



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 88

An Act to amend the Education Act and the Act respecting school elections

Introduction

**Introduced by
Madam Michelle Courchesne
Minister of Education, Recreation and Sports**

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EXPLANATORY NOTES

This bill amends the Education Act and the Act respecting school elections in order to introduce various measures with respect to school board governance.

The bill provides that the council of each school board, while having fewer commissioners, will include a greater number of parents' representatives and co-opted members. Furthermore, the chair will in the future be elected by all the electors of the school board.

The bill also introduces new accountability rules. In particular, each school board will have to agree with the Minister of Education, Recreation and Sports on measures to achieve the objectives and targets it has set through strategic planning. The school board will in turn make an agreement on similar measures with each of its educational institutions.

The bill clarifies the mission of school boards, the responsibilities of commissioners and the rules governing relations between school boards and governing boards.

Under the bill, school boards will be required to establish a procedure for examining complaints from students or parents. The procedure will enable complainants who are dissatisfied with the way their complaint has been handled to refer the complaint to a person designated by the council of commissioners to give an opinion and recommend any appropriate corrective measures.

Lastly, the bill removes the possibility for school boards to enter into an agreement of association with a private educational institution and, consequently, for the latter to enjoy the advantages granted to public schools. The bill does, however, provide for transitional measures in this regard.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting school elections (R.S.Q., chapter E-2.3);
- Education Act (R.S.Q., chapter I-13.3).

Bill 88

AN ACT TO AMEND THE EDUCATION ACT AND THE ACT RESPECTING SCHOOL ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 37.1 of the Education Act (R.S.Q., chapter I-13.3) is amended by inserting “reflect the strategic plan of the school board and” after “shall” in the first line of the first paragraph.

2. Section 45 of the Act is amended by striking out “, if so authorized by the governing board,” in the second paragraph.

3. Section 96.24 of the Act is amended by inserting the following paragraph after the third paragraph:

“At the end of every fiscal year, the school’s surpluses shall be transferred to the school board, unless the council of commissioners decides to add them to the school’s appropriations for the following fiscal year, on the conditions determined by the council.”

4. Section 104 of the Act is amended by striking out “, if so authorized by the governing board,” in the second paragraph.

5. Section 109 of the Act is amended by replacing “and the strategic plan” in the second sentence of the first paragraph by “and taking into account the strategic plan”.

6. Section 118.1 of the Act is amended

(1) by replacing “establish” in the first paragraph by “form”;

(2) by adding the following sentence at the end of the second paragraph: “Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council.”

7. Section 118.3 of the Act is amended by inserting “the co-opted commissioners and” after “However,” in the second sentence of the second paragraph.

8. Section 143 of the Act is replaced by the following sections:

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

(1) 8 to 15 commissioners, including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3);

(2) three commissioners representing the parents’ committee, at least one of whom is chosen from among the representatives of elementary schools and another from among the representatives of secondary schools, elected under this Act;

(3) two commissioners co-opted by the members of the council of commissioners referred to in paragraphs 1 and 2, after consulting with the groups most representative of the social, cultural, business and labour sectors in the region.

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

Co-optation must occur within 45 days after the date of the first meeting of the council of commissioners following a general election held under the Act respecting school elections (chapter E-2.3). However, at the request of the commissioners referred to in paragraphs 1 and 2 of section 143, the Minister may extend the time limit.

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

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

However, their term shall end on the date of the first meeting of the council of commissioners following a general election held under the Act respecting school elections (chapter E-2.3).”

9. Section 145 of the Act is amended

(1) by replacing “Each year” in the first line of the first paragraph by “Every two years”;

(2) by replacing “each of the elementary and secondary levels” in the last two lines of the first paragraph by “each of the seats provided for in paragraph 2 of section 143”;

(3) by replacing “one year” in the second sentence of the third paragraph by “two years”.

10. Section 148 of the Act is amended

(1) by inserting “co-opted commissioner or” after “Every” in the first line of the first paragraph;

(2) by striking out “chairman or” in the second paragraph.

11. Section 149 of the Act is amended by adding the following sentence at the end of the second paragraph: “Furthermore, only the chair from the school board in whose territory the greatest number of electors are resident shall become a member of the council of commissioners, as chair of that council.”

12. Section 155 of the Act is amended

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

“155. The chair shall see to the proper operation of the school board and shall in particular ensure that all applicable legislative and regulatory provisions and all decisions of the council of commissioners are carried out faithfully and impartially. The chair shall convey all relevant information to the council and shall submit to the council any matter brought to the chair’s attention with regard to the improvement of educational services.”;

(2) by striking out the third paragraph.

13. The Act is amended by inserting the following section after section 155:

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

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

14. Section 156 of the Act is repealed.

15. Section 157 of the Act is amended by striking out “chairman or” in the first line.

16. The Act is amended by inserting the following section after section 176:

“176.1. The members of the council of commissioners shall exercise their functions and powers with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government. To that end, the role of the members of the council of commissioners includes

(1) informing the council of the needs and expectations of the population of their electoral division or their sector, as part of their contribution to defining the school board’s directions and priorities;

(2) seeing to the relevance and quality of the educational services offered by the school board;

(3) making sure that the school board’s human, material and financial resources are managed effectively and efficiently;

(4) carrying out any special mandate entrusted to them by the council of commissioners.”

17. The Act is amended by inserting the following section after section 177.2:

“177.3. The school board shall develop an initiation and ongoing training program for the members of the council of commissioners and for the members of the governing boards and ensure that the program is implemented.”

18. Section 179 of the Act is amended by replacing the first paragraph by the following paragraph:

“179. The council of commissioners may establish an executive committee composed of the chair of the school board, the number of voting members of the council it determines, and any co-opted commissioner or commissioner representing the parents’ committee.”

19. The Act is amended by inserting the following section after section 193:

“193.1. The council of commissioners may establish committees to assist it in the exercise of its functions or to examine specific matters.

The council of commissioners may, in particular, establish a governance and ethics committee to assist it in selecting persons whose competence and qualifications are considered to be useful for the administration of the school board, for the purposes of co-optation under paragraph 3 of section 143.”

20. The Act is amended by inserting the following section after the heading of subdivision 2 of Division VI of Chapter V:

“207.1. The mission of a school board is to organize, for the benefit of the persons who come under its jurisdiction, the educational services provided for by this Act and by the basic school regulations made by the Government.

The mission of a school board is also to promote education within its territory, to see to the quality of educational services so that the population may attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to the social, cultural and economic development of its region.”

21. Section 209.1 of the Act is amended

(1) by replacing “strategic plan covering a period of several years” in the second line of the portion of the first paragraph before subparagraph 1 by “three-year strategic plan”;

(2) by adding “as well as the other directions, objectives or targets determined by the Minister under section 459.2” at the end of subparagraph 3 of the first paragraph;

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

“The school board shall send the Minister a copy of its strategic plan and make the plan public.”

22. The Act is amended by inserting the following section after section 209.1:

“209.2. Every year, the school board and the principal of each of its educational institutions, after consulting with the governing board, shall agree, within the scope of a management and educational success agreement, on the measures required to achieve the objectives and targets set out in the partnership agreement between the school board and the Minister.

The management and educational success agreement shall include

(1) the terms of the institution’s contribution, taking into account its success plan and particular situation;

(2) the resources to be allocated by the school board specifically to enable the institution to achieve objectives and targets;

(3) the support and assistance measures to be made available to the institution;

(4) the monitoring and accountability mechanisms to be put in place by the institution.”

23. Section 214 of the Act is amended by replacing the second paragraph by the following paragraph:

“A school board may also enter into an agreement with a department or agency of the Government or, with the authorization of the Government and subject to the conditions it determines, with a department or agency of the Government of Canada or the government of another province of Canada.”

24. Section 215 of the Act is repealed.

25. Section 220 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “It shall make public a service statement setting out its objectives with regard to the level and quality of the services it provides.”;

(2) by adding “and the results obtained with regard to the objectives and targets set out in the partnership agreement entered into with the Minister” at the end of the second paragraph;

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

“The school board shall send a copy of the report to the Minister and make the report public.”

26. The Act is amended by inserting the following sections after section 220:

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

Public notice specifying the date, time and place of the meeting must be given not less than 15 days before it is held.

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

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

The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the school board who is neither a member of the council of commissioners nor a member of the personnel of the school board. Within 60 days after referral of the complaint, the designated person must give the council of commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.

The school board may enter into an agreement with a person or body for the referral of complaints from students or parents who are dissatisfied with the handling of a complaint or with the outcome.”

27. Section 255 of the Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) collaborate with government departments and agencies and any other partners to carry out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and by paying a financial contribution.”

28. Section 275 of the Act is replaced by the following section:

“275. After consulting with the governing boards and the parents’ committee, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other income among its educational institutions.

The allocation shall be carried out in an equitable manner and reflect the needs expressed by the institutions and the social and economic disparities with which they must contend, the partnership agreement between the school board and the Minister and the management and educational success agreements between the school board and the institutions.

The allocation shall include amounts for the operation of governing boards and amounts to meet the needs of the school board and its committees.

The school board shall make public the objectives and principles governing the allocation and the criteria used to determine the amounts allocated.”

29. The Act is amended by inserting the following section after section 457.2:

“457.3. The Minister may determine by regulation the standards or conditions for the complaint examination procedure to be established by a school board, as well as the measures it must include.”

30. The Act is amended by inserting the following sections after section 459.1:

“459.2. The Minister may determine, for each school board, the directions, objectives and targets it must incorporate into its strategic plan.

“459.3. The Minister and the school board, within the scope of a partnership agreement, shall agree on the measures required to implement the school board’s strategic plan.

The partnership agreement shall include

(1) the terms of the school board's contribution toward achieving the objectives and targets determined by the Minister under section 459.2;

(2) the means the school board intends to use to achieve the specific objectives it established under subparagraph 3 of the first paragraph of section 209.1;

(3) the monitoring and accountability mechanisms to be put in place by the school board.

"459.4. The Minister shall evaluate the results obtained under each school board's strategic plan, at intervals determined by the Minister, and send the evaluation to the school board concerned.

The Minister and the school board shall agree on any corrective measures to be put in place to ensure that the objectives and targets set out in the partnership agreement between the school board and the Minister are achieved.

If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve those objectives and targets, the Minister may prescribe any additional measures to be put in place by the school board or an institution within a specified period."

31. The Act is amended by replacing "chairman" and "vice-chairman" wherever they appear by "chair" and "vice-chair", respectively.

ACT RESPECTING SCHOOL ELECTIONS

32. Section 2 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing "for all the seats of" in the first line by "to elect a chair and all the other".

33. Section 6 of the Act is replaced by the following section:

"6. The number of electoral divisions is seven."

34. Section 7 of the Act is amended, in the first paragraph,

(1) by replacing the portion before subparagraph 1 by the following:

"7. The Minister may, on request, authorize a school board to establish one to seven more electoral divisions than provided for in section 6, if the Minister considers this warranted among other things by";

(2) by striking out "or particularly limited" in subparagraph 1.

35. Section 38 of the Act is amended by replacing "for a seat of commissioner" in the first and second lines of subparagraph 3 of the first paragraph by "for the office of chair or for another seat on the council".

36. Section 69 of the Act is amended by inserting “, except in the case of a candidate for the office of chair,” after “a candidate” in the second line.

37. Section 71 of the Act is amended by adding “or, in the case of a candidate for the office of chair, by at least 50 electors from the territory of the school board for which the nomination paper is filed” at the end of the first paragraph.

38. Section 72 of the Act is amended by adding “or, in the case of a candidate for the office of chair, electors from the territory of the school board” at the end of the first paragraph.

39. Section 85 of the Act is amended by inserting “the office of chair and for” after “for” in subparagraph 1 of the first paragraph.

40. Section 99 of the Act is amended by inserting “for the election of the chair and ballot papers for the election of the other commissioners” after “ballot papers” in the first line of the first paragraph.

41. Section 102 of the Act is amended by adding “or, in the case of a ballot paper for the election of the chair, a mention of the office of chair” at the end of subparagraph 4 of the first paragraph.

42. Section 116 of the Act is amended by inserting “for the election of the chair and a ballot paper for the election of the other commissioner” after “ballot paper” in the second line.

43. Section 210 of the Act is amended by adding the following sentence at the end of the first paragraph: “The rules may vary depending on whether the candidate is running for the office of chair or another seat on the council.”

TRANSITIONAL AND FINAL PROVISIONS

44. Before 1 July of the calendar year following the calendar year in which section 21 comes into force, each school board must adopt a strategic plan or revise any strategic plan it adopted before the coming into force of this section.

45. The private educational institutions that enjoyed, for either of the two fiscal years prior to 1 July 2008, the advantages granted under an agreement of association entered into under section 215 of the Education Act (R.S.Q., chapter I-13.3) are deemed to have been accredited for subsidy purposes by the Minister of Education, Recreation and Sports in accordance with Division I of Chapter V of the Act respecting private education (R.S.Q., chapter E-9.1).

The budget rules established annually by the Minister of Education, Recreation and Sports under section 84 of the Act respecting private education may provide for the allocation of supplementary subsidies to those educational institutions for every fiscal year ending before 1 July 2014.

The allocation of the subsidies, which must be reduced proportionally from fiscal year to fiscal year, may be subject to general conditions applicable to all the educational institutions concerned or to specific conditions applicable to one or some of those institutions.

46. The provisions of this Act come into force on the date or dates to be set by the Government, except sections 24 and 45, which come into force on 1 July 2008.

