

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

A. 1000-72

AMENDMENT:

Replace proposed section 143 by:

“143. A French-language school service centre shall be administered by a board of directors composed of 15 members, as follows:

(1) five parent representatives who are parents of students attending an institution under the school service centre’s jurisdiction, who are members of the parents’ committee, who are not members of the school service centre’s staff and each of whom represents a district;

(2) five members of the school service centre’s staff, including one teacher, one non-teaching professional staff member, one support staff member, one principal of an educational institution and one member of the executive staff;

(3) five community representatives who are domiciled in the school service centre’s territory and who are not members of the school service centre’s staff, that is,

(a) one person with expertise in governance, in ethics, in risk management or in human resources management;

(b) one person with expertise in finance or accounting or in financial or physical resources management;

(c) one person from the community, sport or cultural sector;

(d) one person from the municipal, health, social services or business sector; and

(e) one person aged 18 to 35.

The members are designated in accordance with this Act and the regulation made under section 455.2.

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

Adapt

AMENDMENT:

In the first paragraph of proposed section 143.1:

1. In subparagraph 2:
 - (a) Replace “four” and “reside” in the introductory clause by “between 4 and 13” and “are domiciled”, respectively;
 - (b) Add “at least” at the beginning of subparagraphs *a*, *b*, *c* and *d*.
2. Strike out “, respectively designated by their peers” in subparagraph 3.

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

In proposed section 143.3:

1. Strike out "elected or" in the first paragraph.
2. Replace the second paragraph by:

Designation processes shall be held in two of every three years to allow two or three members of each category to be designated each time.

3. Replace the first sentence of the third paragraph by: "The members designated shall take office on 1 July following their designation, except those referred to in subparagraph 3 of the first paragraph of section 143, who shall take office as and when they are designated."

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace “no longer sits on a governing board” in proposed section 143.4 by “is no longer a member of the parents’ committee”.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace the heading of proposed subdivision 1.1 and proposed section 143.6 by:

*“§1.1. — Process for designating parent representatives to French-language
school service centres’ boards of directors*

“143.6. The parent representatives referred to in subparagraph 1 of the first
paragraph of section 143 shall be designated by the parents’ committee, in
accordance with the regulation made under section 455.2.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.7 by:

“**143.7.** The French-language school service centre’s director general must ensure that the parent representatives to the board of directors are designated within the required time.

The director general must see to the application of the rules prescribed by this Act and by the regulation made under section 455.2.

A. Clark
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.8 by:

“**143.8.** The school service centre’s director general shall divide the school service centre’s territory into five districts, in accordance with the criteria and terms determined by the regulation made under section 455.2.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.9 by:

“**143.9.** The school service centre’s director general shall send the Minister a report indicating the names of the persons designated to sit on the school service centre’s board of directors as parent representatives and shall publish it on the school service centre’s website.

Adopté
77

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.10 by:

“§1.2. — Process for designating school service centre staff representatives

“143.10. The school service centre staff members referred to in subparagraph 2 of the first paragraph of section 143 shall be designated by their peers, in accordance with the regulation made under section 455.2.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.11 by:

“143.11. The school service centre’s director general must ensure that the staff representatives to the board of directors as well as their substitutes are designated within the required time.

The director general must see to the application of the rules prescribed by this Act and by the regulation made under section 455.2.

Scott

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.12 by:

“143.12. The school service centre’s director general shall send the Minister a report indicating the names of the persons designated to sit on the school service centre’s board of directors as staff representatives and the names of their substitutes and shall publish it on the school service centre’s website.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.13 by:

“§1.3. — Process for designating community representatives to French-language school service centres’ boards of directors

“143.13. The community representatives referred to in subparagraph 3 of the first paragraph of section 143 shall be designated by the members referred to in subparagraphs 1 and 2 of the first paragraph of that section, in accordance with the regulation made under section 455.2.

Adopter
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.14 by:

“143.14. The school service centre’s director general must ensure that the community representatives to the board of directors are designated within the required time.

The director general must see to the application of the rules prescribed by this Act and by the regulation made under section 455.2.

Adopted
7

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Replace proposed section 143.15 by:

“143.15. The school service centre’s director general shall send the Minister a report indicating the names of the persons designated as community representatives on the school service centre’s board of directors and shall publish it on the school service centre’s website.”

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72*

HAM 15
s. 49 (subdiv. 1.2, ss. 143.16–143.18)

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 49

AMENDMENT:

Withdraw proposed subdivision 1.2, comprising sections 143.16 to 143.18.

Adapt
6

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 69

AMENDMENT:

In the second paragraph of proposed section 175.6:

1. Replace “of a governing board” in subparagraph 1 by “of the parents’ committee”.

2. Replace subparagraph 2 by:

(2) in the case of a community representative, the fact that the representative establishes his or her domicile outside the school service centre’s territory or that the representative no longer meets the profile for the seat to which he or she was designated.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 69

AMENDMENT:

Replace proposed section 175.10 by:

“175.10. A vacancy in a parent representative seat on a school service centre’s board of directors is filled, for the unexpired portion of the term, by following the prescribed procedure for designating the member to be replaced.

“175.10.1. A vacancy in a community representative seat on a school service centre’s board of directors is filled, for the unexpired portion of the term, by all the members of the school service centre’s board of directors designating a person who has the required qualifications and meets the conditions required to fill the seat.

Adante
7

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 70

AMENDMENT:

Replace paragraph 2 by:

(2) by replacing “members of the council of commissioners”, “the council of commissioners” and “the school board is deemed” in the third paragraph by “members of an English-language school service centre’s board of directors sitting as parent representatives or community representatives”, “an English-language school service centre’s board of directors” and “an English-language school service centre is deemed”, respectively.

A. Carter
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 76.1

AMENDMENT:

Insert after section 76:

76.1. Section 184 of the Act is amended

(1) by replacing “Every school board that divides its territory into administrative regions may, for the same purposes, replace” and “of the school board” in the first paragraph by “Every school service centre may replace” and “of the school service centre”, respectively;

(2) by replacing “The school board” in the second paragraph by “The school service centre”.

A. Cantor
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 80.1

AMENDMENT:

Insert after section 80:

80.1. Section 191 of the Act is amended

(1) by replacing “Every school board that divides its territory into administrative regions may, for the same purposes, replace” in the first paragraph by “Every school service centre may replace”;

(2) by replacing “The school board” in the third paragraph by “The school service centre”.

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 81

AMENDMENT:

In proposed section 192:

1. Replace paragraph 6 by:

(6) to develop, with the school service centre's support, a policy on financial contributions and propose the policy to the school service centre for adoption; and

2. Insert “, on any matter likely to ensure the best possible operation of the school service centre” after “schools” in paragraph 7.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 90

AMENDMENT:

Insert after the first paragraph proposed by paragraph 2:

The director general shall also see to the establishment of such relations as are conducive to the implementation of partnerships with the municipalities for the benefit of communities and more specifically, in this regard, to compliance with section 211 and subparagraph 4 of the first paragraph of section 266. To that end, he shall meet, at least twice per year, with the representatives of the following municipalities whose territory is situated entirely or partially within the school service centre's territory:

- (1) the regional county municipalities;
- (2) the local municipalities whose territory is not situated within the territory of a regional county municipality or within that of an urban agglomeration referred to in subparagraph 3; and
- (3) the central municipality of the urban agglomerations of Îles-de-la-Madeleine, La Tuque, Longueuil, Montréal and Québec.

Adopté
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 113

AMENDMENT:

Replace “agree to the” in paragraph 2 by “grant a”.

Adopted
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 114

AMENDMENT:

Replace proposed sections 272.2 to 272.7 in section 114 by:

“**272.2.** A school service centre may, in accordance with sections 272.3 to 272.13, require a local municipality to transfer an immovable to it, by gratuitous title, for the purpose of building or enlarging a school or centre.

It may not, however, require that there be a building on the immovable concerned.

“**272.3.** Each school year, the school service centre shall send the local municipalities and regional county municipalities whose territory is situated entirely or partially within its own a forecast of its space requirements compliant with the regulation of the Minister.

On receiving the forecast, the municipalities shall send the school service centre any information relating to their development that is likely to influence the school service centre's space requirement forecast. The regional county municipalities must also send the school service centre any relevant information relating to school infrastructure planning that is entered on their land use and development plans.

For the purposes of this section and sections 272.5 and 272.10, the powers and responsibilities conferred on a regional county municipality or its council are, in the case of the urban agglomerations of Îles-de-la-Madeleine, La Tuque, Longueuil, Montréal and Québec, exercised by the central municipality or its urban agglomeration council, respectively.

“**272.4.** After revising its forecast if need be, the school service centre shall determine its needs in terms of immovables to be acquired for the purpose of building or enlarging a school or centre and, where applicable, it shall establish a draft space requirement plan.

The draft space requirement plan must delimit the sector within which any immovable to be acquired must be situated and describe the required characteristics of the immovable, including its minimum area. The characteristics must at least include those prescribed by government regulation.

“272.5. The school service centre shall send its draft space requirement plan to each local municipality whose territory includes, in whole or in part, the sector delimited by the draft plan. It shall also send it to any local municipality a portion of whose territory is likely to be served by the proposed school or centre as well as to each regional county municipality in whose territory a local municipality referred to in this section is situated.

The council of a local municipality or regional county municipality must send the school service centre an opinion on the draft space requirement plan within 45 days after receiving it.

“272.6. At the expiry of the 45-day period, the school service centre shall adopt the space requirement plan, with or without amendments, and send it to each local municipality and each regional county municipality whose territory includes, in whole or in part, the sector delimited by the plan. If applicable, the school service centre shall indicate the amendments that were made to the plan to take into account any opinion received from a municipal council.

“272.7. The council of a local municipality referred to in section 272.6 must approve or refuse the school service centre’s space requirement plan within 45 days after receiving it. A copy of the resolution must be sent by the municipality to the school service centre and to the regional county municipality whose territory includes that of the municipality.

If the council fails to approve or refuse the plan within that period, the plan is deemed to have been approved.

“272.8. Once the space requirement plan has been approved or refused by the municipalities, the school service centre shall submit it to the Minister for approval. To that end, the school service centre shall inform the Minister of whether the plan was approved or refused by the municipalities and, if it was refused, the reasons for the refusal. It shall also send the Minister the opinions received from the municipalities with respect to the draft plan and indicate, if applicable, the amendments made to the plan to take those opinions into account.

The Minister may require that the school service centre amend its plan and order that the local municipalities referred to in section 272.6 be consulted on such amendments.

2/7

The Minister shall approve the plan after consulting with the Minister of Municipal Affairs, Regions and Land Occupancy and any other minister concerned.

“272.9. The school service centre’s space requirement plan takes effect on the date it is approved by the Minister.

The school service centre shall, as soon as possible, notify the local municipalities and the regional county municipalities referred to in section 272.6 of the date on which the plan takes effect and send them a copy of it.

“272.10. If the sector identified in the school service centre’s space requirement plan is included in the territory of only one local municipality, that municipality must, within two years after the plan takes effect, transfer to the school service centre an immovable that is situated in that sector and that meets the characteristics set out in the plan.

Subject to the third paragraph, if the sector delimited in the space requirement plan is situated within the territory of two or more local municipalities, those municipalities must determine together which of them must transfer an immovable and the choice must be approved by the council of each municipality.

If all the municipalities referred to in the second paragraph are situated in the territory of the same regional county municipality, the latter’s council shall determine which municipality must transfer an immovable.

The school service centre and the municipality that is required to transfer an immovable may, in accordance with the regulation made under section 452.1, agree on a time limit other than the one prescribed in the first paragraph and on the transfer of an immovable that is not situated in the sector delimited in the plan.

They may also, with the Minister’s approval, agree on the transfer of an immovable that does not meet the characteristics set out in the school service centre’s space requirement plan. The Minister shall approve the transfer after consulting with the Minister of Municipal Affairs, Regions and Land Occupancy and any other minister concerned.

“272.11. The school service centre may refuse the transfer of an immovable on which there is a building. Such a refusal does not terminate the municipality’s obligation to transfer an immovable.

If the school service centre accepts the transfer of an immovable that includes a building, it must pay to the municipality the market value of the building established by a chartered appraiser mandated by the school service centre.

317

“272.12. If the local municipality has not transferred an immovable to the school service centre on the expiry of the time limit prescribed in the first paragraph of section 272.10, the school service centre may itself acquire an immovable situated in the territory of that municipality in the sector delimited in the space requirement plan at that municipality’s expense. However, if no local municipality has been designated in accordance with the second or third paragraph of section 272.10, the immovable may be acquired in the territory of any of the municipalities referred to in those paragraphs.

The municipality in whose territory the immovable is situated must reimburse the amount corresponding to the cost of acquiring the land to the school service centre.

The other conditions and procedures governing the acquisition of an immovable by a school service centre or the reimbursement by a local municipality of the cost of acquiring the immovable are prescribed by a government regulation made under section 452.1.

An immovable acquired under this section is deemed to be usable for its intended purpose.

“272.13. Despite sections 272.3 to 272.11, the Minister may, following the loss or deterioration, by superior force, of an immovable or building or for serious health or safety reasons, order that section 272.2 is to apply according to the conditions and procedures that the Minister determines.

If the municipality fails to transfer an immovable, section 272.12 applies, with the necessary modifications.

“272.14. If warranted by the circumstances, the Minister may cancel the obligation to transfer an immovable.

“272.15. The school service centre to which a local municipality has transferred an immovable or reimbursed the cost of acquiring land must, if it decides to divest itself of that immovable, offer the local municipality to acquire the immovable by gratuitous title.

“272.16. A local municipality that has incurred expenses to comply with its obligations under section 272.2 may require a financial contribution from another local municipality if the school or centre established is intended to serve students from the territory of that other local municipality.

If a municipality has transferred to a school service centre an immovable that the municipality did not need to acquire in order to fulfill its obligation under

4/7

section 272.10, the value of the municipal assessment of the transferred immovable is considered to be an expense incurred by the municipality.

The expenses incurred by a municipality are reduced by any payment received from a school service centre under the second paragraph of section 272.11.

The amount of the financial contribution is set by agreement, taking into account such things as the distribution of students by their municipalities of origin. The school service centre concerned shall, on request, provide the municipalities with data on the municipalities of origin of the students served by the school or centre as well as any other data that it holds which could be useful for the purpose of entering into the agreement.

If the municipality requires a contribution from two or more municipalities, a single agreement must be entered into by all the municipalities concerned. The amount of the contribution may vary between municipalities.

If the municipalities are unable to enter into an agreement setting the amount of the contribution, the municipality that incurred the expenses may ask the Minister of Municipal Affairs, Regions and Land Occupancy to mandate the Commission municipale du Québec to conduct a study on the contribution to be paid by each municipality concerned. Sections 24.7 to 24.15 of the Act respecting the Commission municipale (chapter C-35) apply, with the necessary modifications.

“272.17. A local municipality may exercise a pre-emptive right with respect to any immovable in its territory that it is likely to acquire with a view to transferring the immovable to a school service centre to comply with its obligations under section 272.12, excluding immovables owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The local municipality's pre-emptive right may only be exercised to acquire an immovable for which a notice of the municipality's pre-emptive right has been registered. It is exercised by preference over any other holder of such a right in the immovable, subject to section 56 of the Cultural Heritage Act (chapter P-9.002) and section 68.3 of the Act respecting the Société d'habitation du Québec (chapter S-8).

“272.18. The notice of the municipality's pre-emptive right must identify the immovable concerned and describe the purpose for which it may be acquired.

5/7

The notice must be notified to the owner of the immovable and takes effect on being registered in the land register. It is valid for a period of 10 years from the registration date.

“272.19. The owner of an immovable for which a notice of the municipality’s pre-emptive right has been issued may not, on pain of nullity, alienate the immovable for the benefit of a person other than a person to whom the owner is related within the meaning of the Taxation Act (chapter I-3) if the owner has not notified to the municipality a notice of intention to alienate the immovable.

The owner’s notice must state the price of the proposed alienation, the conditions to which it is subject, and the name of the person who intends to acquire the immovable. If the immovable is alienated, in whole or in part, for a non-monetary consideration, the notice must include a reliable and objective estimate of the value of that consideration.

“272.20. The municipality may, not later than 90 days following notification of the notice of intention to alienate, notify a notice to the owner of its intention to exercise its pre-emptive right and to acquire the immovable at the price and on the conditions stated in the notice of intention to alienate, subject to any modifications subsequently agreed on with the owner. If the notice of intention to alienate contains an estimate of the value of a non-monetary consideration, the price must be increased by an equal amount.

The municipality may, during that period, require from the owner any information allowing it to assess the condition of the immovable. It may also, after giving 48 hours’ prior notice, access the immovable to conduct, at its own expense, any study or analysis it considers useful.

If the municipality does not notify the notice provided for in the first paragraph to the owner within the 90-day period, it is deemed to have waived its pre-emptive right.

If the municipality decides not to exercise its pre-emptive right and the proposed alienation occurs, it shall have the notice of its pre-emptive right removed from the land register.

“272.21. If the municipality exercises its pre-emptive right, it must pay the price of the immovable within 60 days after notifying the notice of its intention to acquire the immovable. If the municipality cannot pay the amount to the owner, it may deposit it, on the owner’s behalf, at the office of the Superior Court.

Sections 53.15 to 53.17 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

In the absence of a notarial contract, the municipality becomes the owner of the immovable by registering a notice of transfer of ownership in the land register; the notice must include a description of the immovable, the price and conditions of its acquisition, and the date on which the municipality will take possession of the immovable.

The notice of transfer must be served on the owner at least 30 days before it is registered in the land register.

To be registered, the notice must be accompanied by documents confirming that the price has been paid to the owner or deposited at the office of the Superior Court and proof that the notice has been served on the owner.

The school service centre may exercise the pre-emptive right registered by a municipality in the land register, to the extent and on the conditions determined by government regulation.

“272.22. If the municipality exercises its pre-emptive right, it must compensate the person who intended to acquire the immovable for reasonable expenses incurred during negotiation of the price and conditions of the proposed alienation.”

7/7

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 123

AMENDMENT:

1. Replace paragraph 1 by:

(1) by replacing “list of electors of another school board” in the last paragraph by “list of electors of the English-language school service centre having jurisdiction over the territory where the immovable is situated”;

2. Insert after paragraph 1:

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

“An owner referred to in the first paragraph who has not made an election in accordance with the second paragraph is presumed to have elected to pay the school tax to the French-language school service centre in the territory where the owner’s immovable is situated.”;

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12

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 125

AMENDMENT:

Replace “« centre de services scolaire »” in paragraph 2 in the French text by “« un centre de services scolaire »”.

Adopté
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 131.1

AMENDMENT:

Insert after section 131:

131.1. The Act is amended by inserting the following section after section 452:

“452.1. The Government may, by regulation, determine any conditions or procedures other than those provided for in sections 272.3 to 272.15, for the purposes of section 272.2.

The regulation may prescribe or provide for, in particular,

(1) the information that the school service centre and the municipalities concerned must exchange, at specified intervals and within specified time limits;

(2) the authorizations that the school service centre must obtain from the Minister;

(3) the conditions and procedures allowing a school service centre and a local municipality to agree on a time limit other than the one prescribed in the first paragraph of section 272.10 or on the transfer of an immovable that is not situated in the sector delimited in the school service centre's space requirement plan;

(4) the school service centre's powers, including exercising the pre-emptive right registered in the land register by the municipality, and the financial obligations incumbent on the municipality when it fails to transfer an immovable within the prescribed time limit;

(5) the characteristics that an immovable acquired by a school service centre for the purpose of building or enlarging a school or centre must have; and

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(6) the conditions and procedures governing the acquisition of an immovable by a school service centre under section 272.12 and for the determination and reimbursement of amounts owing to the school service centre by the local municipality following the application of that section as well as, failing payment by the local municipality, the terms for payment of the amounts owing to the school service centre, the interest payable by the local municipality and the possibility for the Government to offset those amounts against any amount owing to the local municipality by the Government or a government department or body.”

2/2

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 132

AMENDMENT:

Replace by:

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

“**455.2.** The Government may, by regulation, determine the terms, conditions and standards for designating the members of a French-language school service centre’s board of directors and for designating the members of an English-language school service centre’s board of directors referred to in subparagraph 3 of the first paragraph of section 143.1.

The Government may, in particular, prescribe

(1) the criteria and terms applicable to the division of a French-language school service centre’s territory into districts;

(2) the time limits and terms applicable to the process for designating members of a school service centre’s board of directors as well as the conditions they must satisfy.

The regulation may establish standards that vary according to the categories of members on school service centres’ boards of directors. It may also allow certain designation terms to be determined by the persons responsible for designating a category of members.”

Adopté
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 134

AMENDMENT:

Insert after proposed section 457.7:

“457.7.1. The Minister may, by regulation, determine the standards and procedures applicable to a school service centre’s space requirement forecast provided for in section 272.3.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 134

AMENDMENT:

Strike out subparagraph 7 of the second paragraph of proposed section 457.8.

Adopted

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 136

AMENDMENT:

Insert “, partout où ceci se trouve,” after “remplacement” in paragraph 1 in the French text.

A. J. D. R.

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 137

AMENDMENT:

1. Replace “the following section” in the introductory clause by “the following sections”.
2. Add after proposed section 459.5.4:

“459.5.5. At the request of a local municipality or on the Minister’s own initiative, the Minister may require that a school service centre report to him, within the time he indicates, on the means implemented by the school service centre to encourage the use of its immovables by the municipality, in accordance with section 266. The Minister may, after receiving the report, make recommendations to the school service centre and the municipality or order that the municipality be given access to the school service centre’s facilities, on the conditions he determines.”

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 143

AMENDMENT:

Replace subparagraph *b* of paragraph 1 by:

- (*b*) by replacing subparagraph 2 by the following subparagraph:
“(2) four preschool-, elementary- or secondary-level teachers;”;

Adopted
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 160.1

AMENDMENT:

Insert after section 160:

160.1. Section 117.15 of the Act is amended by adding the following paragraph at the end:

“Despite the first and third paragraphs, a municipality may, to comply with its obligations under sections 272.10 and 272.12 of the Education Act (chapter I-13.3),

(1) transfer any land referred to in the first paragraph to a school service centre; and

(2) use the amounts paid into the special fund provided for in the second paragraph to acquire an immovable with a view to transferring it to a school service centre or to pay the amount owing to the school service centre that has acquired an immovable in its place.”



Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 160.2

AMENDMENT:

Insert after section 160.1:

160.2. The Act is amended by inserting the following section after section 117.16:

“117.16.1. A municipality may use the regulatory powers provided for in this division to obtain land or amounts to enable it to comply with its obligations under sections 272.10 and 272.12 of the Education Act (chapter I-13.3). When a municipality uses those powers for such a purpose, sections 117.1 to 117.16 apply, with the necessary modifications and subject to the following:

(1) despite section 117.4, the municipality may in all cases require the transfer of land whose area exceeds 10% of the area of the site, but must then pay the owner an amount equivalent to the value of the portion of land that exceeds that percentage, calculated in accordance with section 117.6;

(2) except in the case provided for in subparagraph 1, if, with respect to the same site, the municipality requires the transfer of land or the payment of an amount under this section and section 117.1, the total contribution required from the owner may not exceed the limits provided for in section 117.4; and

(3) transferred land and amounts paid into the special fund referred to in the second paragraph of section 117.15 must be used only for the purposes set out in the fourth paragraph of that section.

If it appears that land or amounts cannot be used for the purposes set out in the first paragraph, the municipality may use them in accordance with the first and third paragraphs of section 117.15.”

Adopted
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 168.1

AMENDMENT:

Insert after section 168:

CITIES AND TOWNS ACT

168.1. The Cities and Towns Act (chapter C-19) is amended by inserting the following section after section 556:

“**556.1.**A loan by-law relating to any of the following objects requires only the approval of the Minister:

(1) the acquisition of an immovable for the purpose of transferring it to a school service centre in accordance with section 272.10 of the Education Act (chapter I-13.3) as well as the work done on the immovable before the transfer; or

(2) the payment of the amount owing to a school service centre under section 272.12 of that Act.”



Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 168.2

AMENDMENT:

Insert after section 168.1:

168.2. Section 570 of the Act is amended by adding the following subparagraph after subparagraph *c* of the first paragraph:

“(d) expropriate any immovable property or part thereof that it intends to transfer to a school service centre under section 272.2 of the Education Act (chapter I-13.3).”

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 172.1

AMENDMENT:

Insert after section 172:

MUNICIPAL CODE OF QUÉBEC

172.1. The Municipal Code of Québec (chapter C-27.1) is amended by inserting the following article after article 1061:

“1061.0.1. A loan by-law relating to any of the following objects requires only the approval of the Minister:

(1) the acquisition of an immovable for the purpose of transferring it to a school service centre in accordance with section 272.10 of the Education Act (chapter I-13.3) as well as the work done on the immovable before the transfer; or

(2) the payment of the amount owing to a school service centre under section 272.12 of that Act.”

Adopté
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 172.2

AMENDMENT:

Insert after section 172.1:

172.2. Article 1097 of the Code is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) expropriate any immovable or part of an immovable that it intends to transfer to a school service centre under section 272.2 of the Education Act (chapter I-13.3).”

A. Darte
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 176

AMENDMENT:

Replace “, the school boards and the Comité de gestion de la taxe scolaire de l’île de Montréal” in proposed paragraph 1 by “and the school boards”.



Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 184

AMENDMENT:

Replace by:

184. Section 4 of the Act is amended, in the first paragraph,

(1) by replacing “the commissioners” and “qualified to be commissioners” in the first paragraph by “the parent representatives and community representatives who are to sit on the English-language school service centre’s board of directors” and “who have the required qualifications to be eligible”, respectively;

(2) by adding the following sentence at the end: “The persons appointed are deemed to have been elected and declared elected on the day of their appointment and take office on the same day.”.

Adopted
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 192

AMENDMENT:

Add the following paragraph at the end:

- (3) by striking out both occurrences of “who have the right to vote”.

A. Carter
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 196.1

AMENDMENT:

Insert after section 196:

196.1. The Act is amended by inserting the following after section 10.3:

“CHAPTER III.0.1

**“ATTRIBUTION OF EXPERTISE PROFILES FOR THE PURPOSE OF
ELECTING COMMUNITY REPRESENTATIVES**

“11.0.1. The number of community representative seats shall vary from 4 to 13 according to the number of electoral divisions established in the school service centre’s territory in accordance with sections 6 and 7, minus the number of staff representative seats on the board of directors of the English-language school service centre under subparagraph 3 of the first paragraph of section 143.1 of the Education Act (chapter I-13.3).

“11.0.2. The profiles shall be attributed to the community representative seats in the order in which they are set out in subparagraph 2 of the first paragraph of section 143 of the Education Act (chapter I-13.3). If the number of community representative seats is greater than four, the profiles shall be attributed to the additional seats according to the same order, and this is repeated until a profile has been attributed to each of the seats.”

Adapté
12

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 200.1

AMENDMENT:

Insert after section 200:

200.1. Section 17 of the Act is amended by replacing “a school board” in the second paragraph by “a school service centre”.

Adapt

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 203

AMENDMENT:

Strike out paragraph 5 of proposed section 20.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 203

AMENDMENT:

Strike out paragraph 3 of proposed section 20.1.



Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 203.1

AMENDMENT:

Insert after section 203:

203.1. Section 21 of the Act is amended

(1) in the first paragraph,

(a) by replacing “school commissioner” in the introductory clause by “elected member of an English-language school service centre’s board of directors”;

(b) by inserting the following subparagraph after subparagraph 2:

“(2.1) municipal council members,”;

(c) by replacing “of the school board” in subparagraphs 4 and 4.1 by “of the English-language school service centre”;

(2) by replacing “school commissioner of any school board” in the last paragraph by “elected member of an English-language school service centre’s board of directors”.

Adopted
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 209

AMENDMENT:

Replace paragraph 1 by:

- (1) by replacing “the division for which” by “the seat for which”.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 211

AMENDMENT:

Replace by:

211. Section 72 of the Act is amended, in the first paragraph,

(1) by inserting “, in the case of a candidate for a parent representative seat,” after “knowledge”;

(2) by replacing “the office of chair, electors from the territory of the school board” in the first paragraph by “a community representative seat, they are electors from the English-language school service centre’s territory”.

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 212

AMENDMENT:

Replace by:

212. Section 74 of the Act is amended by replacing “one school board or for more than one electoral division of a school board” by “one English-language school service centre or for more than one seat on its board of directors”.

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72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 214

AMENDMENT:

Replace “four community representative profiles” by “community representative seats”.

Adopted

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 215

AMENDMENT:

Replace by:

215. Section 102 of the Act is amended,

(1) in the first paragraph,

(a) by replacing “of the school board” in subparagraph 3 by “of the English-language school service centre”;

(b) by replacing “the election of the chair, a mention of the office of chair” in subparagraph 4 by “a community representative seat, an indication of the profile concerned”;

(2) by replacing “concerned” in the second paragraph by “or profile concerned”.

Adopté
TR

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 216

AMENDMENT:

Replace “profiles” in proposed section 116 by “seats”.

Adopted

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 218

AMENDMENT:

Replace by:

218. Section 156 of the Act is amended

(1) by replacing “office of chair” in the second paragraph by
“community representative seat concerned”;

(2) by replacing “and third” in the third paragraph by “, third and
fourth”.

A. Darte
7

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 222

AMENDMENT:

Insert "elected" before "member" in paragraph 1.

Adopted
77

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 228

AMENDMENT:

Replace paragraph 5 by:

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

“However, the term of an elected member of an English-language school service centre’s board of directors does not end,

(1) in the case of a parent representative, because the representative’s child ceases to attend an institution that comes under the school service centre’s jurisdiction or the representative ceases to be a member of a governing board; or

(2) in the case of a community representative, because the representative establishes his domicile outside the school service centre’s territory or no longer meets the profile for the seat to which he was elected.”

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 230

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “a commissioner who ceases after his election to meet the requirements for election set forth in section 20” in the first paragraph by “an elected member of an English-language school service centre’s board of directors who, after being elected, ceases to meet the eligibility requirements set forth in section 20 or 20.1, as applicable,”;

Adapté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 231

AMENDMENT:

1. Replace "to be a board member" in paragraph 1 by "to fill that seat".
2. Add the following paragraph at the end:

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

"The person thus appointed is deemed to have been elected and is declared elected on the day of his appointment and takes office on that same day."

Scott
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 232

AMENDMENT:

Add the following paragraph at the end:

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

“Despite section 160, the member elected to an English-language school service centre’s board of directors in a by-election shall take office on the date of the declaration of election.”

Adopted
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 233.1

AMENDMENT:

Insert after section 233:

233.1. Section 200.2 of the Act is amended

(1) by replacing “of the school board” in the first paragraph by “of the English-language school service centre”;

(2) by replacing “are declared elected on the day of their appointment” in the third paragraph by “declared elected on the day of their appointment and take office on the same day”.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 234

AMENDMENT:

Replace by:

234. Section 203.1 of the Act is amended

(1) by replacing “a member of the council of commissioners of a school board” in the first paragraph by “an elected member of an English-language school service centre’s board of directors”;

(2) by replacing “eight” in the third paragraph by “six”.

Adopté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 247

AMENDMENT:

Replace paragraph 2 by:

- (2) by inserting “for a parent representative seat” after “by-election”.

Adopted
12

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 253

AMENDMENT:

Replace ““school boards” in paragraph 2 by “school service centres”” by
““Montréal and school boards” in paragraph 2 by “Montréal and school service
centers””.

Adopter
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 259

AMENDMENT:

Replace by:

259. Section 245 of the Act is amended, in the first paragraph,

- (1) by inserting “, school service centre” before “or school board”;
- (2) by replacing “the municipality or board” by “the municipality, school service centre or school board”.

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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 264

AMENDMENT:

Insert “ou qui est” before “membre” in the French text.

A. Carter
TC

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 265

AMENDMENT:

Replace “ou de” in the French text by “, de”.

Adopté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 291

AMENDMENT:

Replace by:

291. Schedule III to the Act respecting the laicity of the State (chapter L-0.3) is amended, in paragraph 4,

(1) by replacing “commissioners of school boards established” by “members of the board of directors of a school service centre established”;

(2) by replacing “the Commission scolaire du Littoral” by “the Centre de services scolaire du Littoral ”.

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 291.1

AMENDMENT:

Insert after section 291:

**ACT RESPECTING THE FÉDÉRATION DES COMMISSIONS SCOLAIRES
DU QUÉBEC**

291.1. Section 2 of the Act respecting the Fédération des commissions scolaires du Québec (1960-61, chapter 140), amended by section 1 of chapter 102 of the statutes of 1969, section 1 of chapter 102 of the statutes of 1974, section 1 of chapter 101 of the statutes of 1991 and section 1 of chapter 104 of the statutes of 1999, is again amended

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

“3. “School service centre” means any school service centre governed by the Education Act (chapter I-13.3), any school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Centre de services scolaire du Littoral governed by the Act respecting the Centre de services scolaire du Littoral (1966-67, chapter 125);”;

(2) by replacing “commissions scolaires” and “school boards” by “centres de services scolaires” and “school service centres”, respectively.

Adopté
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 292

AMENDMENT:

1. Insert “partout où ceci se trouve et” before “avec les adaptations” in the introductory clause in the French text.
2. Strike out paragraph 25.
3. Strike out “the first paragraph of” in paragraph 35.

Adopter
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 293

AMENDMENT:

1. Insert “partout où ceci se trouve et” before “avec les adaptations” in the introductory clause in the French text.
2. Strike out paragraph 20.

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 295

AMENDMENT:

In the second paragraph:

1. Insert “and the second paragraph of section 737.25” after “312” in subparagraph 7.

2. Add the following subparagraphs at the end:

(16) paragraph *b* of section 1 of the Act respecting property tax refund (chapter R-20.1);

(17) the provisions of any regulation other than a regulation made under the Education Act (chapter I-13.3).

Adopté

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 298

AMENDMENT:

Replace "29 February 2020" in the first paragraph by "*(insert the date of assent to this Act)*".

Adopted
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 298.1

AMENDMENT:

Insert after section 298:

298.1. The Act respecting school elections (chapter E-2.3) continues to apply as it read on *(insert the date that precedes the date of assent to this Act)* to every school commissioner in office after that date.

Adopter
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 299

AMENDMENT:

Replace “1 March 2020 to 1 May 2020” in the first paragraph by “*(insert the date that follows the date of assent to this Act)* to 15 June 2020”.

A. Suter
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 300

AMENDMENT:

Replace "1 March 2020 to 1 May 2020" by "*(insert the date that follows the date of assent to this Act)* to 15 June 2020".

Scott
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 300.1

AMENDMENT:

Insert after section 300:

300.1 Despite any inconsistent provision, the directors general of the French-language school boards which are members of the group of French-language school boards recognized on (*insert the date that follows the date of assent to this Act*) under section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) are, from that date, exclusively responsible for representing those school boards within that group. From 15 June 2020, they represent the French-language school service centres within the group of school service centres recognized under that same section.

The directors general referred to in the first paragraph represent the same number of votes as was held by all the school board representatives they are replacing, in accordance with the applicable rules, and they remain in office under this section until the rules governing the representation of members within that group are amended to take into account the coming into force of this Act.

A. Lacroix
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 301

AMENDMENT:

Replace "1 May 2020" by "15 June 2020".

Adarte
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 302

AMENDMENT:

Withdraw.

Adopted

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 304.1

AMENDMENT:

Insert after section 304:

304.1. Expenses related to the 1 November 2020 school election and incurred by an authorized candidate before (*insert the date of assent to this Act*) are reimbursed to him or her in full on the filing of his or her financial report and return of election expenses. The first and fourth paragraphs of section 207 and section 208 of the Act respecting school elections apply to such a reimbursement, with the necessary modifications.

The authorized candidate must, within 30 days after his or her expenses have been reimbursed, reimburse the electors who made contributions to him or her and send the director general of the school board a second report showing that he or she has received a reimbursement of his or her expenses, that the contributions have been reimbursed and that all the debts arising from those expenses have been paid.

Sections 209 to 209.8 of the Act respecting school elections regarding candidates' reports and returns apply, with the necessary modifications.

An authorization granted under section 206.6 of the Act respecting school elections before (*insert the date of assent to this Act*) expires on that date.

Adopté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 306

AMENDMENT:

Replace by:

306. Despite section 154 of the Education Act, replaced by section 51, the first sitting of an English-language school service centre's board of directors must be held not later than 13 November 2020.

Adopté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Sections 306.1 and 306.2

AMENDMENT:

Insert after section 306:

306.1. The Minister may, until (*insert the date that is two years after the date of assent to this Act*), order a local municipality to transfer an immovable to a school service centre, by gratuitous title, for the purpose of building a school or a centre, according to the conditions and procedures the Minister imposes. The Minister may not, however, require that there be a building on the transferred immovable.

If the local municipality has not transferred an immovable to the school service centre at the expiry of the time limit set by the Minister, the school service centre may itself acquire an immovable situated in the territory of that municipality, in the sector determined by the Minister.

The municipality in whose territory the immovable is situated must reimburse the amount corresponding to the cost of acquiring the land to the school service centre.

An immovable acquired under this section is deemed to be usable for its intended purpose.

306.2. The first regulations made under sections 452.1 and 457.7.1 of the Education Act (chapter I-13.3), enacted by sections 131.1 and 134, respectively, are not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1).

Adopté
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 307

AMENDMENT:

Add at the end:

(4) a staff representative sitting on a school service centre's board of directors must, on pain of removal from office, abstain from voting on any matter relating to the hiring, employment status, remuneration, employee benefits and other conditions of employment, whether individual or collective, of any employee of a school service centre. He or she must also, after having had an opportunity to submit observations, withdraw from the meeting while the matter is discussed or voted on.

*Adopted
12*

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 308

AMENDMENT:

Replace “1 May 2020” and “1 November 2020” in the second paragraph by
“15 June 2020” and “5 November 2020”, respectively.

Adopter
R

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 310

AMENDMENT:

Add the following sentence at the end of the first paragraph: "Such a regulation may, in particular, provide for any amendment required for the purpose of harmonizing the terminology of any regulation that includes a reference to a school board or school commissioner."

Adapted

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 311

AMENDMENT:

Replace by:

311. The first boards of directors of the French-language school service centres are formed and the first processes for designating representatives of the English-language school service centres' staff are conducted in accordance with sections 143 to 143.18 of the Education Act, as enacted by section 49, with the following modifications:

- (1) a reference to the regulation made under section 455.2 of the Education Act is a reference to Schedule I or Schedule II, as applicable;
- (2) a reference to the director general of a school service centre is a reference to the director general of a school board; and
- (3) the date of 1 July specified in the third paragraph of section 143.3 of the Education Act is replaced by 15 June 2020 for French-language school service centres and 5 November 2020 for English-language school service centres.

In addition, for the purposes of Schedules I and II, a reference to a school service centre is a reference to a school board where

- (1) a provision of Schedule I applies before 15 June 2020; or
- (2) a provision of Schedule II applies before 5 November 2020.

Schedules I and II may provide for the delegation of certain powers to the director general of the school service centre;

A. S. D. 17¹
72

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Sections 311.1

AMENDMENT:

Insert after section 311:

311.1. Despite the coming into force of sections 1, 92, 107 and 107.1, sections 4, 204, 239 and 240 of the Education Act continue to apply, as they read before being amended, for the purposes of the 2020–2021 school year.

A. Coute
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Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Sections 311.2

AMENDMENT:

Insert after section 311.1:

311.2. A reference to a school service centre in the provisions enacted by sections 114, 131.1, 134, 137, 160.1, 168.1, 168.2 and 306.1 includes, until 5 November 2020, a reference to an English-language school board.

Adopted
2

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Section 312

AMENDMENT:

Replace by:

312. The provisions of this Act come into force on (*insert the date of assent to this Act*), except:

(1) sections 1, 3, 3.1 and 5.1, paragraph 3 of section 10, paragraph 2 of section 18, sections 23.1, 24, 27 and 29, paragraph 1 of section 34, paragraph 1 of section 35.1, section 35.2, paragraph 1 of section 35.3, paragraph 2 of section 37, sections 37.1 and 39, paragraph 1 of section 43, paragraph 2 of section 45, sections 48, 49 and 51 to 63, paragraph 2 of section 64, sections 65, 69 to 75 and 76.1, subparagraphs *a* and *b* of paragraph 1 and paragraph 2 of section 78, sections 80.1, 81 to 83, 85, 87 and 89 to 93, subparagraph *b* of paragraph 1 and paragraph 2 of section 94, sections 96 to 101, 103 to 105 and 107 to 112, paragraph 1 of section 113, sections 115 to 121, 123, 125 to 129 and 131, section 134 insofar as it enacts sections 457.6 and 457.8, sections 136 and 139, paragraph 3 of section 140, paragraph 2 of section 143, and sections 156, 158 to 172, 174 to 177, 250 to 289, 291 to 295 and 297, which come into force on 15 June 2020 insofar as they concern a French-language school service centre and on 5 November 2020 insofar as they concern an English-language school service centre;

(2) sections 2, 4 and 5, section 35, section 50, paragraph 1 of section 64, subparagraph *c* of paragraph 1 of section 78, sections 106, 114, 131.1 and 133, section 134 insofar as it enacts section 457.7.1, paragraph 2 of section 137, section 138, paragraphs 1 and 2 of section 140, and sections 146, 160.1, 160.2, 168.1, 168.2, 172.1 and 172.2, which come into force on 1 July 2020;

(3) section 9, paragraph 1 and 2 of section 10, sections 14 to 17, paragraph 1 of section 18, sections 19 to 21, 23, 25, 26, 28 and 31 to 33, paragraph 2 of section 35.3, section 36, paragraph 1 of section 37, sections 40 and 42 and section 44, which come into force on 1 August 2020;

Adopté

(4) section 38, paragraph 1 of section 45, sections 46, 47, 66 and 68, paragraph 2 of section 113, sections 122 and 124, section 134 insofar as it enacts section 457.7, and paragraph 1 of section 137, which come into force on 5 November 2020;

(5) sections 88, 95 and 135, which come into force on 1 July 2020 insofar as they concern a French-language school service centre and on 1 July 2021 insofar as they concern an English-language school service centre;

(6) section 102, which comes into force on 1 July 2020 insofar as it concerns a French-language school service centre and on 5 November 2020 insofar as it concerns an English-language school service centre; and

(7) sections 4.1, 4.2, paragraph 2 of section 34, paragraph 2 of section 35.1, paragraph 2 of section 43, and sections 133.1 and 250.1, which come into force on 1 July 2021.

Bill 40

**An Act to amend mainly the Education
Act with regard to school organization
and governance**

Schedules I and II

AMENDMENT:

Replace by:

SCHEDULE I

(Section 311)

**PROCEDURE FOR DESIGNATING THE MEMBERS OF THE FIRST
BOARDS OF DIRECTORS OF THE FRENCH-LANGUAGE SCHOOL
SERVICE CENTRES**

Division 1 — Division into districts

1. The school service centre's director general must divide the school service centre's territory into five districts in accordance with section 143.8 of the Education Act (chapter I-13.3), not later than *(insert the date that is 30 days after the date of assent to this Act)*.

2. The director general must make sure that at least one school is situated in each of the districts. The director general must also, as far as possible, promote a fair distribution of the number of students in each of the districts.

The director general may take into account other factors such as the existence of common characteristics or physical barriers and municipalities' territorial limits.

3. Each district is described by the list of educational institutions situated within it.

The director general may assign names to the districts.

4. The director general may consult the parents' committee with respect to the division into districts and the names assigned to the districts, if applicable.

The parents' committee must submit its observations within the period the director general indicates.

5. The director general must inform the parents' committee of the division into districts and make the information available on the school service centre's website.

Division 2 — Eligibility requirements

6. In addition to having the qualifications required under section 143 of the Education Act (chapter I-13.3), any candidate for a seat as a member of a French-language school service centre's board of directors must meet the following conditions:

(1) have the qualifications set out in section 12 of the Act respecting school elections (chapter E-2.3), subject to section 9 of this schedule; and

(2) not be disqualified within the meaning of sections 21, 21.3 and 21.4 of the Act respecting school elections, with the necessary modifications.

However, paragraph 3 of section 12 and subparagraph 4 of the first paragraph of section 21 of the Act respecting school elections do not apply to a candidate for a school service centre staff representative seat. Furthermore, such a candidate may not be an employee, officer or other representative of an association representing school service centre employees.

Division 3 — Designation of parent representatives

7. Not later than 1 May 2020, the director general must send a notice of designation to each member of the parents' committee.

The notice of designation must indicate the seats that are open for nominations as well as the qualifications required and conditions to be met to become a candidate.

The notice must include a description of the districts and specify that the parents' committee must designate the parent representatives who will sit on the board of directors for each district of the school service centre not later than 1 June 2020.

8. The members are elected in accordance with the process determined by the parents' committee, subject to sections 9 to 13.

9. Any member of a parents' committee sitting on the governing board of a school situated in a given district who has the qualifications and meets the conditions required by section 6 may become a candidate to represent that district.

10. Each candidate is designated by all the members of the parents' committee.

11. If no person has come forward to become a candidate to represent a given district in accordance with section 9, the seat may be filled by a member of the parents' committee sitting on the governing board of a school situated in another district, in accordance with the process determined by the parents' committee.

12. The parents' committee must notify the director general of the result of the designation process conducted.

The notice must contain the names of the persons who were designated and the district each person represents.

The notice must be accompanied, for each person designated, by a statement attesting that the person has the qualifications and meets the conditions required by section 6.

13. Where regional parents' committees are established under section 191 of the Education Act, all the members of those committees are deemed to form the parents' committee for the purposes of this division.

The chair of that committee is the chair of the central parents' committee.

Division 4 — Designation of staff representatives

14. The teaching staff representative is designated by and from among the teaching staff members sitting in that capacity on a governing board of the school service centre.

The non-teaching professional staff representative is designated by and from among the non-teaching professional staff members sitting in that capacity on a governing board of the school service centre.

The support staff representative is designated by and from among the support staff members sitting in that capacity or as staff members assigned to childcare services on a governing board of the school service centre.

The principals' representative is designated by and from among all the principals of the educational institutions of the school service centre.

The executive staff representative is designated by and from among all the executive staff members of the school service centre.

15. The persons referred to in section 14 must be designated not later than 1 June 2020 in accordance with the procedure determined by the director general of the school service centre.

16. Each person designated must provide a statement attesting that the person has the qualifications and meets the conditions required by section 6.

Division 5 — Designation of community representatives

17. Not later than 1 May 2020, the director general must publish a notice on the school service centre's website, inviting the persons who reside in the school service centre's territory to become a candidate for a seat as a community representative on the board of directors referred to in subparagraph 3 of the first paragraph of section 143 of the Education Act.

18. The notice must indicate the number of seats to be filled, the profiles sought, the qualifications required and conditions to be met, the period for filing nomination papers and the other instructions necessary for filing them.

19. A nomination form must be made available at the school service centre's head office and on the school service centre's website.

The form must provide spaces for the candidate to enter his or her name and contact information and specify the seat for which he or she is filing nomination papers. It must contain a section for the candidate to attest that he or she has the qualifications and meets the conditions referred to in section 6.

The form must indicate that a self-introduction text of not more than one page may be attached to the form at the time the nomination papers are filed.

20. The community representatives are designated by co-optation by the parent representatives and staff representatives designated in accordance with divisions 2 and 3, at a meeting called by the director general and held not later than 10 June 2020.

21. At least three parent representatives and three staff representatives must attend the meeting, which is to be chaired by the director general.

The members in attendance determine the procedure to be followed. The director general is not entitled to vote.

22. The director general must make the nomination forms he or she received available.

23. For the purposes of the designation, the members are not limited to the forms received, unless they decide otherwise.

However, they must ensure that any member who is designated without having filed nomination papers has the qualifications and meets the conditions required by section 6.

24. Any seat that is not filled at the time of the first meeting of the board of directors held in accordance with section 154 of the Education Act is to be considered a vacancy within the meaning of section 175.10.1 of that Act.

Division 6 — Length of terms

25. At the first meeting of the board of directors, the members are to determine which of them will have a two-year term; there must be two or three such members for each category of members.

SCHEDULE II

(Section 311)

PROCEDURE FOR DESIGNATING THE STAFF REPRESENTATIVES ON THE FIRST BOARDS OF DIRECTORS OF THE ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

1. In addition to having the qualifications required under section 143.1 of the Education Act (chapter I-13.3), any candidate for a staff representative seat on an English-language school service centre's board of directors must meet the following conditions:

(1) have the qualifications set out in paragraphs 1, 2, 4 and 5 of section 12 of the Act respecting school elections (chapter E-2.3);

(2) not be disqualified within the meaning of subparagraphs 1 to 3.2, 4.1 and 5 of the first paragraph and the second and third paragraphs of section 21, and of sections 21.3 and 21.4 of the Act respecting school elections; and

(3) not be an employee, officer or other representative of an association representing school service centre employees.

2. The teaching staff representative is designated by and from among the teaching staff members sitting in that capacity on a governing board of the school service centre.

The non-teaching professional staff representative is designated by and from among the non-teaching professional staff members sitting in that capacity on a governing board of the school service centre.

The support staff representative is designated by and from among the support staff members sitting in that capacity or as staff members assigned to childcare services on a governing board of the school service centre.

The principals' representative is designated by and from among all the principals of the educational institutions of the school service centre.

3. The persons referred to in section 2 must be designated not later than 1 June 2020 in accordance with the procedure determined by the director general of the school service centre.

4. Each person designated must provide a statement attesting that the person has the qualifications and meets the conditions required by section 1.