessary to prepare the school year in which the territorial changes come into force. On the coming into force of those changes, the school board shall fully exercise its jurisdiction over the entire new territory.

A school board’s ceasing to exist on an order made under the second paragraph takes effect on the date of coming into force of the territorial changes.

“117. The Minister may, by regulation, establish a transitional plan applicable to school boards affected by territorial changes for the period beginning on the day the territorial change order is published, or any later date set in the order, and ending one year after the day of coming into force of the changes.

The plan may prescribe any rule relating to the transition; such rules may concern, in particular, the establishment, composition and operation of a

transitional school council, the functions and powers of a school board during the transition period, the subsidy provided for in sections 723.3 and 723.4 and the application of section 723.5. The Minister may, in particular, prescribe the rules under which one school board may succeed another and the manner in which the rights and obligations of a school board whose territory is changed are to be transferred.

“118. The Minister shall rule on any dispute among the school boards concerned during the transition period preceding the coming into force of the territorial changes, except disputes regarding the allocation and transfer of employees who are represented by 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.

“119. In the case of territorial changes effecting a transfer of ownership to a school board, the latter becomes the owner of the immovable concerned by the registration in the land register of a notice referring to the territorial change order and describing the immovable concerned.

“120. Any judicial or administrative proceeding to which a school board that ceases to exist on the coming into force of the territorial changes is a party is continued by any school board determined in the order made under section 116, without continuance of suit.”

38. The heading of Division III of Chapter V of the Act is replaced by the following heading:

“SCHOOL COUNCIL”.

39. Sections 143 to 143.2 of the Act are replaced by the following sections:

“143. A school board shall be administered by a school council composed of the following 16 members:

(1) five parents of students attending an educational institution of the school board, elected by the parents’ committee in accordance with section 153.6 or 153.7 and previously members of a governing board or of a school board committee or council for at least one year;

(2) one parent of a handicapped student or a student with a social maladjustment or a learning disability attending an educational institution of the school board, elected by the parents’ committee in accordance with section 153.6;

(3) four persons from the community, elected in accordance with sections 153.6, 153.7 or 153.8 to 153.12, as applicable;

(4) two persons from the community elected in accordance with sections 153.6 or 153.8 to 153.12, as applicable, and domiciled in the territory of the school board;

(5) one teacher and one non-teaching professional from the school board, each elected by their peers in accordance with section 153.13;

(6) two principals of educational institutions of the school board, elected by their peers in accordance with section 153.13.

“143.1. The following persons may not be members of a school council:

(1) Members of the National Assembly;

(2) Members of the Parliament of Canada;

(3) judges or justices of any court of justice;

(4) public servants of the Ministère de l'Éducation, du Loisir et du Sport or public servants of any other department assigned to the Ministère de l'Éducation, du Loisir et du Sport on a permanent basis;

(5) school board employees, except to hold the seats reserved for them;

(6) employees of the Comité de gestion de la taxe scolaire de l'île de Montréal, with respect to a school council of any school board on the island of Montréal;

(7) directors of an association of employees or an association of management personnel that represents school board employees;

(8) persons under 18 years of age;

(9) persons who are not Canadian citizens;

(10) persons on whom a term of imprisonment has been imposed, for the duration of the term.

In addition, a person may not be a member of more than one school council.”

40. Sections 145 to 153 of the Act are replaced by the following:

“§1.1. — *Interpretation*

“145. The integration of immigrants into the French-speaking community being a priority for Québec society, subdivisions 1.1 to 1.5 of this division shall not operate

(1) to amend, directly or indirectly, the provisions of the Charter of the French language (chapter C-11) relating to the language of instruction;

(2) to modify or confer any minority language educational rights.

More specifically, the fact that a person who does not have a child admitted to the educational services provided in a school board's schools chooses to vote at the election of the school council members of an English language school board or run for office within an English language school board does not make the person, or the person's children, eligible to receive preschool, elementary or secondary instruction in English.

“146. It shall be possible to use information technology to hold any meeting provided for in this division.

“§1.2. — Election procedures for seats reserved for parents and seats reserved for persons from the community

“1. Territorial division for seats reserved for parents

“147. If the parents' committee so requests, the school board shall divide its territory into five districts for the purpose of electing the members referred to in paragraph 1 of section 143.

The districts must be delimited keeping in mind the location of the school board's educational institutions. The school board may also take into account criteria such as physical barriers, population trends, municipal boundaries, territorial contiguity, size and distance.

Unless the parents' committee makes a new territorial division request or requests that the territory no longer be divided into districts, the most recent territorial division in accordance with this section is valid for any subsequent election.

Every request by a parents' committee under the first or third paragraph must be sent to the school board before 1 March preceding the end of the school council members' term of office, and the territorial division by district must be made public not later than 30 June of the same year.

“2. Determination of mode of election for seats reserved for persons from the community

“148. To determine the mode of election of the members referred to in paragraphs 3 and 4 of section 143, the secretary general of the school board must, between 1 and 15 November preceding the end of the school council members' term of office, conduct a consultation of the parents of students under 18 years of age who attend an educational institution of the school board on 30 September preceding the consultation.

On that occasion, the secretary general must ask all those parents whether they want those members to be elected by all the electors domiciled in the school board's territory and whose names appear on the list of electors of the

French language or English language school board concerned. The consultation shall be conducted in the manner and in accordance with the conditions and formalities prescribed by government regulation.

If the minimum number of parents in favour, as determined by government regulation, is reached, the school board shall organize a poll to elect those members in accordance with sections 153.1 and 153.8 to 153.12; if not, they shall be elected in accordance with sections 153.2, 153.6 and 153.7.

“3. Government’s regulatory power

“**149.** The Government may, by regulation, with regard to any school council election for seats reserved for persons from the community that is held because the number of parents in favour of such an election is reached, in accordance with the third paragraph of section 148,

(1) indicate the date or period of any election and of any pre- or post-election procedure;

(2) establish the conditions, procedures and period for exercising the voting option referred to in section 153.11;

(3) determine the procedure for establishing the list of school electors and the information that may be sent to the school board by different departments and bodies, including the extracts from the permanent list of electors that the chief electoral officer must send;

(4) prescribe the standards applicable to the collection, preservation and use of personal information for drawing up the list of electors;

(5) prescribe the terms governing a notice calling for nominations under section 150, the filing of nominations under section 153.1 and the verifications or declarations required to verify the validity of nominations, and determine other requirements candidates must meet;

(6) establish any rule governing the poll, in particular regarding the notices required, advance polling, polling stations, polling officers, operations carried out prior to, during and after the poll, the counting of votes, and tie votes;

(7) decide any matter related to candidate financing and control of candidate expenses;

(8) establish standards governing the powers and duties of election officers, campaign literature and the election procedure to be followed;

(9) determine the information that the school board must send out or disseminate regarding the election;

(10) determine any other rule governing such a poll, including by prescribing additional qualifications or conditions to be an elector of a school board or a category of school board, and determine the election procedure to be followed.

The Government may also determine, from among the regulatory provisions made under the first paragraph, those whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government, and which may not exceed those prescribed by sections 639 to 644.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2), according to the nature of the offence.

“§1.3. — *Nominations*

“1. Common provisions

“**150.** Not later than 1 July preceding the end of the school council members’ term of office, the secretary general of the school board shall give a public notice setting out the seats on the school council that are open for nominations, the eligibility criteria and the period and place for filing nominations. The notice may be distributed by any targeted means that ensures that the various categories of persons qualified to serve on the school council are informed.

“**151.** A person may not run for more than one of the 16 seats referred to in section 143 or more than one school board.

“**152.** The Government may, by regulation, determine the terms governing a nomination notice under section 150, the filing of nominations referred to in sections 153 to 153.3 and the verifications or declarations required to verify the validity of nominations, and determine other requirements candidates must meet.

“2. Seats reserved for parents

“**153.** With a view to electing the members referred to in paragraphs 1 and 2 of section 143, the secretary general of the school board must, between 1 and 15 September preceding the end of the school council members’ term of office, allow persons who meet the conditions set out in this Act to run for election.

If the territory of the school board has been divided into districts, only a parent of a student attending an educational institution of the school board situated in such district may be a candidate.

Not later than the following 30 September, the secretary general of the school board shall send the list of persons who filed a valid nomination for one of those seats to the chair of the parents’ committee or, if there is no such chair, to the director general of the school board.

“3. Seats reserved for persons from the community

“i. *Broader election*

“**153.1.** If the minimum number of parents required under the third paragraph of section 148 is reached, the secretary general must, between 1 and 15 September preceding the end of the school council members’ term of office, allow persons who meet the conditions set out in this Act to file a nomination for one of the seats referred to in paragraphs 3 and 4 of section 143. In that case, no distinction shall be made between the seats referred to in those paragraphs, and all the candidates must be domiciled in the territory of the school board.

“ii. *Election by parents’ committee*

“**153.2.** If the minimum number of parents required under the third paragraph of section 148 is not reached, the secretary general must, between 1 and 15 September preceding the end of the school council members’ term of office, allow persons interested in one of the seats referred to in paragraphs 3 and 4 of section 143 to run for election.

In such a situation, the four school council member seats referred to in paragraph 3 of section 143 shall be reserved for persons from the following sectors in the territory of the school board in order to foster consideration, in the school council’s decisions, of cultural development, local issues, the relevance of vocational training to labour market needs, and a healthy lifestyle:

- (1) the cultural or communications sector;
- (2) the municipal sector;
- (3) the employer sector;
- (4) the sports or health sector.

To run for one of these seats, interested persons must be supported by a body or organization that is active at the provincial or local level in the sector they wish to represent, and must meet the other conditions set out in this Act. Candidates from one of these four sectors need not be domiciled or reside in the territory of the school board, but they must, through the sector they come from, serve that territory.

To run for a seat referred to in paragraph 4 of section 143, persons must be domiciled in the territory of the school board and meet the other conditions set out in this Act.

Not later than the following 30 September, the secretary general of the school board shall send the list of persons who filed valid nominations for a seat

referred to in paragraphs 3 and 4 of section 143 to the chair of the parents' committee or, failing that, to the director general of the school board.

“4. School board employee seats

“**153.3.** With a view to electing the members referred to in paragraphs 5 and 6 of section 143, the secretary general of the school board must, between 1 and 15 September preceding the end of the school council members' term of office, allow persons who meet the conditions set out in this Act to run for election.

“§1.4. — *Elections*

“1. Common provisions

“**153.4.** If the secretary general receives only one valid nomination for a seat within the prescribed time, he shall declare that candidate elected.

In other cases, a poll must be held to determine which candidate will be elected to that seat.

Where, as a result of a withdrawal after the end of the period referred to in the first paragraph but before the close of the poll, there remains only one candidate for a seat, the returning officer shall declare that candidate elected.

“2. Seats reserved for parents and seats reserved for persons from the community if elected by the parents' committee

“**153.5.** The Government may, by regulation, establish any rule governing the poll, in particular regarding the notices required, advance polling, polling stations, polling officers, operations carried out prior to, during and after the poll, the counting of votes, and tie votes.

“**153.6.** Between 20 and 31 October preceding the end of the school council members' term of office, the chair of the parents' committee or, if there is no such chair, the director general of the school board shall convene the members of the parents' committee or of the regional parents' committees, as applicable, to a meeting to elect the school council members referred to in paragraphs 1 and 2 of section 143 and, if the minimum number of parents required under the third paragraph of section 148 is not reached, the school council members referred to in paragraphs 3 and 4 of that section.

The chair or the director general shall also convene the candidates running for election.

This meeting may be held at the same time as the meeting called under section 190; however, the persons convened under the second paragraph may vote only for the purposes set out in the first paragraph.

The members shall be elected by secret ballot by the members of the parents' committee or, if applicable, of the regional parents' committees and the candidates running for election.

The secretary general shall declare elected, for each of these seats, the candidate who obtained the greatest number of votes. If the territory of a school board has not been divided into districts in accordance with section 147, the secretary general shall declare elected, for the seats referred to in paragraph 1 of section 143, the five candidates who obtained the greatest number of votes. He shall also declare elected any candidate declared elected under section 153.4.

“153.7. If there is no valid nomination for a seat in one of the districts delimited under section 147, the candidate who obtained the greatest number of votes in all the other districts combined without being elected shall be declared elected to fill that seat.

If there is no valid nomination for a seat for one of the sectors identified in the second paragraph of section 153.2, the candidate who obtained the greatest number of votes in all the other sectors combined without being elected shall be declared elected to fill that seat.

The first and second paragraphs apply as long as seats can be filled in this manner.

“3. Seats reserved for persons from the community in the case of a broader election

“153.8. If the minimum number of parents required under the third paragraph of section 148 is reached, an election by the electors domiciled in the territory of a French language school board or an English language school board shall be organized in accordance with the government regulation made under section 149.

“153.9. An elector must, on polling day, be 18 years of age, be a Canadian citizen, be domiciled in the territory of the school board and be registered on the list of electors of the English language or French language school board in which his domicile is situated.

“153.10. An elector with a child to whom section 1 applies and who has been admitted to educational services provided by a school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of the school council members of that school board.

An elector without a child to whom section 1 applies and who has been admitted to educational services provided by any school board having jurisdiction over the territory in which the elector is domiciled may vote at the election of the school council members of the French language school board, unless he has chosen to vote at the election of the school council members of

the English language school board having jurisdiction over the territory in which he is domiciled.

However, an elector whose child was enrolled in an English language school board when the child finished school is presumed to have chosen to be registered on the list of electors of that school board and to vote in its elections.

“153.11. In order to be valid at a school election, a voting option must be exercised during the period and on the conditions determined by government regulation.

Such an option shall apply for every election, unless the elector revokes it or unless one of his children to whom section 1 applies is admitted to educational services provided by a school board having jurisdiction over the territory in which the elector is domiciled.

“153.12. To exercise or revoke his voting option, the elector shall send a notice in writing to the secretary general of the English language school board, who shall inform the secretary general of the French language school board.

The notice must include the elector’s name, date of birth, sex and domiciliary address.

“4. School board employee seats

“153.13. During the month of October preceding the end of the school council members’ term of office, the secretary general of the school board shall, for every category of employees referred to in paragraph 5 of section 143, convene the employees of those categories to a meeting to elect the members referred to in that paragraph.

Likewise, the secretary general shall convene the school principals and principals of centres to elect the members referred to in paragraph 6 of section 143.

Each member referred to in paragraph 5 of section 143 shall be elected by secret ballot by the employees in the category concerned, and the members referred to in paragraph 6 of that section shall be elected by the principals of any type of educational institution of the school board.

The secretary general shall declare elected, for each of these seats, the candidate who obtained the greatest number of votes. He shall also declare elected any candidate declared elected under section 153.4.

“§1.5. — *Vacancies and special procedures for filling seats*

“153.14. If all school council members have not been elected by 31 October preceding the end of the school council members’ term of office,

the director general shall ask the elected members to appoint a person to occupy any vacant seat, after consulting with the parents' committee. If the vacant seat is referred to in any of paragraphs 1 to 4 of section 143, the person appointed must be the parent of a student attending an educational institution of the school board.

If, despite the first paragraph, it is not possible to fill all the seats on the school council, the director general shall so inform the Minister without delay.

As a last resort, the Minister may appoint any member to fill it.

“153.15. A person ceases to be a school council member on ceasing to qualify for appointment or election, unless the person holds a seat on the council as the parent of a student attending an educational institution of the school board, in which case he may continue to hold that seat until his term of office expires.

“153.16. The term of office of a member who fails to attend three consecutive regular school council meetings ends at the close of the following meeting unless the member attends that meeting.

The council may, however, at that meeting, grant the member a period of grace until the next regular council meeting if the member was in fact unable to attend the meetings. In such a case, the member's term ends on the day of that next meeting, if the member is not in attendance.

“153.17. If a seat on the school council becomes vacant, the secretary general of the school board must, within 30 days, give a notice inviting persons who meet the conditions set out in this Act to run for the vacant seat. The Government may, by regulation, determine the terms governing the notice and the verifications or declarations required to verify the validity of nominations.

The secretary general of the school board shall send the chair of the school council the list of persons who filed valid nominations. The vacant seat shall be filled by the school council for the unexpired portion of the term within 60 days following the call for nominations.

If the seat to be filled is referred to in any of paragraphs 1 to 4 of section 143, only members referred to in those paragraphs may vote to fill the vacant seat.

Any time limit prescribed by this section that expires in July or August shall be extended until the following 30 September. In addition, if there are five or fewer months remaining in the member's term, the school council may pass a resolution to suspend the replacement process, unless more than three seats are vacant.

“153.18. The director general of the school board must notify the Minister in writing if there is no quorum at the school council because of vacancies that were not filled in accordance with section 153.17.

In such a case, the Minister may make the appointments necessary to attain the quorum.

“§1.6. — *Effects of election*

“**153.19.** Subject to the second paragraph, the term of office of a member of a governing board, the parents’ committee, the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, or the advisory committee on transportation shall end on the date the member takes office if the member is elected to the school council, except if his membership on the board or committee is based on his status as a school council member.

However, a school principal or principal of a centre who is elected to the school council shall remain a member of the governing board of the principal’s school or centre.

“**153.20.** The school council members shall take office on 1 November following the process carried out under subdivisions 1.1 to 1.4 of this division or on the date of their appointment under section 153.14, 153.17 or 153.18.

The term of office of school council members is three years.”

41. Sections 154 to 155.1 of the Act are replaced by the following sections:

“**154.** The director general shall convene the school council members to the first meeting of the new school council before 1 December following the process carried out under subdivisions 1.1 to 1.4 of this division.

Within 35 days of taking office, every school council member shall swear before the secretary general, or the person designated by the secretary general, that he will fulfill his duties faithfully and to the best of his judgment and ability.

The oath shall be recorded in the school board’s Minutes of Proceedings.

“**155.** The school council shall appoint the chair from among the members referred to in paragraphs 1 to 4 of section 143. It shall then appoint the vice-chair, who must be chosen from among the members holding a seat reserved for persons from the community if the chair holds a seat reserved for parents, and vice versa.

The term of office of the chair and the vice-chair expires at the same time as their term as school council member, barring removal from office as chair or vice-chair by a vote of at least two thirds of the school council members.

“**155.1.** Until the chair is appointed, school council meetings shall be chaired by a council member designated for that purpose by the council.”

42. Section 157 of the Act is amended by inserting “chair or” after “office of”.

43. Section 158 of the Act is amended by replacing “commissioner designated by the council of commissioners for that purpose” by “member designated for that purpose by the school council”.

44. Section 160 of the Act is replaced by the following section:

“**160.** The quorum at school council meetings is both the majority of its members and the majority of the members referred to in paragraphs 1 to 4 of section 143.”

45. Section 161 of the Act is amended, in the first paragraph,

- (1) by replacing “council of commissioners” by “school council”;
- (2) by striking out “and entitled to vote”.

46. Section 163 of the Act is amended

- (1) by replacing “two commissioners” and “council of commissioners” in the first paragraph by “two members” and “school council”, respectively;
- (2) by replacing “commissioner” in the second paragraph by “member”.

47. Section 164 of the Act is amended by replacing “commissioners” by “members”.

48. Section 165 of the Act is amended by replacing “commissioner” in the second paragraph by “member”.

49. Section 168 of the Act is amended

- (1) by replacing all occurrences of “council of commissioners” by “school council”;
- (2) by replacing “a commissioner” in the first paragraph by “a member”;
- (3) by replacing “to the commissioners” in the second paragraph by “to the school council members”.

50. Section 169 of the Act is amended

- (1) by replacing “The council of commissioners” and “a commissioner may participate in a meeting of the council of commissioners” in the first paragraph by “The school council” and “any member may participate in a school council meeting”, respectively;

(2) by replacing the second paragraph by the following paragraph:

“At least one member or the director general must however be physically present at the place of the meeting.”;

(3) by replacing “commissioner” in the third paragraph by “member”.

51. Section 174 of the Act is amended

(1) by replacing “council of commissioners” in the first paragraph by “school council”;

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

“The school council may also delegate certain functions and powers to a governing board or to the resource allocation committee established in accordance with section 197.1.”

52. Section 175 of the Act is replaced by the following section:

“175. School council members shall not be remunerated, except in the cases, on the conditions and to the extent the Government may determine. They are, however, entitled to an attendance allowance and to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

53. Section 175.1 of the Act is amended

(1) by replacing all occurrences of “council of commissioners” by “school council”;

(2) by replacing all occurrences of “commissioner” or “commissioners” by “member” and “members”, respectively;

(3) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) prohibit practices relating to the remuneration of members or other pecuniary benefits, subject to section 175;”;

(4) by striking out “, and publish it in its annual report” in the fourth paragraph;

(5) by replacing “annual report shall, in addition,” in the fifth paragraph by “school board’s annual report must”.

54. Section 175.4 of the Act is amended

(1) by replacing “council of commissioners” in the first paragraph by “school council”;

(2) by inserting the following paragraph after the second paragraph:

“In addition, a school council member who is also a school board personnel member must, on pain of forfeiture of office, abstain from voting on any matter concerning the hiring, employment, remuneration, employee benefits and other conditions of employment, individual or collective, of any school board employee. Such a member must also, after being given an opportunity to submit observations, withdraw from the meeting while the matter is discussed and voted on. The member’s withdrawal does not affect the quorum.”

55. Section 176 of the Act is amended

(1) by replacing “council of commissioners” in the first paragraph by “school council”;

(2) by striking out “, the Act respecting school elections (chapter E-2.3)” in the first paragraph;

(3) by replacing the third paragraph by the following paragraph:

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

56. Section 176.1 of the Act is amended

(1) by replacing all occurrences of “council of commissioners” by “school council”;

(2) by inserting “, with due regard for everyone’s role and responsibilities,” after “powers” in the introductory clause;

(3) by replacing “electoral division” in paragraph 1 by “district, if applicable,”;

(4) by inserting the following paragraph after paragraph 1:

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

57. Section 177.3 of the Act is amended

(1) by replacing “council of commissioners” by “school council”;

(2) by adding the following sentence at the end: “The training program must include training in governance, ethics and financial management.”

58. Sections 179 to 182 of the Act are repealed.

59. Section 183 of the Act is amended

(1) by replacing “an advisory committee on management” in the first paragraph by “a joint management committee”;

(2) by inserting the following paragraph after the first paragraph:

“The committee shall report to the school council each year on the governing boards’ practices with regard to the financial contributions made for the documents and objects mentioned in the second and third paragraphs of section 7 and the educational services provided outside teaching periods and on non-school days. The governing boards shall provide the committee with any information or document necessary for the exercise of that function.”

60. Section 184 of the Act is amended by replacing “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” in the first paragraph by “regions may, for the same purposes, replace the joint management committee by a joint management committee for each region and a central joint management committee”.

61. Section 187 of the Act is amended by adding the following subparagraph after subparagraph 2 of the first paragraph:

“(3) to advise the school board on its commitment-to-success plan.”

62. Section 191 of the Act is amended by striking out “administrative” in the first paragraph.

63. Section 193 of the Act is amended

(1) by replacing “the division, annexation or amalgamation of” in paragraph 1 by “any change to”;

(2) by replacing paragraph 1.1 by the following paragraph:

“(1.1) the school board’s commitment-to-success plan;”;

(3) by inserting the following paragraph after paragraph 5:

“(5.1) the school board’s by-law on the procedure for the examination of complaints from a student, a homeschooled child or a parent of either with regard to the services the school board provides to them under this Act;”;

(4) by adding the following paragraph at the end:

“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.”

64. Section 193.1 of the Act is amended

(1) by replacing all occurrences of “council of commissioners” by “school council”;

(2) by replacing the second paragraph by the following paragraph:

“The governance and ethics committee shall, among other things, assist the school council members in developing and updating the code of ethics and professional conduct established under section 175.1. It must also follow up on the school board’s commitment-to-success plan. The committee must secure the assistance of at least one person who has competency or relevant experience in governance matters but is not a school board employee.”;

(3) by replacing “commissioners” in the third paragraph by “school council members”;

(4) by inserting “but is not a school board employee” after “matters” in the third paragraph;

(5) by replacing the fourth paragraph by the following paragraph:

“The human resources committee shall, among other things, assist the school council members in developing an expertise and experience profile, or in adding elements to any profile determined by the Minister to take into account particular challenges the school board faces, for persons appointed under sections 96.8, 110.5 and 198. It shall also assist the school council in establishing selection criteria for those persons, and shall evaluate the director general of the school board in accordance with section 199.1. The committee must secure the assistance of at least one person who has competency in human resources matters. A school board employee may not be a member of the committee.”;

(6) by inserting “, except an executive committee,” after “committees” in the fifth paragraph;

(7) by adding the following paragraph at the end:

“The school board and the governing boards must provide the committees with any information or document necessary for the exercise of their functions.”

65. The Act is amended by inserting the following sections after section 197:

“197.1. The school board must establish, under the direction of the director general, a resource allocation committee composed in the majority of school principals and principals of centres chosen by their peers. The person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities, appointed under section 265, must also be on the committee.

The 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 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 committee must submit to the school council a recommendation 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.

“197.2. The resource allocation committee must annually make a recommendation to the school council regarding the allocation of the surpluses of the school board’s educational institutions in accordance with section 96.24.”

66. Section 198 of the Act is replaced by the following section:

“198. Every school board shall appoint a director general and an assistant director general for a period determined by a regulation of the Minister under section 451.

In the cases prescribed by such a regulation, the board may appoint more than one assistant director general.”

67. The Act is amended by inserting the following section after section 199:

“199.1. Every year, at least 30 days before the anniversary date of the coming into force of the employment contract of the director general of the school board, the human resources committee shall evaluate the director general. The evaluation shall be sent to the director general, the school council and the Minister.”

68. Section 200 of the Act is replaced by the following sections:

“200. The renewal of the director general must take into account the director general’s evaluations and requires the vote of the school council members.

The suspension or dismissal of the director general and the director general’s removal from office must take into account the director general’s evaluations and requires the vote of at least two thirds of the school council members.

Any resolution adopted under this section shall be sent to the Minister without delay.

“200.1. The Minister may, within 45 days of receiving a school council resolution sent under the third paragraph of section 200, postpone the execution of that decision and submit it for analysis to a committee of experts the Minister establishes for that purpose.

The committee shall be formed of two members, including a former director general of a school board.

The committee members shall have the powers and immunities of the persons designated under section 478. The committee must report its findings and recommendations to the Minister within the time he prescribes.

The director general shall remain in office as long as the execution of the decision to renew the director general’s term is postponed, even if the director general’s employment contract has expired. The employment contract is extended for the period corresponding to the postponement period.

In the case of a decision to suspend, dismiss or remove from office, the director general shall be suspended with pay during the postponement period.

The director general’s employment contract cannot be modified during this period.

The Minister may cancel the renewal of a director general if he considers that the director general has done anything incompatible with the rules of sound management or with the director general’s functions. The Minister may also cancel the suspension, dismissal or removal from office of a director general if he considers the decision to be based on unreasonable grounds. Before making such decisions, the Minister must take into consideration the committee’s report and the director general’s evaluations.”

69. Section 201 of the Act is amended

(1) by replacing “council of commissioners and the executive committee in the exercise of their” in the first paragraph by “school council in the exercise of its”;

(2) by replacing “council of commissioners and of the executive committee are carried out and shall perform the duties that they assign” in the second paragraph by “school council are carried out and shall perform the duties it assigns”;

(3) by adding the following sentence at the end of the second paragraph: “The director general shall also see to the proper operation of the school board, in particular by ensuring that everyone’s roles and responsibilities are given due regard.”

70. Section 202 of the Act is amended by replacing “council of commissioners or the executive committee, as the case may be” by “school council and, on request, to the Minister”.

71. The Act is amended by inserting the following section after section 202:

“202.1. The director general must, if of the opinion that the school board’s budgetary balance or compliance with the terms and conditions determined by the Minister under section 279 is at risk, inform the school council and the Minister of that fact without delay.”

72. Section 207.1 of the Act is replaced by the following section:

“207.1. The mission of a school board is to promote, and enhance the status of, public education in its territory, plan and coordinate educational services for the benefit of the persons who come under its jurisdiction, and ensure the quality of those services, with due respect for the principle of subsidiarity and with a view to providing support to educational institutions in the exercise of their responsibilities.

A further mission of a school board is to see to the effective and efficient management of its human, physical and financial resources, as well as the success of students, with a view to enabling the population to attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to its region’s social, cultural and economic development.”

73. Sections 209.1 and 209.2 of the Act are replaced by the following sections:

“209.1. For the exercise of its functions and powers, every school board shall adopt a commitment-to-success plan taking into account the strategic directions and objectives of the department’s strategic plan as well as the period it covers 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 results targeted over the period covered by the plan;
- (4) the indicators, particularly Québec-wide indicators, to be used to measure achievement of those objectives and results;
- (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 joint management committee, the governing boards, the teachers and other staff members, and, in accordance with section 211.1, the students. The parents' committee and joint management committee may, among other things, make recommendations on what should be included in the school board's commitment-to-success plan. If the school council does not implement a recommendation, it must give the reasons for its decision during the meeting at which the recommendation is rejected.

The school board shall send its commitment-to-success plan to the Minister and make it public on the expiry of at least 30 days after sending it.

“209.2. The school board shall make the educational project of each of its educational institutions public.”

74. Section 211.1 of the Act is replaced by the following section:

“211.1. The school board shall ensure that mechanisms are put in place to allow students to participate in defining some of the policy directions likely to concern them.

In addition, the students must be consulted on the school board's commitment-to-success plan.

The mechanisms put in place under this section may be designed for students other than preschool or elementary school students or students in the first cycle of the secondary level.”

75. Section 212 of the Act is amended by replacing “and the commissioner of the electoral division concerned” in subparagraph 4 of the second paragraph by “and at least one other school council member; if the territory of a school board has been divided into districts in accordance with section 147, the other member must be the school council member who represents the district concerned”.

76. The Act is amended by inserting the following sections after section 213:

“213.1. School boards must encourage the sharing of resources and services with each other or with other public bodies, including municipalities, or educational institutions governed by the Act respecting private education (chapter E-9.1) whenever this makes it possible, in the pursuit of their mission, to fulfil efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.

For such purposes, the Minister may identify school boards that are to produce an analysis evaluating opportunities for sharing resources or services with other school boards.

The Minister may, following this analysis, make recommendations or require that measures encouraging the sharing of resources or services be implemented.

“213.2. A school board may, under an agreement by which another school board agrees to provide services to it, delegate in writing to the other school board or to a member of its personnel any power permitting the agreement to be carried out.

A school board may also, on the conditions it sets, delegate in writing to another school board its power to enter into an agreement.”

77. Section 216 of the Act is amended

(1) by inserting “for the educational services prescribed by the basic regulations established by the Government under section 448” after “contribution” in the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

“It shall also, in accordance with those budgetary rules, require a financial contribution for the educational services prescribed by the basic school regulation established by the Government under section 447 in respect of a student, to whom the first paragraph of section 3 applies, who belongs to a category excluded by regulation from entitlement to the free educational services provided for under that paragraph.”

78. Section 218 of the Act is amended by replacing “, by means of the success plan, of the educational project of each school and of the aims and objectives of” by “of the educational project of each school and”.

79. Section 220 of the Act is amended by replacing the first, second and third paragraphs by the following paragraphs:

“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. 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.

The report shall also set out the results obtained with regard to the directions, objectives and targets determined by the Minister under section 459.2.”

80. Section 220.1 of the Act is repealed.

81. Section 220.2 of the Act is amended

(1) by replacing “from students or their parents” in the first paragraph by “related to its functions”;

(2) by replacing “a complainant who is dissatisfied with the handling of a” in the second paragraph by “a complainant who is a student, a homeschooled child or a parent of either and who has filed a complaint with regard to the services the school board provides to him under this Act and who is dissatisfied with the handling of the” and by replacing “council of commissioners” in that paragraph by “school council”;

(3) by replacing “council of commissioners” in the third paragraph by “school council”.

82. Section 221.1 of the Act is amended by striking out “to be implemented by means of a success plan”.

83. Section 245.1 of the Act is amended by replacing “policies and objectives to be implemented by means of a success plan” by “an educational project”.

84. Section 255 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) recognize, for purposes other than academic purposes, the scholastic or experiential learning of persons not referred to in the second paragraph of section 250;”.

85. Section 258 of the Act is amended by adding the following sentence at the end: “In the case of services referred to in subparagraph 1.1 of the first paragraph of section 255, the Minister may, by regulation, prescribe the amount and the formalities and conditions applicable to such a contribution.”

86. Section 259 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“When selecting a school principal or principal of a centre, except in the case described in the first paragraph of section 52, the school board shall ensure the participation of a governing board member, other than a student or a school board personnel member, designated by the governing board.”;

(2) by replacing “council of commissioners and of the executive committee” in the second paragraph by “school council”.

87. Section 261 of the Act is amended by replacing “, in assigning personnel to its schools, vocational training centres and adult education centres, take” in the first paragraph by “assign personnel to its schools, vocational training centres and adult education centres taking” and by replacing “and the applicable” in that paragraph by “, taking into account the findings from the consultation held under section 197.1 and, if applicable, in accordance with the applicable”.

88. Section 267 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“267. A school board may enter into an agreement with another school board, an educational institution, a public body, including a municipality, or a community organization in its territory, in particular to jointly establish, maintain or improve public libraries, administrative, sports, cultural or recreation centres or playgrounds.”;

(2) by inserting “, a public body,” after “Act respecting private education (chapter E-9.1)” in the third paragraph.

89. Section 275 of the Act is replaced by the following sections:

“275. After consulting with the governing boards and the parents’ committee and holding the consultation required under section 197.1, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other revenues.

“275.1. The school board shall determine the allocation of the revenues referred to in section 275 for every school year after holding the consultation required under section 197.1.

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.

“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.”

90. Section 305 of the Act is repealed.

91. Section 306 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“306. An immovable owned by a natural person to whom section 304 does not apply and who makes an election in accordance with the second and third paragraphs is taxable exclusively by the English language school board having jurisdiction over the territory where the immovable is situated.”;

(2) by replacing “, until” in the third paragraph by “or until”;

(3) by striking out “or until his name is entered on the list of electors of another school board” in the third paragraph;

(4) by adding the following paragraphs at the end:

“If the immovable’s owner does not make an election, the immovable is taxable exclusively by the French language school board.

In addition, the owner of an immovable whose child was enrolled in an English language school board when the child finished school is presumed to have made the election referred to in the first paragraph.

In accordance with the principles set out in section 145, the fact that a person who does not have a child admitted to the educational services provided in schools of a school board chooses to pay tax to an English language school board does not make the person, or the person’s children, eligible to receive preschool, elementary or secondary instruction in English.”

92. Section 307 of the Act is amended by replacing “sections 304 to 306 do” in the first paragraph by “section 304 or 306 does”.

93. Section 308 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “yield of the tax” in the second paragraph by “proceeds of the school board’s tax”;

(3) by replacing the first sentence of the third paragraph by the following sentence: “For the 2015–2016 school year, the amount per student is \$814.62 or, if the allowable number of students is under 1,000, \$1,059, and the base amount is \$244,379.”;

(4) by striking out the third sentence of the third paragraph.

94. The Act is amended by inserting the following section after section 308:

“308.1. The maximum school tax rate that may be levied by a school board is the lesser of the following rates:

(1) \$0.35 per \$100 of the standardized assessment of taxable immovables or a portion of that assessment included in its property tax base;

(2) the rate required to obtain tax proceeds, established at the time of the adoption of its budget, corresponding to the maximum tax proceeds computed in accordance with section 308.”

95. Section 344 of the Act is replaced by the following section:

“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 sold in accordance with the regulation referred to in the second paragraph of section 272.”

96. Subdivision 5 of Division VII of Chapter V of the Act, comprising sections 345 to 353, is repealed.

97. Section 402 of the Act is amended

(1) by replacing “its elected commissioners” in subparagraph 1 of the first paragraph by “its school council members referred to in paragraphs 1 to 4 of section 143”;

(2) by replacing “the commissioners of that school board” in the second paragraph by “that school board’s school council members”.

98. Section 403 of the Act is amended by replacing “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” by “another of its school council members referred to in any of paragraphs 1 to 4 of section 143 as a substitute to attend and vote at meetings of the Comité when a regular member is unable to do so”.

99. Section 411 of the Act is replaced by the following section:

“411. The Comité shall send a copy of the notice and of the agenda for its extraordinary meetings to each school board on the island of Montréal at the same time it sends the copies to the members of the Comité.”

100. Section 415 of the Act is amended

(1) by replacing “and 175 to 178 apply” by “, 175 to 176 and 177 to 178 apply, with the necessary modifications,”;

(2) by adding “compte tenu des adaptations nécessaires” at the end of the first sentence in the French text;

(3) by striking out the second sentence.

101. Section 420 of the Act is amended

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

“The director general shall be appointed for a period determined by a regulation of the Minister made under section 451.

Every year, at least 30 days before the anniversary date of the coming into force of the employment contract of the director general, the Comité shall evaluate the director general. The evaluation shall be sent to the director general, the members of the Comité, the school councils of the school boards on the island of Montréal and the Minister.”;

(2) by replacing “200, 201.1 and 201.2” in the second paragraph by “200 to 201.2”.

102. Section 421 of the Act is repealed.

103. Section 423 of the Act is amended

(1) by striking out “Only” in the first paragraph;

(2) by adding “when they use the services of the Comité” after “Montréal” in the last paragraph.

104. Section 434.2 of the Act is replaced by the following section:

“434.2. The maximum school tax rate that may be levied by the Comité is the lesser of the following rates:

(1) \$0.35 per \$100 of the standardized assessment of taxable immovables or a portion of that assessment included in the property tax base of the school boards on the island of Montréal;

(2) the rate required to obtain tax proceeds, established at the time of the adoption of the school boards’ budget, corresponding to the sum of all the school boards’ maximum tax proceeds computed in accordance with section 308.”

105. Section 434.5 of the Act is amended by striking out “of its Council” in the first paragraph and by replacing “proceeds of school tax established by the school board by effecting the calculations as provided in the second and third paragraphs of section 308” in that paragraph by “school tax proceeds computed in accordance with section 308”.

106. Section 435 of the Act is amended by replacing “proceeds of school tax established for each school board by effecting the calculations as provided

in the second and third paragraphs of section 308” in the second paragraph by “tax proceeds computed in accordance with section 308”.

107. Section 439 of the Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) each school board on the island of Montréal shall receive, not later than 3 January of each year, the part of the tax proceeds that corresponds to the proportion that the amount required by the school board is of the sum of the tax proceeds of all the school boards on the island of Montréal computed in accordance with section 308; a school board may not receive any amount in excess of its maximum tax proceeds;”.

108. Sections 440 to 443 of the Act are repealed.

109. Section 455 of the Act is amended by adding the following paragraphs at the end:

“The Government may also prescribe the categories of students excluded from entitlement to free educational services under the first paragraph of section 3.

Such categories may not operate to make an otherwise exempt student liable to pay a financial contribution.”

110. Section 455.1 of the Act is amended by striking out subparagraph 4 of the first paragraph and the second paragraph.

111. The Act is amended by inserting the following section after section 455.1:

“**455.2.** The Government may make any regulation required to ensure that elections for school council members are organized and held under Division III of Chapter V, in particular under sections 148, 149, 152, 153.5, 153.8, 153.11 and 153.17.”

112. The Act is amended by inserting the following sections after section 457.4:

“**457.5.** The Minister may, by regulation, prescribe the amount and the formalities and conditions applicable to the financial contribution that a school board may require for its services referred to in subparagraph 1.1 of the first paragraph of section 255.

“**457.6.** 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 physical integrity of students and the safety and integrity of their property.

“457.7. The Minister may, by regulation and in accordance with section 117, establish a transitional plan applicable to school boards affected by territorial changes.”

113. Section 459.1 of the Act is amended by replacing “strategic plans” by “commitment-to-success plans”.

114. Sections 459.2 and 459.3 of the Act are replaced by the following sections:

“459.2. The Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives and targets they must take into account in preparing their commitment-to-success plans.

“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, on receiving a school board’s commitment-to-success plan, require the school board to defer publication of the plan or to amend it to make it consistent with the expectations communicated under section 459.2.”

115. Section 459.4 of the Act is amended

(1) by replacing “strategic plan” in the first paragraph by “commitment-to-success plan”;

(2) by replacing “goals and measurable objectives set out in the partnership agreement between the school board and the Minister” in the second paragraph by “policy directions, objectives and targets determined under section 459.2”;

(3) by replacing “those goals or measurable objectives” in the third paragraph by “those policy directions, objectives and targets”.

116. The Act is amended by inserting the following sections after section 459.4:

“459.5. The Minister shall prepare a decentralized management practices guide for school boards and see that it is distributed.

“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.”

117. Section 467 of the Act is amended by inserting “, in particular to ensure the relevance of training to regional or provincial labour market needs,” after “may” in the first paragraph.

118. Section 469 of the Act is amended

(1) by replacing “parascolaires” in the second paragraph in the French text by “extrascolaires”;

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

“Moreover, the Minister may establish criteria or requirements for the recognition by school boards of the scholastic or experiential learning of persons referred to in subparagraph 1.1 of the first paragraph of section 255.”

119. Section 473 of the Act is amended by replacing “therefrom” in paragraph 1 by “from paying the contribution and, in the case of services referred to in the first paragraph of section 3, provided that only persons who are not so exempted from paying a financial contribution and who belong to a category of students excluded from entitlement to free educational services by a government regulation made under the second paragraph of section 455 are liable to pay such a contribution”.

120. Section 473.1 of the Act is amended

(1) by inserting “to facilitate the operation of a school board that is established or that acquires jurisdiction over a new territory under section 116,” after “Montréal, in order” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “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.”

121. Section 475 of the Act is amended

(1) by replacing “maximum yield of the school tax that could be levied by the school board, applying the method of computation prescribed in the second and third paragraphs of section 308” in subparagraph 1 of the first paragraph

by “school board’s maximum tax proceeds, computed in accordance with section 308”;

(2) by replacing “section 308” in subparagraph 2 of the first paragraph by “section 308.1”;

(3) by striking out the second paragraph.

122. Section 475.1 of the Act is amended

(1) by striking out “also” in the first paragraph;

(2) by replacing “maximum yield of the school tax obtained, for the school board, by effecting the calculations set out in the second and third paragraphs of section 308” in the first paragraph by “school board’s maximum tax proceeds, computed in accordance with section 308”;

(3) by striking out the second paragraph.

123. The heading of Division III of Chapter VII of the Act is replaced by the following heading:

“CONTROL MEASURES”.

124. Section 478.2 of the Act is repealed.

125. The Act is amended by inserting the following sections after section 478.4:

“**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.

“**478.6.** The Minister may, if of the opinion that the director general of a school board has been doing anything that is incompatible with the rules of sound management, appoint one or more persons to temporarily replace the director general for a period of up to 180 days.”

126. Section 479 of the Act is amended

(1) by replacing “council of commissioners” in the first paragraph by “school council”;

(2) by replacing the third paragraph by the following paragraph:

“The Government may extend the suspension of the powers of the school board or the Comité and the term of office of the administrator for two periods not exceeding six months each.”

127. The Act is amended by inserting the following section after section 479:

“479.1. A person designated or appointed by the Minister or the Government under this division may not be prosecuted for acts done in good faith in the exercise of functions of office.”

128. Sections 480 to 488 of the Act are repealed.

129. Sections 489 and 490 of the Act are amended by inserting “referred to in the second paragraph of section 149” after “an offence”.

130. Section 491 of the Act is amended

(1) by striking out “or the Comité de gestion de la taxe scolaire de l’île de Montréal”;

(2) by replacing “under a provision of this chapter” by “referred to in the second paragraph of section 149”.

131. Section 492 of the Act is amended by replacing “school board or the Conseil” by “school board”.

132. Section 715 of the Act is repealed.

133. Section 723.5 of the Act is amended by replacing “the maximum yield of the school tax or, as the case may be, the yield of the school tax approved by referendum in accordance with sections 345 to 353” in the first paragraph by “its maximum tax proceeds”.

134. The Act is amended by replacing all occurrences of “council of commissioners” in sections 11, 12, 96.26, 96.27, 144, 159, 162, 167, 170 to 172, 177 to 177.2, 178, 185, 186, 201.1, 278, 285, 286, 312, 340 and 392 by “school council”.

TAX ADMINISTRATION ACT

135. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing “, the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3)” in subparagraph x of the second paragraph by “and the Act respecting elections and referendums in municipalities (chapter E-2.2)”.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

136. Section 53.18 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing “the council of commissioners of the school board” in the second paragraph by “its school council”.

CHARTER OF THE FRENCH LANGUAGE

137. Section 208.1 of the Charter of the French language (chapter C-11) is amended by replacing “commissioner” in the first paragraph by “school council member”.

CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

138. Section 69 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) is amended by striking out “or be a candidate on a ticket in a school election” in paragraph 2.

LABOUR CODE

139. Schedule I to the Labour Code (chapter C-27) is amended by striking out paragraph 7.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

140. Section 8 of the Act respecting contracting by public bodies (chapter C-65.1) is amended by replacing both occurrences of “council of commissioners” in the second paragraph by “school council”.

141. Schedule I to the Act is amended by striking out the reference to the Act respecting school elections and the offences under that Act listed opposite the reference.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

142. Sections 53, 69, 97 and 301 of the Act respecting elections and referendums in municipalities (chapter E-2.2) are amended by striking out “, the Act respecting school elections (chapter E-2.3)” in the first paragraph.

143. Section 383 of the Act is amended by striking out “, the Act respecting school elections (chapter E-2.3)” in subparagraph 7 of the first paragraph.

144. Section 389 of the Act is amended by striking out “, the Act respecting school elections (chapter E-2.3)” in subparagraph 9 of the first paragraph.

145. Section 524 of the Act is amended by striking out “, the Act respecting school elections (chapter E-2.3)” in the first paragraph.

ACT RESPECTING SCHOOL ELECTIONS

146. The Act respecting school elections (chapter E-2.3) is repealed.

ELECTION ACT

147. Section 1 of the Election Act (chapter E-3.3) is amended by replacing “, the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting school elections (chapter E-2.3)” in paragraph 5 by “or the Act respecting elections and referendums in municipalities (chapter E-2.2)”.

148. Section 40.2 of the Act is amended by striking out the second paragraph.

149. Section 40.3 of the Act is amended by striking out paragraph 3.

150. Section 40.4 of the Act is amended by striking out “or school” in the second paragraph.

151. Section 40.6.1 of the Act is amended by replacing “, municipal or school” by “or municipal”.

152. Section 40.7.0.1 of the Act is repealed.

153. Section 40.10 of the Act is amended by striking out “or school”.

154. Section 40.12 of the Act is amended by striking out “and school boards” in the second paragraph.

155. Section 40.12.23 of the Act is repealed.

156. Section 40.42 of the Act is amended by striking out “, the Act respecting school elections (chapter E-2.3)” in the first paragraph.

157. Section 541 of the Act is amended by replacing “, the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3)” by “and the Act respecting elections and referendums in municipalities (chapter E-2.2)”.

158. Section 549 of the Act is amended by striking out “or school” in paragraph 1.1.

ACT RESPECTING PRIVATE EDUCATION

159. Section 112 of the Act respecting private education (chapter E-9.1) is amended by adding the following paragraph at the end:

“(7) provide for and regulate the carrying out of information and prevention activities related to safety at school as well as prescribe or limit the application by school authorities of certain measures relating to safety at school and to the safety and physical integrity of students and the safety and integrity of their property.”

ACT RESPECTING WORKFORCE MANAGEMENT AND CONTROL
WITHIN GOVERNMENT DEPARTMENTS, PUBLIC SECTOR BODIES
AND NETWORKS AND STATE-OWNED ENTERPRISES

160. Section 16 of the Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (chapter G-1.011) is amended by replacing both occurrences of “council of commissioners” in the fourth paragraph by “school council”.

ACT TO ENSURE MAINLY THE RECOVERY OF AMOUNTS
IMPROPERLY PAID AS A RESULT OF FRAUD OR FRAUDULENT
TACTICS IN CONNECTION WITH PUBLIC CONTRACTS

161. Section 47 of the Act to ensure mainly the recovery of amounts improperly paid as a result of fraud or fraudulent tactics in connection with public contracts (chapter R-2.2.0.0.3) is amended

(1) by striking out “, of section 221.1.2 of the Act respecting school elections (chapter E-2.3)” in the first paragraph;

(2) by striking out “, of section 221.1.4 of the Act respecting school elections” in the second paragraph.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

162. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by striking out paragraph 9.

REGULATION RESPECTING THE DEFINITION OF RESIDENT IN
QUÉBEC

163. The title of the Regulation respecting the definition of resident in Québec (chapter I-13.3, r. 4) is amended by adding “and the categories of students excluded from entitlement to certain free educational services” at the end.

164. The Regulation is amended by inserting the following section after section 1:

“**1.1.** Subject to the third paragraph of section 455 of the Education Act, a student who is not resident in Québec within the meaning of section 1 of the Regulation and who belongs to one of the following categories is excluded from entitlement to free educational services under the first paragraph of section 3 of that Act:

- (1) a student with visitor status;
- (2) a student admitted to Québec to pursue studies; or

(3) a student with no residence in Québec during the school year.”

REGULATION RESPECTING THE COMPLAINT EXAMINATION PROCEDURE ESTABLISHED BY A SCHOOL BOARD

165. The Regulation respecting the complaint examination procedure established by a school board (chapter I-13.3, r. 7.1) is amended by replacing all occurrences of “council of commissioners” by “school council”.

166. The Regulation is amended by inserting the following section after section 5:

“**5.1.** In this division and with regard to the services the school board provides to the child, “student” includes a homeschooled child.”

REGULATION RESPECTING STUDENT TRANSPORTATION

167. Section 2 of the Regulation respecting student transportation (chapter I-13.3, r. 12) is amended by replacing both occurrences of “commissioners” in paragraph 7 by “school council members”.

REGULATION RESPECTING THE DELEGATIONS OF POWERS AND DUTIES OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS

168. Section 2 of the Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1) is amended by striking out paragraph 1.

REGULATION RESPECTING CERTAIN CONDITIONS OF EMPLOYMENT OF SENIOR EXECUTIVES OF SCHOOL BOARDS

169. The Regulation respecting certain conditions of employment of senior executives of school boards made by a ministerial order dated 18 November 2004 (2004, G.O. 2, 3529), the title of which was changed to “Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal”, is amended by inserting the following section after section 25:

“**25.1.** The director general’s evaluation must focus, in particular, on the management of the school board’s financial resources, the director general’s function of ensuring that everyone’s roles and responsibilities are given due regard and the implementation of the commitment-to-success plan.”

170. Section 27 of the Regulation is amended

- (1) by inserting “, except the director general,” after “senior executives”;
- (2) by adding the following paragraph at the end:

“A director general shall be evaluated in accordance with section 199.1 or 420 of the Education Act. The performance bonus shall be paid 30 days after the evaluation is given to the director general or on another date agreed on by the director general and school board.”

171. Section 108 of the Regulation is amended by inserting “, on the expertise and experience profile, if applicable,” after “Schedule 1”.

172. Sections 109 and 110 of the Regulation are amended by adding the following sentence at the end: “A director general, however, shall be appointed for a definite period.”

173. Section 111 of the Regulation is amended by adding the following sentence at the end: “A director general shall be engaged for a period not exceeding five years.”

174. Section 113 of the Regulation is amended by inserting “, subject, for a director general, to section 200, 200.1 or 420 of the Education Act” after “appointment”.

175. Section 114 of the Regulation is amended by adding “, subject to section 200, 200.1 or 420 of the Education Act” at the end.

176. Section 135 of the Regulation is amended by adding the following paragraph at the end:

“The hearing may not be held before 45 days have elapsed since the Minister received the school council’s resolution stating the decision to suspend, dismiss or terminate appointment or, if the Minister postpones the decision, before the Minister’s decision under the seventh paragraph of section 200.1 or 420 of the Education Act has been communicated.”

177. The Regulation is amended

(1) by replacing all occurrences of “council of commissioners” and “advisory committee on management” by “school council” and “joint management committee”, respectively;

(2) by striking out all occurrences of “and the executive committee” and “and of the executive committee”.

REGULATION RESPECTING CERTAIN CONDITIONS OF EMPLOYMENT OF SENIOR STAFF OF SCHOOL BOARDS AND OF THE COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L’ÎLE DE MONTRÉAL

178. Section 124 of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal made by a ministerial order dated

10 May 2012 (2012, G.O. 2, 1817) is amended by adding the following paragraph at the end:

“A school principal or principal of a centre shall be evaluated, in particular, on the implementation of his school’s or centre’s educational project.”

179. Section 134 of the Regulation is amended by replacing “council of commissioners of the school board” in the first paragraph by “school board’s school council”.

180. The Regulation is amended by replacing all occurrences of “action plan” and “approval” by “educational project” and “approval or adoption”, respectively.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

181. Unless the context indicates otherwise, in any document other than an Act or a regulation,

(1) a reference to a school board’s council of commissioners is a reference to its school council;

(2) a reference to a school board commissioner is a reference to a member of its school council;

(3) a reference to a school board’s executive committee is a reference to its school council.

182. The term of office of school board commissioners is revoked on (*insert the date that is 15 days after the date of assent to this Act*).

On that date, the commissioners representing the parents’ committee of the school board who are referred to in paragraph 2 of section 143 of the Education Act (chapter I-13.3), as it read before being replaced by section 39, become members of the provisional school council in accordance with subparagraph 1 of the first paragraph of section 183. Moreover, they continue their term as members of the provisional school council on any school board committee and any other council, committee or board of which they are members because they are members of the council of commissioners.

183. On (*insert the date that is 15 days after the date of assent to this Act*), a provisional school council composed of the following members is set up in each school board established under the Education Act:

(1) all the commissioners representing the school board’s parents’ committee, referred to in paragraph 2 of section 143 of the Education Act as it read before being replaced by section 39;

(2) the chair of the school board's parents' committee or, if there is no such chair, a member of the parents' committee designated by the committee;

(3) two principals of educational institutions, designated in accordance with section 184;

(4) the director general of the school board.

All members of the provisional school council except the director general of the school board are entitled to vote. In the case of a tie vote, the chair designated under the third paragraph of section 186 has a casting vote.

184. The school board's secretary general must invite the principals of educational institutions to run for one of the seats on the provisional school council referred to in subparagraph 3 of the first paragraph of section 183 so that, not later than (*insert the date that is 14 days after the date of assent to this Act*), he can convene all the principals to a meeting to elect candidates to those seats by secret ballot. The two principals who obtained the greatest number of votes are declared elected by the secretary general. If there are fewer than three principals who run for election, the secretary general declares all the candidates elected.

185. The provisional school council members' term of office expires on 31 October 2016.

186. The mandate of the provisional school council is to ensure the smooth operation of the school board until the first school council takes office under Division III of Chapter V of the Education Act, as amended by this Act.

The provisional school council has all the powers and exercises all the functions of the school board's school council.

The provisional school council elects a chair and a vice-chair at its first meeting.

The quorum of the provisional school council is the majority of its members.

Section 162 of the Education Act does not apply to the provisional school council.

187. If one of the seats on the provisional school council is vacant, the school board's secretary general asks the members to appoint someone to fill it. If the vacant seat is one referred to in subparagraph 1 of the first paragraph of section 183, the person appointed must be the parent of a student attending an educational institution of the school board.

188. From (*insert the date that is 15 days after the date of assent to this Act*) until 31 December 2016,

(1) section 402 of the Education Act is to be read

(a) as if subparagraph 1 of the first paragraph were replaced by the following subparagraph:

“(1) the director general of each of the school boards situated in whole or in part in the territory of the island of Montréal;”;

(b) without reference to the second paragraph;

(2) section 403 of the Education Act is to be read as follows:

“403. The director general of a school board may designate a substitute from among the school board’s management staff.”

189. For the first school council elected under Division III of Chapter V of the Education Act, as amended by this Act,

(1) section 147 of that Act, as replaced by section 40, is to be read as if “1 March preceding the end of the school council members’ term of office” in the fourth paragraph were replaced by “15 April 2016”;

(2) section 148 of that Act, as replaced by section 40, is to be read as if “1 and 15 November preceding the end of the school council members’ term of office” and “on 30 September” in the first paragraph were replaced by “1 and 15 May 2016” and “on 15 April”, respectively;

(3) sections 150, 153, 153.1, 153.2, 153.3, 153.6, 153.13 and 153.14 of that Act, as replaced by section 40, are to be read as if “preceding the end of the school council members’ term of office” were replaced by “2016”.

190. The first school council established under Division III of Chapter V of the Education Act, as amended by this Act, may amend the budget adopted by the provisional school council, except that the tax rate set under section 308.1 of that Act, enacted by section 94, for the 2016–2017 school year may not be amended and any terms and conditions determined under section 279 of the Education Act must be complied with. Section 278 of that Act does not apply to a budgetary amendment made under this section.

191. From (*insert the date of coming into force of section 90 of this Act*), an immovable owned by a natural person to whom section 304 of the Education Act does not apply and who is entered on the most recent list of electors of a school board that has jurisdiction over the territory where the immovable is situated or who, until that date, exercised the voting option referred to in section 18 of the Act respecting school elections (chapter E-2.3) as it read before being repealed by section 146, or was presumed to have exercised such an option under the third paragraph of section 15 or section 18.1 of the Act respecting school elections before it was repealed, is taxable exclusively by that school board. The owner may, at any time from that date, make an election

under section 306 of the Education Act, as amended by section 91, provided the owner complies with the applicable conditions.

192. Any increase in the remuneration of a school board commissioner on or after (*insert the date of introduction of this bill*) is null, and any additional remuneration paid in relation to that increase must be repaid by the commissioner concerned, failing which the school board must recover it.

The same applies with regard to any indemnity, bonus or other monetary benefit granted to a commissioner because of the revocation of the commissioner's term of office under section 182 or a departure after (*insert the date of introduction of this bill*).

193. A dismissal or removal from office of the director general of a school board between (*insert the date of introduction of this bill*) and (*insert the date of coming into force of this section*) is deemed to be a suspension with pay. If a new director general is hired to replace a director general so dismissed or removed from office, the new director general's employment contract ends on (*insert the date of coming into force of this section*).

The deemed suspension of a director general must be reassessed by the provisional school council on or before (*insert the date that is 30 days after the date of coming into force of this section*).

194. The amendments made by sections 172 and 173 to the Regulation respecting certain conditions of employment of senior executives of school boards made by a ministerial order dated 18 November 2004 (2004, G.O. 2, 3529), as amended, do not apply to the employment contract of a director general of a school board as it reads on (*insert the date of coming into force of this section*). That director general's contract is continued until it expires even if its term is different than the term determined by the sections so amended.

The director general is however subject to the evaluation process set out in section 199.1 of the Education Act, enacted by section 67. Moreover, the director general's renewal, suspension, dismissal or removal from office, as applicable, is subject to the process set out in sections 199.1, 200 and 200.1 of the Education Act, enacted by sections 67 and 68.

195. From (*insert the date of coming into force of this section*), the school boards' strategic plans, the partnership agreements, the management and educational success agreements, the schools' educational projects, the centres' policies and objectives determined under section 109 of the Education Act and the schools' and centres' success plans approved, established or entered into in accordance with the Education Act are extended until 30 June 2017, with the necessary modifications. Despite any provision to the contrary in that Act, those plans, agreements, projects, policies and objectives need not be updated, renewed or entered into again until 30 June 2017.

However, any measure in a management and educational success agreement concerning a school's surpluses that, under section 96.24 of the Education Act, are to be added to its appropriations for the following fiscal year and the requirement that this agreement be reflected when applying section 275 of that Act lapse on the coming into force of the amendments made to those sections of the Education Act by sections 25 and 89.

196. A school board's first commitment-to-success plan must be prepared so as to take effect on 1 July 2017.

A school's or centre's first educational project after that date must be prepared so as to take effect not later than 1 July 2018.

For the establishment and adoption of the first commitment-to-success plans and educational projects, the Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives and targets they must take into account in preparing their commitment-to-success plan.

The Minister may also, 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, including the date the commitment-to-success plans must be sent to the Minister to allow them to take effect on 1 July 2017.

The Minister may, in addition, on receiving a school board's commitment-to-success plan, require the school board to defer publication of the plan or to amend it to make it consistent with the expectations communicated under the third paragraph.

197. Despite any provision to the contrary, a school board's provisional school council may, not later than (*insert the date that is 135 days after the date of assent to this Act*), cancel any contract the school board entered into between (*insert the date of introduction of this bill*) and (*insert the date that is 15 days after the date of assent to this Act*) if it is of the opinion that the subject or terms of the contract are unreasonable. A cancellation notice must be sent to the other party. The cancellation takes effect on the date the notice is received.

No other sum, compensation or indemnity for lost profits may be claimed by the other party, except the expenses, disbursements and amounts representing the value of the services rendered or the property delivered, as applicable, up to the cancellation date.

198. To ensure the smooth operation of a school board until the first school council established under Division III of Chapter V of the Education Act, as amended by this Act, takes office, the Minister may suspend all or some of the functions or powers of a council of commissioners or a provisional school council until the first school council takes office, and may designate the director

general of the school board or appoint an administrator to exercise those functions and powers.

The director general or administrator, as applicable, may, subject to the rights of third parties in good faith, cancel any decision made by the council of commissioners or the provisional school council under the suspended powers.

The director general or the administrator so designated or appointed may not be prosecuted for acts done in good faith in the exercise of functions of office.

199. The Government may, by regulation and before (*insert the date that is 18 months after the date of assent to this Act*), take any measure necessary or useful for carrying out this Act or fully achieving its purpose.

Such a regulation may, if it so provides, apply as of any date not prior to (*insert the date of assent to this Act*) and is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).

200. The first regulation made under each of sections 455.2 and 457.7 of the Education Act, enacted by sections 111 and 112, is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act.

201. Despite the coming into force of sections 135, 139, 141 to 158, 161 and 162, the provisions amended or repealed by those sections continue to apply, as they read before (*insert the date of coming into force of this section*), so that their purpose with regard to facts that occurred before that date can be fully achieved, in particular as concerns any obligation relating to financing and the control of election expenses, penal or other sanctions, incapacity or disqualification arising from an offence under the Act respecting school elections committed before that date, and any communication of information required for a verification, examination or inquiry regarding compliance with that Act.

In addition, the requirements under section 282 of the Act respecting school elections that relate to the confidentiality of information are maintained despite the repealing of that Act.

202. Not later than (*insert the date that is three years after the date of assent to this Act*), the Minister must report to the Government on the implementation of the provisions of the Education Act that are enacted or amended by this Act. The report must be made public in the department's annual report.

203. This Act comes into force on 1 July 2016, except

(1) sections 184 and 198, which come into force on (*insert the date of assent to this Act*);

(2) sections 2, 7, 8, 29 and 37 to 50, paragraph 1 of section 51, sections 52 to 56, paragraph 1 of section 57, section 58, paragraphs 1 and 4 of section 63, section 64, except paragraph 2 of that section to the extent that it concerns follow-up on the school board's commitment-to-success plan, sections 66 to 72, 75, 76 and 80, paragraph 3 of section 81, sections 86, 88, 90 to 96, 99 to 108, 110 and 111, section 112 to the extent that it enacts sections 457.6 and 457.7 of the Education Act, section 116 to the extent that it enacts section 459.6 of the Education Act, sections 120 to 162, 167 to 176, section 177 except as concerns the replacement of "advisory committee on management", and sections 179, 181 to 183, 185 to 195, 197 and 199 to 202, which come into force on *(insert the date that is 15 days after the date of assent to this Act)*;

(3) sections 97 and 98, which come into force on 1 January 2017;

(4) section 116 to the extent that it enacts section 459.5 of the Education Act, which comes into force on *(insert the date that is one year after the date of assent to this Act)*;

(5) sections 4, 5, 12, 13, 15 and 19, paragraph 1 of section 23, section 26, paragraph 1 of section 27, sections 28, 30, 31 and 35, paragraph 1 of section 36, section 61, paragraph 2 of section 63, paragraph 2 of section 64 to the extent that it concerns follow-up on the school board's commitment-to-success plan, section 73, section 74 to the extent that it enacts the second paragraph of section 211.1 of the Education Act, sections 78, 79, 82, 83 and 113 to 115, and section 180 to the extent that it replaces "action plan", which come into force on 1 July 2017.

