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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 23

**An Act to amend mainly the Education  
Act and to enact the Act respecting  
the Institut national d'excellence en  
éducation**

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**Introduction**

**Introduced by  
Mr. Bernard Drainville  
Minister of Education**

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## EXPLANATORY NOTES

*This bill makes certain amendments to the Education Act relating to the governance of school service centres, mainly to entrust the Government with the appointment of the director general of each school service centre, as well as to confer on the director general responsibility for designating the school service centre's assistant director general and for appointing the principals of the school service centre's educational institutions. The bill allows the Minister of Education to fill a vacancy on a school service centre's board of directors if no person is designated to fill the position within a reasonable time. Every school service centre must enter into a management and accountability agreement with the Minister that includes national indicators as well as objectives and policy directions. The Minister is granted the power to annul a school service centre's decision where the decision is not consistent with the targets, objectives, policy directions and directives the Minister has established, and to make the decision that, in the Minister's opinion, ought to have been made in the first instance.*

*The bill also amends the Education Act to empower the Government to determine, by regulation, the standards by which certain educational services may be provided from a distance as well as to allow the Minister to prescribe, by regulation, the conditions and procedures relating to the mandatory continuing education of teachers. The Minister may, among other things, advise and support a school service centre in order to foster students' school success. Furthermore, jurisdiction is conferred on the Comité de gestion de la taxe scolaire de l'île de Montréal to provide services to any school service centre located outside the island of Montréal with which it enters into an agreement for that purpose.*

*The bill enacts the Act respecting the Institut national d'excellence en éducation, which creates an institute whose mission is to promote excellence in educational services for preschool education and for elementary and secondary school education. The new Act defines the institute's functions, determines its rules of organization and operation and provides that, among other things, the institute is to be administered by a board of directors consisting of nine members, including four persons working in the field of preschool education or of elementary or secondary school education.*

*The bill amends the Act respecting the Conseil supérieur de l'éducation, including its title, to replace the name "Conseil supérieur de l'éducation" by "Conseil de l'enseignement supérieur" and to limit the council's functions to matters relating to higher education and revise its composition.*

*In addition, the bill provides that the Minister's functions are to include seeing to educational success, ensuring monitoring of students' educational path and fostering education system resources management and planning based on, among other things, knowledge of students' needs. The Minister may designate an education information filing and communication system to, among other things, support the management of the education network by simplifying communications. The Minister may oblige certain bodies to use the system to host and communicate information. Furthermore, the person acting as the delegated manager of government digital data for the department is responsible for authorizing certain communications and uses of information. The manager is required to keep a register of every communication or use the manager has authorized and requires the Minister to publish the register on the Minister's department's website. In addition, the Minister may require certain bodies to use any information resource service the Minister designates, including a decision support tool.*

*Lastly, the bill includes consequential amendments and transitional provisions.*

#### **LEGISLATION ENACTED BY THIS BILL:**

– Act respecting the Institut national d'excellence en éducation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting the Institut national d'excellence en éducation*).

#### **LEGISLATION AMENDED BY THIS BILL:**

- Financial Administration Act (chapter A-6.001);
- Act respecting the Conseil supérieur de l'éducation (chapter C-60);
- Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3);

- Act respecting private education (chapter E-9.1);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Education Act (chapter I-13.3);
- Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

## Bill 23

### AN ACT TO AMEND MAINLY THE EDUCATION ACT AND TO ENACT THE ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN ÉDUCATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

#### PROVISIONS RELATING TO SCHOOL GOVERNANCE AND EDUCATIONAL SERVICES

#### EDUCATION ACT

**1.** Section 22.0.1 of the Education Act (chapter I-13.3) is amended by inserting “, subject to sections 259 and 260 and to the conditions and procedures prescribed under section 457” at the end of the first paragraph.

**2.** The Act is amended by inserting the following section after section 68:

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

At least one governing board member or the principal must however be physically present at the place of the meeting.

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

**3.** Section 79 of the Act is replaced by the following section:

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

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

**4.** Section 96.8 of the Act is amended by inserting “director general of the” before all occurrences of “school service centre”.

**5.** Section 96.9 of the Act is amended by inserting “director general of the” after “The”.

**6.** Section 96.10 of the Act is amended by inserting “director general of the” after “by the” in the second paragraph.

**7.** Section 96.12 of the Act is amended by adding the following paragraph at the end:

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

**8.** Section 96.26 of the Act is amended by inserting “director general of the” before “school” in the second paragraph.

**9.** Section 110.1 of the Act is replaced by the following section:

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

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

**10.** Section 110.5 of the Act is amended by inserting “director general of the” before all occurrences of “school service centre”.

**11.** Section 110.7 of the Act is amended by inserting “director general of the” after “by the” in the second paragraph.

**12.** Section 110.13 of the Act is amended by replacing “and sixth” by “, sixth and seventh”.

**13.** Section 158 of the Act is amended by replacing “another member sitting on the school service centre’s board of directors as a parent representative designated by the board of directors for that purpose shall exercise his functions and powers” by “the board of directors shall designate, to exercise the chair’s functions and powers, a member sitting as a parent representative or, if all the members sitting as parent representatives are absent or unable to act or if all the seats from that category are vacant, any other board member”.

**14.** Section 160 of the Act is amended by inserting “in office” after “members”.

**15.** Section 169 of the Act is amended, in the first paragraph,

(1) by replacing “The school service centre’s board of directors may provide that, in the cases and on the conditions determined by by-law, any board member may” by “The members of the school service centre’s board of directors may”;

(2) by inserting “, unless the operating rules provide otherwise” at the end.

**16.** The Act is amended by inserting the following section after section 175.11:

**“175.12.** If a vacancy referred to in any of sections 175.10 to 175.11 is not filled within a reasonable time, the Minister may designate a person who has the required qualifications and meets the conditions required to fill the seat.”

**17.** Section 193.1 of the Act is amended, in the fourth paragraph,

(1) by replacing “the members of the school service centre’s board of directors” by “the school service centre’s director general”;

(2) by replacing “by the school service centre” by “by the director general”;

(3) by replacing “, 110.5 or 198” by “and 110.5”;

(4) by striking out the following sentence: “It shall also propose to the school service centre’s board of directors criteria for evaluating the school service centre’s director general.”

**18.** Section 198 of the Act is replaced by the following sections:

**“198.** The director general of each school service centre is appointed by the Government, on the recommendation of the Minister, for a term not exceeding five years.

At the expiry of his term, the director general shall remain in office until replaced or reappointed.

**“198.1.** The remuneration, employee benefits and other conditions of employment of the director general of a school service centre are determined by the Government.

**“198.2.** The director general shall designate an assistant director general in accordance with the regulation of the Minister made under section 451.

In the cases prescribed by the regulation, the director general may appoint, in the same manner, more than one assistant director general.

**“198.3.** The director general and the assistant director general must, as soon as possible after taking office, undergo the training developed by the Minister for them under the third paragraph of section 459.5.”

**19.** Section 200 of the Act is repealed.

**20.** Section 201 of the Act is amended by adding the following sentence at the end of the second paragraph: “The director general shall also carry out any mandate entrusted to him by the Minister.”

**21.** Section 201.1 of the Act is replaced by the following section:

**“201.1.** The assistant director general shall, on pain of sanctions up to and including revocation, exercise the functions of that office exclusively.

The assistant director general may, however, with the director general’s consent, hold an office or position or provide a service, whether or not remunerated.”

**22.** Section 201.2 of the Act is replaced by the following section:

**“201.2.** The director general and the assistant director general may not, on pain of sanctions up to and including revocation, have any direct or indirect interest in an enterprise that places their personal interest in conflict with the interest of the school service centre.

However, such sanctions do not apply if the interest is acquired by succession or gift, provided they renounce or dispose of it promptly.”

**23.** Section 203 of the Act is amended

(1) by replacing all occurrences of “school service centre” in the third paragraph by “Minister”;

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

“If the office of director general becomes vacant, the assistant director general, or the assistant director general designated by the Minister, shall act as interim director general until the Government appoints a new director general.”

**24.** The Act is amended by inserting the following section after section 209:

**“209.0.1.** A school service centre that is informed that a student who attends one of its institutions has been admitted to the educational services of another school service centre or of an educational institution governed by the Act respecting private education (chapter E-9.1) shall communicate, as soon as possible, to the other school service centre or the educational institution the information concerning the student that is necessary for the organization and provision of the educational services.”



**25.** The Act is amended by inserting the following section after section 214.3:

**“215.** A school service centre shall enter into an annual management and accountability agreement with the Minister.

The management and accountability agreement shall include

- (1) the national indicators determined under section 459.1;
- (2) the policy directions, objectives or targets that must be taken into account in preparing the school service centre’s commitment-to-success plan in accordance with section 459.2;
- (3) the terms governing the coordination of the entire strategic planning process that are prescribed under section 459.3;
- (4) the objectives or targets relating to the administration, organization or operation of the school service centre that are determined under section 459.5.4;
- (5) the measures recommended or required by the Minister under section 215.2;
- (6) the ministerial policy directions and priorities applicable to the school service centre; and
- (7) any other objective, target or priority specific to the school service centre for the duration of the agreement.

The agreement must set out, with regard to the objectives, targets, priorities and policy directions referred to in subparagraphs 4, 6 and 7 of the second paragraph, the means to be implemented to follow up on them and the main indicators to be used in reporting to the Minister on the results.”

**26.** Section 219 of the Act is amended by inserting “, other than the information referred to in section 6.8 of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15),” after “information”.

**27.** Section 240 of the Act is amended by adding the following paragraph at the end:

“The school service centre may organize and provide, in that school, special welcoming services and French language-learning support services or educational services in specialized classes or groups referred to in section 235 to students who are not admitted to the special project for which the school is established.”

**28.** The Act is amended by inserting the following section after section 318:

**“319.** The school service centre shall collect the school tax itself. However, it may enter into an agreement with the Comité de gestion de la taxe scolaire de l’île de Montréal in order for the Comité to exercise, on behalf of the school service centre, all or part of the functions and powers conferred on the school service centre with regard to collecting the school tax.”

**29.** Section 399 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Comité also has jurisdiction to provide services in those matters to any other school service centre with which it enters into an agreement for that purpose under section 319.”

**30.** Section 402 of the Act is amended, in subparagraph 2 of the first paragraph,

(1) by replacing “two” by “four”;

(2) by replacing “one person chosen” by “three persons chosen”.

**31.** Section 415 of the Act is amended by inserting “the first paragraph of section 162,” after “161,”.

**32.** Section 420 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The director general shall assist the members of the Comité in the exercise of their functions and powers. He shall be responsible for the day-to-day management of the Comité’s activities and resources, see that the decisions of the Comité are carried out and perform the duties that the Comité assigns to him.

The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively. He may, however, hold an office or position or provide a service, provided that no remuneration or other direct or indirect benefit is granted to him for it. The director general may also, with the Comité’s consent, hold an office or position or provide a service for which remuneration or another direct or indirect benefit is granted to him.

The director general may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise that places his personal interest in conflict with the interest of the Comité. However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the director general renounces or disposes of it promptly.

The suspension or dismissal of the director general and the termination of his term of office require the vote of at least two-thirds of the members of the Comité.”

**33.** The Act is amended by inserting the following section after section 448.1:

“**449.** The Government may, by regulation,

(1) determine, from among the exceptional or unforeseeable circumstances that prevent such services from being received at school, those in which the preschool education services and elementary and secondary school instructional services prescribed by the basic school regulation made under section 447 may be provided from a distance, on the terms and conditions prescribed by the Government; and

(2) prescribe the terms and conditions according to which the home or hospital special instructional services prescribed by the basic school regulation may be provided from a distance.

The regulation may, among other things,

(1) require the authorization of the Minister in certain cases;

(2) empower the Minister to grant, following a request giving reasons, authorization for a student or a group of students to receive educational services from a distance according to rules that depart from a provision of the regulation made under this section or a provision of the basic school regulation, subject to the rules governing certification of studies; and

(3) specify the cases where the requirement under section 11 of the Act respecting private education (chapter E-9.1) to include an indication in the permit does not apply.”

**34.** The Act is amended by inserting the following section after section 456.1:

“**457.** The Minister may, by regulation, prescribe the conditions and procedures relating to the continuing education referred to in section 22.0.1 of this Act and section 54.12 of the Act respecting private education (chapter E-9.1), including those pertaining to recognition of the content of the continuing education activities, to methods for monitoring, supervising or evaluating the continuing education requirements and, where applicable, to exemptions.

The regulation may entrust functions in that area to a person or body, in particular to a school principal or the principal of a centre, to an institution governed by the Act respecting private education or to the Institut national d'excellence en éducation.”

**35.** Section 458 of the Act is repealed.

**36.** The Act is amended by inserting the following section after section 459:

**“459.0.0.1.** The Minister may determine, for all school service centres or based on the situation of one or certain school service centres, policy directions that must be taken into account in organizing educational services.”

**37.** The Act is amended by inserting the following section after section 459.4:

**“459.4.1.** The Minister may evaluate students’ needs in connection with their educational success. For that purpose, the Minister may determine the tools, targets and indicators enabling the detection of risk factors for students’ school success and may, if the Minister considers it useful, analyze the situation of certain students or groups of students.

Where, under the first paragraph, the Minister finds that certain students or groups of students present risk factors jeopardizing their school success, the Minister may inform the school service centre concerned and discuss with it the measures to be taken. The Minister may, if he considers it necessary, advise and support the school service centre in order to foster the school success of those students.”

**38.** Section 459.5 of the Act is amended

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

“The Minister shall develop the content of the training for the directors general and assistant directors general of school service centres and see that the training is provided to them.”;

(2) by replacing “the first and second paragraphs” in the third paragraph by “this section”.

**39.** Section 459.5.3 of the Act is amended

(1) by replacing both occurrences of “education” in the first paragraph by “educational services”;

(2) by replacing “education services” in subparagraph 1 of the second paragraph by “educational services”.

**40.** The Act is amended by inserting the following section after section 459.6:

**“459.7.** If the Minister is of the opinion that a decision made by a school service centre is not consistent with the targets, objectives, policy directions and directives he has established in accordance with this Act, he shall inform the school service centre.

The school service centre has 15 days to give the Minister the reasons for its decision. Where applicable, it shall also inform him, within that period, of its intention to overturn, entirely or in part, that decision and of the decision it intends to make.

If the school service centre does not give reasons within the prescribed period or if the reasons given or the decision it intends to make are not to the Minister's satisfaction, the Minister may then annul, entirely or in part, the school service centre's decision and make the decision that, in his opinion, ought to have been made in the first instance.

This section applies, with the necessary modifications, where the Minister is of the opinion that a decision should be made to ensure that the school service centre complies with the targets, objectives, policy directions and directives he has established.”

**41.** Section 464 of the Act is amended by replacing “and teacher and the Conseil supérieur de l'éducation” by “and teacher”.

**42.** Division II.1 of Chapter VII of the Act, comprising sections 477.13 to 477.28, is repealed.

#### ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION

**43.** The title of the Act respecting the Conseil supérieur de l'éducation (chapter C-60) is replaced by the following title:

“Act respecting the Conseil de l'enseignement supérieur”.

**44.** The preamble of the Act is repealed.

**45.** Section 1 of the Act is amended by replacing “of the “Conseil supérieur de l'éducation”” by ““Conseil de l'enseignement supérieur””.

**46.** Section 2 of the Act is amended by replacing “22” by “12”.

**47.** Section 4 of the Act is amended

(1) by replacing “parents, teachers, school board members” in the first paragraph by “teachers, professors and other staff members, including persons holding a management position, educational institutions”;

(2) by striking out “after consultation with the Minister of Higher Education, Research, Science and Technology” in the second paragraph.

**48.** Section 9 of the Act is amended

(1) by replacing “and the Minister of Higher Education, Research, Science and Technology on any matter relating to education” in the first paragraph by “on any matter relating to higher education”;

(2) by replacing “to the Ministers on the state and needs of education” in the second paragraph by “to the Minister on the state and needs of higher education”;

(3) in the third paragraph,

(a) by striking out “of Education, Recreation and Sports”;

(b) by replacing “education” by “higher education”.

**49.** Section 10 of the Act is amended

(1) in paragraph 1,

(a) by replacing “advise or make recommendations to the Ministers” by “give opinions or make recommendations to the Minister”;

(b) by replacing “education” by “higher education”;

(2) by replacing “education” in paragraph 2 by “higher education”.

**50.** Section 10.1 of the Act is replaced by the following section:

**“10.1.** The Council shall give the Minister its opinion on any draft regulation the Minister is required to submit to the Council and on any matter submitted to it by the Minister.

When the Minister submits a matter to the Council for an opinion, he shall indicate the time limit within which the opinion must be given. The time limit may not be less than 30 days.”

**51.** Section 14.1 of the Act is amended by striking out “and the Minister of Higher Education, Research, Science and Technology” in the first paragraph.

**52.** Section 30.1 of the Act is amended by replacing “Education, Recreation and Sports” by “Higher Education, Research, Science and Technology”.

ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

**53.** Section 200.2 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is repealed.

ACT RESPECTING PRIVATE EDUCATION

**54.** The Act respecting private education (chapter E-9.1) is amended by inserting the following section after section 38:

**“38.1.** An institution that is informed that a student who attends the institution has been admitted to the educational services of another institution governed by this Act or of a school service centre shall communicate, as soon as possible, to that institution or school service centre the information concerning the student that is necessary for the organization and provision of the educational services.”

**55.** Section 54.12 of the Act is amended by inserting “, subject to the conditions and procedures prescribed under section 457 of the Education Act (chapter I-13.3)” at the end of the first paragraph.

**56.** Section 64 of the Act is amended by inserting “, other than those referred to in section 6.8 of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15),” after “information”.

**CHAPTER II**

ENACTMENT OF THE ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN ÉDUCATION

**57.** The Act respecting the Institut national d’excellence en éducation, the text of which appears in this chapter, is enacted.

“ACT RESPECTING THE INSTITUT NATIONAL D’EXCELLENCE EN ÉDUCATION

**“CHAPTER I**

**“ESTABLISHMENT**

**“1.** An institute to be known as the “Institut national d’excellence en éducation” is established.

**“2.** The institute is a legal person and a mandatary of the State.

The institute's property forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds none but itself when it acts in its own name.

**“3.** The institute's head office is in the territory of Ville de Québec. A notice of the location and of any change in location of the head office must be published in the *Gazette officielle du Québec*.

## **“CHAPTER II**

### **“MISSION AND FUNCTIONS**

**“4.** The institute's mission is to promote excellence in educational services for preschool education and for elementary and secondary school education.

The institute must carry out that mission in keeping with the principles of rigour, objectivity, transparency and cooperation with organizations that can contribute to the mission.

**“5.** More particularly, the institute's mission consists in

(1) identifying, in collaboration with the Minister and school system stakeholders, priority issues that would benefit from its work;

(2) preparing and keeping up to date a summary of the scientific knowledge available in Québec and elsewhere concerning educational success and students' well-being;

(3) identifying best practices, drawing up recommendations and keeping them up to date, disseminating them to school system stakeholders and making them public, together with the rationale for them and the information used in drawing them up;

(4) fostering implementation of its recommendations, mainly by developing and disseminating practical training activities, in particular for the benefit of school staff, or other knowledge transfer tools that promote pedagogical practices and methods proven by scientific research to be effective;

(5) contributing to training of and support for school staff;

(6) giving, at the Minister's request, an opinion on the determination of the qualifications required of teachers at the preschool education level or the elementary or secondary school level to obtain a teaching licence;

(7) giving, at the Minister's request, an opinion on teacher training programs for preschool education and for elementary and secondary school education;



(8) recognizing, in accordance with the regulation made under section 457 of the Education Act (chapter I-13.3), the content of certain continuing education activities;

(9) advising the Minister on any matter relating to education and, for that purpose, reporting to the Minister at least every two years on the state and needs of education; and

(10) carrying out any other mandate entrusted to it by the Minister.

**“6.** The institute must give its opinion on any matter the Minister submits to it with respect to the fields or subjects within its purview.

The institute’s opinion must include recommendations, unless the nature of the request precludes it.

**“7.** 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) that holds information whose nature is related to the institute’s mission must provide the institute with the non-personal information it requests that is necessary for the purposes of this Act.

The public body referred to in the first paragraph must, as far as possible, provide the institute with all necessary assistance where the information requested must be collected or compiled.

### **“CHAPTER III**

#### **“ORGANIZATION AND OPERATION**

**“8.** The institute is administered by a board of directors consisting of nine members.

The members are

(1) the board chair;

(2) the president and chief executive officer;

(3) four persons working in the field of preschool education or of elementary or secondary school education, as follows:

(a) one teacher;

(b) one school guidance counsellor;

(c) one person who is not a teacher or a school guidance counsellor but who provides educational services to students; and

- (d) one member of the executive staff;
- (4) a full or associate university professor;
- (5) a member from an organization working in the fields of school perseverance and school success; and
- (6) another person who is not referred to in subparagraphs 3 to 5.

The members are appointed by the Government, on the Minister's recommendation. Members referred to in subparagraphs 3 to 5 of the second paragraph are appointed after consulting with organizations that the Minister considers to be representative.

In addition, the composition of the board of directors must allow the presence of at least one person working in an English-language school service centre and at least one person working in a private educational institution.

The chief scientist, the Deputy Minister of Education, Recreation and Sports, the Deputy Minister of Higher Education, Research, Science and Technology, the Deputy Minister of Economy and Innovation and the president of the Conseil de l'enseignement supérieur, or any person each of them may designate, are to act as observers. They have the right to attend the meetings of the board and receive and keep the documents provided to board members. They have the right to speak, but not the right to vote.

**“9.** The president and chief executive officer exercises the functions of office on a full-time, exclusive basis.

If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the institute's personnel to temporarily exercise the functions of that position.

**“10.** The quorum at board meetings is a majority of the board members, including the chair of the board.

**“11.** The functions of the board of directors include

(1) preparing an annual plan of the institute's activities as well as the related budget, and sending them to the Minister for approval, on the date and in the form determined by the Minister;

(2) adopting the code of ethics applicable to any outside experts the board may call on for the exercise of its functions;

(3) making public on the institute's website, and in any other manner that it considers appropriate, the summary and recommendations referred to in paragraphs 2 and 3, respectively, of section 5 and, 60 days after sending them to the Minister, the opinions and recommendations given under section 6;

(4) adopting a policy concerning the intellectual property rights of the texts, research and reports commissioned by the institute and submit it to the Minister for approval, with or without amendments; and

(5) making by-laws concerning the exercise of its powers, and its internal management.

**“12.** The institute establishes a scientific committee and a teacher training program advisory committee.

Subject to this section and sections 13 and 14, the composition of the above committees and their mode of operation are determined by the institute.

The Government determines the remuneration, employee benefits and other conditions of employment of the members of the institute’s committees. Those members are also entitled to reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**“13.** The scientific committee proposes the methods to be used by the institute to prepare its summary of scientific knowledge, identify best practices and draw up recommendations under paragraphs 2 and 3 of section 5. The committee also gives opinions on the institute’s draft recommendations.

The composition of the committee must reflect the scientific disciplines related to the elements of its mission, that is, educational services for preschool education and for elementary and secondary school education.

**“14.** The mandate of the teacher training program advisory committee is to give an opinion, at the Minister’s request, on the determination of the qualifications required of teachers. The committee also gives its opinion on teacher training programs under paragraphs 6 and 7 of section 5.

The committee also advises the Minister of Higher Education, Research, Science and Technology on the funding of university-level teacher education programs.

Before giving an opinion on a training program, the committee consults the administrative committee established by the Minister of Higher Education, Research, Science and Technology to advise the Minister with respect to university training programs.

The committee must be composed in equal parts of persons from the fields of preschool education and elementary and secondary school education and persons from the university education sector.

The committee submits its opinions intended for the Minister to the board of directors. The board of directors may then comment on the opinions. The board of directors then sends the committee’s opinions, together with the board’s comments, if applicable, to the Minister.

The Minister may determine the terms that the committee must comply with when giving its opinions on teacher training programs, including the periods during which the committee's opinions, together with the board's comments, if applicable, must be sent to the Minister.

**“15.** When drawing up its recommendations, the institute takes into consideration the foreseeable consequences of the recommendations on the education system's resources and stakeholders as well as the time necessary for implementing them.

**“16.** The institute may enter into agreements with any group or body able to provide the information necessary to draw up its recommendations.

The institute may also enter into an agreement with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body of such a government or organization.

**“17.** The members of the institute's personnel are appointed in accordance with the staffing plan and the standards established by a by-law of the institute.

Subject to the provisions of a collective agreement, the institute determines, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions determined by the Government.

#### **“CHAPTER IV**

#### **“FINANCIAL PROVISIONS AND REPORTS**

**“18.** The institute's fiscal year ends on 31 March.

**“19.** The financial statements and the annual management report of the institute must contain the information required by the Minister. The annual management report must also give an account of the institute's use of the personal information communicated to it for the purposes of this Act as well as an account of board members' attendance at board meetings and of their remuneration, if applicable.

**“20.** The institute's books and accounts are audited by the Auditor General every year and whenever the Government so orders.

The Auditor General's report must be submitted with the institute's financial statements.

**“21.** The institute may not accept or receive sums or property from sources that could undermine its independence or place it in a conflict of interest situation.

**“22.** The Government may, on the conditions and in the manner it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the institute, and the performance of any of its obligations; and

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary to meet its obligations or pursue its mission.

[[The sums paid under this section are taken out of the Consolidated Revenue Fund.]]

**“23.** The institute may not, without the Government’s authorization,

(1) contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms determined by the Government;

(3) acquire or dispose of other assets in excess of the limits or in contravention of the terms determined by the Government; or

(4) accept a gift or legacy to which a charge or condition is attached.

**“24.** The institute must provide the Minister with all information the Minister requires concerning its activities, within the time limits and in the form specified by the Minister.

**“25.** Chapter II of the Public Administration Act (chapter A-6.01) applies to the institute as if it were a body designated under the second paragraph of section 5 of that Act.

## **“CHAPTER V**

### **“AMENDING PROVISIONS**

#### **“FINANCIAL ADMINISTRATION ACT**

**“26.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Institut national d’excellence en éducation” in alphabetical order.

#### **“ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES**

**“27.** Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting “Institut national d’excellence en éducation” in alphabetical order.

“ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

“**28.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “—Institut national d’excellence en éducation” in alphabetical order.

“ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

“**29.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting “Institut national d’excellence en éducation” in paragraph 1 and in alphabetical order.

“ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

“**30.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting “Institut national d’excellence en éducation” in paragraph 1 and in alphabetical order.

“CHAPTER VI

“MISCELLANEOUS AND FINAL PROVISIONS

“**31.** Subject to the conditions of employment applicable to them, the employees of the Ministère de l’Éducation, du Loisir et du Sport assigned to functions entrusted to the institute by this Act and identified by the Minister become employees of the institute on the date determined by the Minister, which may not be later than (*insert the date that is two years after the date of coming into force of this section*).

“**32.** An employee transferred to the institute under section 31 who, on the date of the transfer, was a public servant with permanent tenure may apply for a position in the public service offered as a transfer or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

The same applies in the case of an employee transferred to the institute who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee, provided the employee successfully completes the remainder of the probationary period required under section 13 of the Public Service Act at the institute before applying for a position offered as a transfer.

**“33.** An employee referred to in section 32 who applies for a position in the public service offered as a transfer or enters a promotion selection process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the transfer as well as the years of experience and the level of schooling attained while in the employ of the institute.

If an employee is selected to hold the position in the public service offered as a transfer following the application of section 32, the Deputy Minister or the chief executive officer of the body establishes the employee’s classification compatible with the assessment provided for in the first paragraph.

Employees referred to in the second paragraph of section 32 who, at the time of their transfer to the institute, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time a classification is established for them under the second paragraph, still have not completed the equivalent of that period by adding the time served in the public service before transferring to the institute and that served as an institute employee must, before acquiring permanent tenure, complete the remainder of that period from the day a classification is established for them.

If an employee obtains a position in the public service after taking part in a promotion selection process under section 32, their classification must take into account the criteria set out in the first paragraph.

**“34.** If some or all of the institute’s operations are discontinued, an employee referred to in section 31 who had permanent tenure at the time of their transfer is entitled to be placed on reserve in the public service with the same classification they had on the date of the transfer.

An employee referred to in the second paragraph of section 32 is entitled to be placed on reserve in the public service only if, at the time some or all of the institute’s operations are discontinued, the time accumulated in the public service before their transfer to the institute and the time accumulated as an employee of the institute is at least equivalent to the continuous period of employment provided for in section 14 of the Public Service Act.

If some of the institute’s operations are discontinued, the employee continues to exercise their functions within the institute until the Chair of the Conseil du trésor is able to assign them a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines their classification taking into account the criteria set out in the first paragraph of section 33.

**“35.** An employee with permanent tenure referred to in section 31 who, in accordance with the conditions of employment applicable to them, refuses to be transferred to the institute is temporarily assigned to the institute until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

**“36.** Subject to remedies available under a collective agreement or provisions in lieu of a collective agreement, an employee referred to in section 31 who is dismissed may bring an appeal under section 33 of the Public Service Act if they were a public servant with permanent tenure on the date of their transfer to the institute.

The same applies in the case of an employee referred to in the second paragraph of section 32 who has successfully completed the remainder of the probationary period required under section 13 of the Public Service Act at the institute.

**“37.** Sections 31 to 36 apply to the employees of the Conseil supérieur de l’éducation assigned to functions entrusted to the institute and identified by the Minister in accordance with an agreement entered into between the Minister and the Minister of Higher Education, Research, Science and Technology.

**“38.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.”

### **CHAPTER III**

#### **PROVISIONS RELATING TO THE MINISTER OF EDUCATION, RECREATION AND SPORTS**

#### **ACT RESPECTING THE MINISTÈRE DE L’ÉDUCATION, DU LOISIR ET DU SPORT**

**58.** The preamble of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15) is amended by striking out “with powers commensurate with the functions vested in a Conseil supérieur de l’éducation” in the fourth paragraph.

**59.** The Act is amended by inserting the following before section 1:

#### **“DIVISION I**

#### **“RESPONSIBILITIES OF THE MINISTER”.**

**60.** Section 2 of the Act is amended

(1) by striking out “and overseeing the quality of the educational services provided by those institutions” in paragraph 2;



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

“(2.1) seeing to the quality and improvement of the educational services provided by educational institutions and, to that end, assessing the quality of those services;”;

(3) by adding the following paragraphs after paragraph 4:

“(5) seeing to educational success;

“(6) ensuring monitoring of students’ educational path and, in particular, identifying its determinants so as to positively influence it, identifying difficulties as well as the interventions capable of fostering educational success, measuring the effectiveness of those interventions and monitoring the evolution of certain specific trends; and

“(7) fostering education system resources management and planning based on, among other things, knowledge of students’ needs and, to that end, collecting the information necessary to assess those needs and to make that assessment.”

**61.** The Act is amended by inserting the following division after section 5:

## “DIVISION II

### “INFORMATION IN EDUCATION

“**5.1.** Where the Ministère de la Famille, des Aînés et de la Condition féminine or the Ministère de la Santé et des Services sociaux holds information whose nature is related to the Minister’s functions, it shall communicate to the Minister the non-personal information he requests that is necessary for the exercise of his functions.

“**6.** For the purposes of this division, the following are bodies:

(1) a school service centre;

(2) a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);

(3) an educational institution governed by the Act respecting private education (chapter E-9.1) that provides all or part of the educational services that are under the responsibility of the Minister;

(4) an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1); and

(5) an educational institution referred to in section 5.

**“6.1.** The Minister may designate an education information filing and communication system to support the management of the education network and the organization, planning and provision of services in the field of education by simplifying communications.

The system must enable the following, among other things:

- (1) the hosting and indexing of all or part of the information that a body holds in the exercise of its functions;
- (2) the communication between bodies or between a body and the Minister of information concerning a student;
- (3) the communication by a body to the Minister of information concerning its personnel;
- (4) access to information hosted in the system;
- (5) the logging of every access to the system by a person, whether the purpose of the access is to file information in the system, to use the information or to be given communication of it; and
- (6) any other functionality determined by the Minister.

The information filing and communication system shall be under the Minister’s responsibility. The Minister may not use personal information hosted in the system for purposes other than those authorized by the delegated manager referred to in section 6.7 or those related to the exercise of the Minister’s responsibility with respect to the system.

**“6.2.** The Minister may require a body it designates to use the information filing and communication system to host and communicate all or part of the information it holds in the exercise of its functions and powers, on the conditions and in the manner the Minister determines.

Where such information can be communicated or used in a form that does not allow the person concerned to be identified directly, it must be communicated or used in that form.

**“6.3.** The operations management of the information filing and communication system shall be assumed by the Minister or, in whole or in part, by an operations manager he designates.

The Minister or, where applicable, the operations manager must

- (1) put in place security measures for ensuring the protection of information as well as its availability and integrity in compliance with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1); and

(2) proactively monitor the system access logs.

Where all or part of the operations management of the system is entrusted to an operations manager, the Minister must enter into a written agreement with the operations manager. The agreement must, among other things, set out the following obligations:

(1) send to the Minister, each year, an assessment report enabling the Minister to, among other things, validate the security measures put in place and assess the efficiency and performance of the information filing and communication system as well as the benefits resulting from its establishment;

(2) notify the Minister without delay of any confidentiality incident; and

(3) submit, at the Minister's request, to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and protection of personal information.

The agreement must also set out the cases and circumstances in which and conditions on which the operations manager may, after notifying the Minister, entrust to a third person, by mandate or by contract of enterprise or for services, all or part of the services dedicated to hosting, operating or using the information filing and communication system.

**“6.4.** Before designating an information filing and communication system, the Minister must conduct a privacy impact assessment and send the assessment to the Commission d'accès à l'information.

**“6.5.** The Minister shall define rules for the governance of information hosted in the information filing and communication system.

**“6.6.** The Minister may, by a formal demand notified by any appropriate method, require an operations manager to file, within the reasonable time specified, any information or document enabling verification of compliance with the obligations set out in the agreement.

The operations manager to whom the demand is made must comply with it within the specified time regardless of whether the operations manager has already filed such information or documents in response to a similar demand or to fulfill an obligation under the law.

**“6.7.** The person acting as the delegated manager of government digital data for the Ministère de l'Éducation, du Loisir et du Sport under subparagraph 9.2 of the first paragraph of section 10.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) shall be responsible for authorizing the communications and the uses provided for in section 6.8.

**“6.8.** The Minister may request authorization from the manager

- (1) to receive communication of personal information held by a body; and
- (2) to use personal information filed by a body in the information filing and communication system.

The application for authorization must be made in writing to the manager and must

- (1) specify the purposes for which communication or use of information is requested and show that the information is necessary for the exercise of the Minister’s functions and powers under this Act or another Act under the Minister’s administration that pertains to education; and
- (2) set out the security measures that will be in place when the information is communicated or used.

**“6.9.** The manager may authorize the communication or use requested in accordance with section 6.8, for the time, on the conditions and in the manner the manager determines, where the manager, after assessing the request, considers that the following criteria are met:

- (1) the communication or use requested complies with the criteria set out in section 6.8; and
- (2) the security measures that will be in place when the information is communicated or used are suitable for protecting the information.

The authorization must specify that the information must be communicated or used only in a form not allowing the person concerned to be identified directly where it is possible to achieve the purposes pursued by communicating or using the information in such a form.

The manager shall give reasons for his decision in writing.

**“6.10.** A body that holds information covered by an authorization of the manager must communicate the information to the Minister.

**“6.11.** The manager may, without delay or formality, revoke the authorization granted under section 6.9 if the manager has reason to believe that the use of the information does not comply with the authorization, that the security measures for ensuring the protection of the information put in place or the conditions attached to the authorization are not being complied with, or that the protection of the information is otherwise compromised.

**“6.12.** At the expiry of the authorization and, where its term is longer than one year, each year on the anniversary date of the authorization, the Minister must report to the manager, in the form the latter determines, on the use of the information covered by the authorization and on his compliance with the conditions set out in the authorization.

**“6.13.** The manager must keep a register of every communication or use he has authorized. The register must include

(1) a description of the information covered by each authorization and its source;

(2) a description of the purposes for which each communication or use was authorized;

(3) the duration of and conditions applicable to each authorization, including, if applicable, the special security measures necessary for ensuring the protection of the information that were imposed by the manager; and

(4) the processing time for the request for authorization.

The Minister shall publish the register on his department’s website.

**“6.14.** The Minister may require a body to use, on the conditions and in the manner he determines, any information resource service the Minister designates other than a system designated under section 6.1, including, in particular, any decision support tool, in order to facilitate the management of the education network and the organization, planning and provision of services in the field of education.

**“6.15.** In exercising the powers provided for in sections 6.1, 6.2, 6.5 and 6.14, the Minister shall take into account the orientations, standards, strategies, directives, rules and application instructions made under the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

**“6.16.** A body shall communicate to the Minister, in the form and within the time he determines, any statement, statistics, report and other information that he requires with regard to its human resources, including students and trainees, and that is necessary to plan the resources allocated to the education system.

Where the information required by the Minister in accordance with the first paragraph allows a personnel member of the body or another person referred to in that paragraph to be identified, the information may be communicated only if the delegated manager of government digital data of the Ministère de l’Éducation, du Loisir et du Sport referred to in subparagraph 9.2 of the first paragraph of section 10.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) authorizes its communication.

In order to obtain the manager's authorization, the Minister must submit a written request to the manager. In such a case, sections 6.8 to 6.13 of this Act apply to the Minister and to the manager, with the necessary modifications.

Information communicated under this section must not allow a student to be identified.

**“6.17.** The Commission d'accès à l'information shall be responsible for overseeing the application of the provisions of this Act that relate to the information filing and communication system and to the use and communication of personal information.

To that end, it has all the powers provided for by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

**62.** The Act is amended by inserting the following before section 7:

### **“DIVISION III**

**“ORGANIZATION OF THE DEPARTMENT”.**

### **CHAPTER IV**

#### **AMENDING PROVISIONS**

**63.** Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation and other document, “Conseil supérieur de l'éducation” is replaced by “Conseil de l'enseignement supérieur”.

**64.** Unless the context indicates otherwise, in any Act, regulation and other document, a reference to the Act respecting the Conseil supérieur de l'éducation is a reference to the Act respecting the Conseil de l'enseignement supérieur.

### **CHAPTER V**

#### **TRANSITIONAL AND FINAL PROVISIONS**

**65.** The director general of each school service centre in office on (*insert the date preceding the date of assent to this Act*) remains in office on the same conditions until appointed to the position or replaced by the Government in accordance with section 198 of the Education Act (chapter I-13.3), as enacted by section 18. No such appointment or replacement may take place before (*insert the date that is 18 months after the date of assent to this Act*).

The employment of a director general who is not appointed under the first paragraph is terminated. Such a director general is entitled to only the severance pay calculated in accordance with subparagraph 5 of the first paragraph of section 116 of the Regulation respecting certain conditions of employment of senior executives of school service centres and of the Comité de gestion de la taxe scolaire de l'île de Montréal (made by the ministerial order dated 18 November 2004 and approved by Conseil du trésor decision C.T. 201768 (2004, G.O. 2, 3529), as amended). The severance pay is payable by the school service centre.

**66.** If the position of director general of a school service centre becomes vacant between (*insert the date of assent to this Act*) and the first appointment under section 198 of the Education Act, as enacted by section 18, the school service centre's assistant director general designated by the board of directors for that purpose acts as interim director general until a new director general is appointed by the Government.

**67.** An assistant director general of a school service centre in office on the date of coming into force of section 198.2 of the Education Act, as enacted by section 18, is deemed to have been appointed under that section.

**68.** A school principal or a principal of a centre in office on (*insert the date of assent to this Act*) is deemed to have been appointed under, as applicable, section 96.8 or section 110.5 of the Education Act, as amended by sections 4 and 10 of this Act.

**69.** Despite the coming into force of section 42, the terms of office of the members of the Comité d'agrément des programmes de formation à l'enseignement end on the date set by the Government. To allow the committee to complete its activities, the Minister may designate the chair of the committee from among its members.

Between (*insert the date of assent to this Act*) and the date referred to in the first paragraph, a vacancy on the committee is not filled. During that period, the quorum at meetings of the committee is the majority of its members in office.

Despite the coming into force of section 42 and until the date referred to in the first paragraph, sections 477.22, 477.23 and 477.25 to 477.28 of the Education Act continue to apply to the committee, as they read before being repealed.

**70.** From (*insert the date of assent to this Act*) and until the date referred to in the first paragraph of section 69, the Comité d'agrément des programmes de formation à l'enseignement examines, at the Minister's request, the new teacher training programs for preschool education and for elementary and secondary school education, and gives its opinion to the Minister concerning those programs for obtaining teaching licences. The committee has 60 days after the Minister's request to give its opinion.

The programs under examination by the committee on *(insert the date of assent to this Act)* must be the subject of an opinion in accordance with the first paragraph. The committee sends its opinion to the Minister not later than *(insert the date that is 30 days after the date of assent to this Act)*.

If the committee fails to send its opinion to the Minister within the time limits prescribed in the first and second paragraphs, the Minister is deemed to have received it.

Despite the coming into force of section 42, the committee continues to perform the functions set out in the third and fourth paragraphs of section 477.15 of the Education Act, with the necessary modifications.

**71.** The members of the Conseil supérieur de l'éducation in office on the date preceding the date of coming into force of section 46 remain in office on the same conditions within the Conseil de l'enseignement supérieur until the expiry of their term, except the members determined by the Government, whose term ends on the date to be set by the Government.

**72.** The records and documents of the Conseil supérieur de l'éducation relating to educational services for preschool education and for elementary and secondary school education become records and documents of the Institut national d'excellence en éducation.

**73.** The provisions of section 3.1 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) relating to the expertise and experience profiles of the members of the board of directors other than the board chair and the president and chief executive officer do not apply when the first members of the board of directors of the Institut national d'excellence en éducation are appointed.

**74.** The provisions of section 3.3 of the Act respecting the governance of state-owned enterprises relating to the recommendation of the board of directors and the expertise and experience profile of an enterprise's president and chief executive officer do not apply when the first president and chief executive officer of the Institut national d'excellence en éducation is appointed.

**75.** This Act comes into force on *(insert the date of assent to this Act)*, except

- (1) sections 18 to 23, 25, 32 and 38, which come into force on 1 July 2025; and
- (2) sections 43 to 52, 57 and 64, which come into force on the date or dates to be set by the Government.