

chapter I-13.3

**EDUCATION ACT**



*On 10 August 2020, the Superior Court ordered a stay of the application of the Act to amend mainly the Education Act with regard to school organization and governance (2020, c. 1) to English language school boards until a judgment is rendered on the merits of the application for judicial review challenging the validity of certain provisions of the Act.*

*See also the Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions, Order in Council 522-2020 dated 13 May 2020, (2020) G.O. 2, 1391A.*

**TABLE OF CONTENTS**

**CHAPTER I**

STUDENTS

**DIVISION I**

STUDENTS' RIGHTS..... 1

**DIVISION II**

COMPULSORY SCHOOL ATTENDANCE..... 14

**DIVISION III**

STUDENTS' OBLIGATIONS..... 18.1

**CHAPTER II**

TEACHERS

**DIVISION I**

TEACHERS' RIGHTS..... 19

**DIVISION II**

TEACHERS' OBLIGATIONS..... 22

**DIVISION III**

TEACHING LICENCE..... 22.1

§ 1. — *Conditions relating to an application for a teaching licence*..... 25.1

§ 2. — *Declarations of a person holding a teaching licence*..... 25.3

§ 3. — *Serious fault or derogatory act committed by a person holding a teaching licence*..... 26

§ 4. — *Decisions of Minister regarding teaching licences*..... 34

**CHAPTER III**

SCHOOLS

**DIVISION I**

ESTABLISHMENT..... 36

<b>DIVISION II</b>	
GOVERNING BOARD	
§ 1. — <i>Composition</i> .....	42
§ 2. — <i>Formation</i> .....	47
§ 3. — <i>Operation</i> .....	56
§ 4. — <i>Functions and powers</i> .....	
1. — <i>General functions and powers</i> .....	74
2. — <i>Functions and powers relating to educational services</i> .....	84
3. — <i>Functions and powers relating to community services</i> .....	90
4. — <i>Functions and powers relating to physical and financial resources</i> .....	93
<b>DIVISION III</b>	
PARENT PARTICIPATION ORGANIZATION.....	96
<b>DIVISION IV</b>	
STUDENT COMMITTEE.....	96.5
<b>DIVISION V</b>	
PRINCIPAL	
§ 1. — <i>Appointment</i> .....	96.8
§ 2. — <i>Functions and powers</i> .....	96.12
<b>CHAPTER IV</b>	
VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES	
<b>DIVISION I</b>	
ESTABLISHMENT.....	97
<b>DIVISION II</b>	
GOVERNING BOARD	
§ 1. — <i>Composition and formation</i> .....	102
§ 2. — <i>Operation</i> .....	107
§ 3. — <i>Functions and powers</i> .....	109
<b>DIVISION III</b>	
PRINCIPAL	
§ 1. — <i>Appointment</i> .....	110.5
§ 2. — <i>Functions and powers</i> .....	110.9
<b>CHAPTER V</b>	
SCHOOL SERVICE CENTRES	
<b>DIVISION I</b>	
ESTABLISHMENT OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL SERVICE CENTRES.....	111
<b>DIVISION I.1</b>	
CHANGES TO SCHOOL SERVICE CENTRE TERRITORIES.....	116
<b>DIVISION II</b> <i>Repealed, 1997, c. 47, s. 4.</i>	

**DIVISION III****SCHOOL SERVICE CENTRE'S BOARD OF DIRECTORS**

§ 1. — <i>Composition</i> .....	143
§ 1.1. — <i>Process for designating parent representatives to French-language school service centres' boards of directors</i> .....	143.6
§ 1.2. — <i>Process for designating school service centre staff representatives</i> .....	143.10
§ 1.3. — <i>Process for designating community representatives to French-language school service centres' boards of directors</i> .....	143.13
§ 2. — <i>Operation</i> .....	154
§ 3. — <i>Vacancies</i> .....	175.5
§ 4. — <i>Functions, duties and responsibilities of the members of a school service centre's board of directors</i> .....	176.1

**DIVISION IV****COMMITTEES**

§ 1. — <i>Advisory committee on management</i> .....	183
§ 2. — <i>Advisory committee on services for handicapped students and students with social maladjustments or learning disabilities</i> .....	185
§ 3. — <i>Advisory committee on transportation</i> .....	188
§ 4. — <i>Parents' committee</i> .....	189
§ 5. — <i>Governance and ethics committee, audit committee and human resources committee</i> .....	193.1
§ 6. — <i>Resource allocation committee</i> .....	193.2
§ 7. — <i>Commitment-to-student-success committee</i> .....	193.6
§ 8. — <i>General provisions</i> .....	194

**DIVISION V****DIRECTOR GENERAL****DIVISION VI****FUNCTIONS AND POWERS OF THE SCHOOL SERVICE CENTRE**

§ 1. — <i>Preliminary provisions</i> .....	204
§ 2. — <i>General functions</i> .....	207.1
§ 3. — <i>Functions and powers relating to educational services provided in schools</i> .....	221
§ 4. — <i>Functions and powers relating to educational services provided in vocational training centres and adult education centres</i> .....	245
§ 5. — <i>Functions and powers relating to community services</i> .....	255
§ 6. — <i>Functions and powers relating to human resources</i> .....	258.1
§ 7. — <i>Functions and powers relating to material resources</i> .....	266
§ 8. — <i>Functions and powers relating to financial resources</i> .....	274
§ 9. — <i>Functions and powers relating to student transportation</i> .....	291

**DIVISION VII**

TAXATION

§ 1. — <i>Preliminary provisions</i> .....	302
§ 2. — <i>Levy and determination of the school tax</i> .....	303
§ 3. — <i>Collection of the school tax</i> .....	304
§ 4. — <i>Recovery of school taxes</i> .....	
1. — <i>Seizure and sale of movable property</i> .....	325
2. — <i>Oppositions to seizure and sale of movable property and oppositions to payment out of proceeds of sale</i> .....	331
3. — <i>Sale of immovable property</i> .....	339

**DIVISION VIII** *Repealed, 1997, c. 47, s. 26.*

**DIVISION IX**

PROCEDURE

§ 1. — <i>By-laws and resolutions</i> .....	392
§ 2. — <i>Public notices</i> .....	397

**CHAPTER VI**

COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L'ÎLE DE MONTRÉAL

**DIVISION I**

CONSTITUTION AND COMPOSITION.....	399
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**DIVISION II**

OPERATION.....	408
----------------	-----

**DIVISION III** *Repealed, 2002, c. 75, s. 14.*

**DIVISION IV**

STAFF.....	420
------------	-----

**DIVISION V**

FUNCTIONS AND POWERS.....	423
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**CHAPTER VII**

THE GOVERNMENT AND THE MINISTER OF EDUCATION, RECREATION AND SPORTS

**DIVISION I**

REGULATIONS.....	447
------------------	-----

**DIVISION II**

FUNCTIONS AND POWERS OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS.....	459
---	-----

**DIVISION II.1**

COMITÉ D'AGRÉMENT DES PROGRAMMES DE FORMATION À L'ENSEIGNEMENT

**DIVISION III**

CONTROL MEASURES.....	478
-----------------------	-----

**CHAPTER VIII**

OFFENCES AND PENALTIES.....	480
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**CHAPTER IX** *Repealed, 2005, c. 20, s. 7.*

**DIVISION I** *Repealed, 2005, c. 20, s. 7.*

**DIVISION II** *Repealed, 2005, c. 20, s. 7.*

**DIVISION III** *Repealed, 2005, c. 20, s. 7.*

**DIVISION IV** *Repealed, 2005, c. 20, s. 7.*

**CHAPTER X** *Repealed, 2005, c. 20, s. 7.*

**DIVISION I** *Repealed, 2005, c. 20, s. 7.*

**DIVISION II** *Repealed, 2005, c. 20, s. 7.*

**DIVISION II.1** *Repealed, 1997, c. 47, Schedule (s. 4).*

**DIVISION II.2** *Repealed, 2005, c. 20, s. 7.*

**DIVISION III** *Repealed, 2005, c. 20, s. 7.*

**DIVISION IV** *Repealed, 1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 8, s. 9).*

**DIVISION IV.1** *Repealed, 2005, c. 20, s. 7.*

**DIVISION V** *Repealed, 2005, c. 20, s. 7.*

**CHAPTER XI**

## CONCORDANCE PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION.....	541
ACT RESPECTING THE CREE REGIONAL AUTHORITY.....	542
ARCHIVES ACT.....	543
ACT RESPECTING THE NATIONAL ASSEMBLY.....	544
ACT RESPECTING INSURANCE.....	545
ACT RESPECTING THE BUREAU DE LA STATISTIQUE.....	546
CHARTER OF THE FRENCH LANGUAGE.....	547
CITIES AND TOWNS ACT.....	551
CODE OF CIVIL PROCEDURE.....	553
MUNICIPAL CODE OF QUÉBEC.....	555
GENERAL AND VOCATIONAL COLLEGES ACT.....	559
ACT RESPECTING THE COMMISSION MUNICIPALE.....	561
ACT RESPECTING PUBLIC INQUIRY COMMISSIONS.....	562
ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS.....	563
ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL.....	564
ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC.....	566
CHARTERED ACCOUNTANTS ACT.....	567
ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION.....	568
ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE.....	573
ACT RESPECTING SECURITY FUND CORPORATIONS.....	574
ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS.....	576
FORESTRY CREDIT ACT.....	577
ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS.....	578
ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS.....	579
ACT RESPECTING PRIVATE EDUCATION.....	593
ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS.....	610
EXPROPRIATION ACT.....	612
ACT RESPECTING MUNICIPAL TAXATION.....	613
HYDRO-QUÉBEC ACT.....	619
EDUCATION ACT.....	620
ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION.....	657
ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF.....	664
PHOTOGRAPHIC PROOF OF DOCUMENTS ACT.....	665
ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN PUBLIC PLACES.....	666
ACT RESPECTING THE PROCESS OF NEGOTIATION OF COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS.....	667
ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN.....	669
ACT RESPECTING SUPPLEMENTAL PENSION PLANS.....	670
ACT RESPECTING CHILD DAY CARE.....	671

## EDUCATION

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ACT RESPECTING THE NASKAPI DEVELOPMENT CORPORATION.....	679
ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL DU CENTRE DU QUÉBEC.....	680
ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC.....	681
ACT RESPECTING THE MAKIVIK CORPORATION.....	682
ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L'AMIANTE.....	683
ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES.....	693
ACT RESPECTING FARM FINANCING.....	694
ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES.....	695
ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION.....	696
ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES	697
OTHER CONCORDANCE PROVISIONS.....	698
<b>CHAPTER XII</b>	
TRANSITIONAL AND FINAL PROVISIONS.....	706
<b>SCHEDULE I</b> ( <i>Repealed</i> ).	
<b>REPEAL SCHEDULES</b>	

## CHAPTER I

### STUDENTS

#### DIVISION I

##### STUDENTS' RIGHTS

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

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

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

1988, c. 84, s. 1; 1990, c. 78, s. 24, s. 54; 1997, c. 96, s. 1; 2004, c. 31, s. 71; 2020, c. 1, s. 312.

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

1988, c. 84, s. 2; 1990, c. 78, s. 25; 1997, c. 96, s. 2; 2020, c. 1, s. 312.

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

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

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

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

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

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



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

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

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

2017, c. 23, s. 1.

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

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

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

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

2017, c. 23, s. 1.

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

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

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

“School’s capacity” includes the number of students that a school can take in according to the premises available, the school service centre’s resources and the rules applicable to group formation.

1988, c. 84, s. 4; 1990, c. 8, s. 1; 1997, c. 96, s. 4; 2020, c. 1, s. 1.



*Despite the coming into force of 2020, c. 1, s. 1, this section continue to apply, as it read before being amended, for the purposes of the 2020-2021 school year. ( See 2020, c. 1, s. 333)*

**5.** *(Repealed).*

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

**6.** *(Repealed).*

1988, c. 84, s. 6; 1990, c. 78, s. 54; 1997, c. 96, s. 6; 2000, c. 24, s. 18; 2020, c. 1, s. 2.

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

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

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

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

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

**8.** *(Repealed).*

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

**9.** A student or parents of a student affected by a decision of the school service centre’s board of directors or the governing board, or of an officer or employee of the school service centre may request the school service centre’s board of directors to reconsider such decision.

1988, c. 84, s. 9; 1997, c. 96, s. 8; 2020, c. 1, s. 3.

**10.** The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school service centre.

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

1988, c. 84, s. 10; 2020, c. 1, s. 312.

**11.** The school service centre’s board of directors shall dispose of the request within 45 days after receiving it.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

1988, c. 84, s. 11; 2020, c. 1, s. 4.

**12.** The school service centre’s board of directors may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council’s new decision and informed of the grounds on which it was made.

1988, c. 84, s. 12; 2020, c. 1, s. 163.

**13.** In this Act,

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

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

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

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

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

## DIVISION II

### COMPULSORY SCHOOL ATTENDANCE

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

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

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

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

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

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

(4) a student who receives appropriate homeschooling, provided

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

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

(c) the Minister monitors the homeschooling; and

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

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

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

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

1988, c. 84, s. 15; 1990, c. 8, s. 3; 1990, c. 78, s. 27; 1992, c. 68, s. 143; 1994, c. 15, s. 33; 1996, c. 21, s. 70; 1997, c. 96, s. 9; 2017, c. 23, s. 2; 2020, c. 1, s. 312.

**16.** *(Repealed).*

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

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

1988, c. 84, s. 17.

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

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

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

2017, c. 23, s. 3; 2020, c. 1, s. 312.

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

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

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

1988, c. 84, s. 18; 1990, c. 8, s. 5; 2020, c. 1, s. 312.

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

Any person who receives a child in a place where the child receives training or instruction not governed by this Act or the Act respecting private education (chapter E-9.1) is presumed to contravene the prohibition under the first paragraph on being notified by the Minister that the child is failing to attend school as required.

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

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

2017, c. 23, s. 4.

### DIVISION III

#### STUDENTS' OBLIGATIONS

2012, c. 19, s. 3.

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

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

2012, c. 19, s. 3; 2020, c. 1, s. 312.

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

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

2012, c. 19, s. 3; 2020, c. 1, s. 312.

### CHAPTER II

#### TEACHERS

##### DIVISION I

#### TEACHERS' RIGHTS

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

The teacher, having key educational expertise, is entitled, in particular,

(1) to select methods of instruction corresponding to the requirements and objectives fixed for each group or for each student entrusted to his care;

(2) to select the means of evaluating the progress of students so as to examine and assess continually and periodically the needs and achievement of objectives of every student entrusted to his care.

1988, c. 84, s. 19; 2020, c. 1, s. 5.

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

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

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

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

**DIVISION II**

**TEACHERS' OBLIGATIONS**

**22.** A teacher shall

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

1988, c. 84, s. 22; 1990, c. 78, s. 30; 1997, c. 96, s. 10.

**DIVISION III**

**TEACHING LICENCE**

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

2005, c. 16, s. 1.

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

2005, c. 16, s. 1.

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

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

(1) a teacher hired by the lesson or by the hour;

(1.1) a person who provides instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education (chapter E-9.1);

(2) a casual supply teacher;

(3) a person providing instruction which does not have as its object, within the meaning of the basic regulations, the obtaining of a diploma, certificate or other official attestation awarded by the Minister or the obtaining of an attestation of qualification issued by a school service centre pursuant to section 223 or 246.1;

(4) a person assigned to teaching duties by a school service centre pursuant to section 25.

1988, c. 84, s. 23; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 11; 1997, c. 96, s. 164; 2005, c. 28, s. 195; 2020, c. 1, s. 312.

**24.** *(Repealed).*

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

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

1988, c. 84, s. 25; 1997, c. 96, s. 12; 2020, c. 1, s. 312.

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

2005, c. 16, s. 3.

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

(1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) any court order subsisting against the applicant in Canada or elsewhere.

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

2005, c. 16, s. 3.

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

(1) the person has obtained a pardon for the criminal or penal offence that was the reason for the revocation; or

(2) two years have passed since the date of the revocation and the person's behaviour has been above reproach during that time.

2005, c. 16, s. 3.

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

2005, c. 16, s. 3.

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

(1) any conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) any charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) any court order subsisting against the person in Canada or elsewhere.

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

2005, c. 16, s. 3.

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

2005, c. 16, s. 3.

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

2005, c. 16, s. 3.

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

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

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

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

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

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

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



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

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

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

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

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

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

1988, c. 84, s. 29; 1990, c. 78, s. 54; 1997, c. 43, s. 317; 2020, c. 1, s. 312.

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

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

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

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

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

1988, c. 84, s. 31.

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

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

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

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

1988, c. 84, s. 33; 1997, c. 43, s. 320; 2020, c. 1, s. 312.

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

2005, c. 16, s. 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2005, c. 16, s. 5.

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

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

2005, c. 16, s. 5.

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

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

2005, c. 16, s. 5.

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

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

2005, c. 16, s. 5.

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

2005, c. 16, s. 5; 2020, c. 1, s. 312.

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

1988, c. 84, s. 35; 2020, c. 1, s. 312.

## CHAPTER III

### SCHOOLS

1997, c. 96, s. 13.

#### DIVISION I

##### ESTABLISHMENT

1997, c. 96, s. 13.

**36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community.

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

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

1988, c. 84, s. 36; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2000, c. 24, s. 19; 2002, c. 63, s. 2; 2016, c. 26, s. 1; 2020, c. 1, s. 8.

**36.1.** *(Replaced).*

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

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

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

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

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

1988, c. 84, s. 37; 1997, c. 96, s. 13; 2000, c. 24, s. 20; 2002, c. 63, s. 4; 2016, c. 26, s. 2; 2020, c. 1, s. 9.

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

2002, c. 63, s. 5; 2008, c. 29, s. 1; 2016, c. 26, s. 2; 2020, c. 1, s. 312.

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

2013, c. 14, s. 1; 2020, c. 1, s. 312.

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

1988, c. 84, s. 38; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

**39.** Schools shall be established by the school service centre.

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

1988, c. 84, s. 39; 1997, c. 96, s. 13; 2006, c. 51, s. 88; 2020, c. 1, s. 312.

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

1988, c. 84, s. 40; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1988, c. 84, s. 41; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

## DIVISION II

### GOVERNING BOARD

1997, c. 96, s. 13.

#### § 1. — *Composition*

1997, c. 96, s. 13.

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

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

(1) at least four parents of students attending the school who are not members of the school staff, elected by their peers;

(2) at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;

(3) in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;

(4) in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;

(5) two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1 to 4.

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

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

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

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

1988, c. 84, s. 43; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1988, c. 84, s. 44; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

**45.** (*Repealed*).

1988, c. 84, s. 45; 1997, c. 96, s. 13; 2008, c. 29, s. 2; 2020, c. 1, s. 313; 2020, c. 1, s. 312; 2020, c. 1, s. 10.

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

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

## § 2. — *Formation*

1997, c. 96, s. 13.

**47.** Each year during the period beginning on the first day of the school year and ending on the last day of September, the chair of the governing board or, if there is none, the principal shall, by written notice, call a meeting of the parents of the students who attend the school to elect parents' representatives to the governing board. The notice shall be sent at least four days before the meeting is to be held.

At the meeting, the parents shall also elect at least two substitute members to the governing board to replace members who are unable to take part in a governing board meeting. However, the number of substitute members may not be greater than the number of parent representatives.

The parents shall also elect a representative to the parents' committee established under section 189 from among their representatives on the governing board.

At the meeting, a second parents' representative on the governing board may be designated as a substitute to attend and vote at meetings of the parents' committee when the representative elected for that purpose is unable to do so.

1988, c. 84, s. 47; 1990, c. 78, s. 31; 1997, c. 96, s. 13; 2008, c. 29, s. 3; 2013, c. 15, s. 5; 2020, c. 1, s. 11.

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

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

**49.** During the month of September each year, the members of the non-teaching professional staff who provide services to the students of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in the collective agreement of the non-teaching

professional staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

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

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

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

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

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

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

**51.1.** Any meeting called in accordance with sections 48 to 50 may elect substitute members to the governing board to replace the members who are unable to take part in a governing board meeting. Likewise, substitute members may be appointed or elected during the process carried out in accordance with section 51. The number of substitute members cannot be greater than the number of governing board members.

2016, c. 26, s. 3; 2020, c. 1, s. 12.

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

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

1988, c. 84, s. 52; 1997, c. 96, s. 13; 2020, c. 1, s. 13.

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

They must, as soon as possible after taking office for a first term, undergo the training for governing board members developed by the Minister in accordance with the second paragraph of section 459.5.

1988, c. 84, s. 53; 1990, c. 78, s. 32; 1997, c. 96, s. 13; 2001, c. 46, s. 2; 2020, c. 1, s. 14.

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

Half of the parent representatives are elected for a term beginning on an odd-numbered year and the other half, for a term beginning on an even-numbered year. In the case of a new governing board, the elected parents shall determine who among them is to have a one-year term.

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

1988, c. 84, s. 54; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 15.

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

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

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

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

**§ 3. — Operation**

1997, c. 96, s. 13.

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

1988, c. 84, s. 56; 1997, c. 96, s. 13; 2020, c. 1, s. 16.

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

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

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

1988, c. 84, s. 58; 1997, c. 96, s. 13; 2020, c. 1, s. 17.

**59.** The chair of the governing board shall see to the proper operation of the board, preside at its meetings and see to their preparation jointly with the principal.

The chair of the governing board is the board's representative and, in that capacity, shall keep the parents informed of the board's activities.

1988, c. 84, s. 59; 1997, c. 96, s. 13; 2020, c. 1, s. 18.

**60.** If the chair is absent or unable to act, the vice-chair shall replace the chair.

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

1988, c. 84, s. 60; 1990, c. 8, s. 8; 1997, c. 96, s. 13; 2020, c. 1, s. 19.

**60.1. (Replaced).**

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

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

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

**62.** If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school service centre may order that the functions and



powers of the governing board be suspended for the period determined by the school service centre and that they be exercised by the principal.

1988, c. 84, s. 62; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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

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

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

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

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

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

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

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

1988, c. 84, s. 66; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

Unless the internal management rules provide otherwise, the agenda for a meeting and the accompanying documents must be sent to the governing board members and their substitutes at least two days before the meeting is to be held.

1988, c. 84, s. 67; 1997, c. 96, s. 13; 2020, c. 1, s. 20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1988, c. 84, s. 73; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

§ 4. — *Functions and powers*

1997, c. 96, s. 13.

1. — *General functions and powers*

1997, c. 96, s. 13.

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

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

1988, c. 84, s. 74; 1997, c. 96, s. 13; 2002, c. 63, s. 6; 2008, c. 29, s. 4; 2016, c. 26, s. 4; 2020, c. 1, s. 21.

**75.** The governing board shall send the school's educational project to the school service centre and make it public within 30 days after sending it. It shall also make public the evaluation of the school's educational project. The educational project and any evaluation of it shall be communicated to the parents and the school staff.

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

1988, c. 84, s. 75; 1997, c. 96, s. 13; 2002, c. 63, s. 7; 2016, c. 26, s. 5; 2020, c. 1, s. 22.

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

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

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

2019, c. 9, s. 3.

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

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

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

- (1) an analysis of the situation prevailing at the school with respect to bullying and violence;
- (2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;

(3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

(4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;

(5) the actions to be taken when a student, teacher or other school staff member or any other person observes an act of bullying or violence;

(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

(8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The governing board shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

2012, c. 19, s. 4; 2020, c. 1, s. 23.

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

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

2012, c. 19, s. 4.

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

2012, c. 19, s. 4.

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

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

(1) the attitudes and conduct that are required of students at all times;

(2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and

(3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

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

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

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

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

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

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

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

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

2005, c. 16, s. 6; 2019, c. 9, s. 4; 2020, c. 1, s. 312.

**77.2.** Based on the principal's proposal, the governing board shall, for childcare referred to in section 256, adopt operating rules established in compliance with the organization framework agreed under that section.

2020, c. 1, s. 24.

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

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

If the school service centre does not follow up on an advisory opinion of the governing board which requires follow-up, the school service centre must give reasons to the board.

1988, c. 84, s. 78; 1990, c. 78, s. 33; 1997, c. 96, s. 13; 2020, c. 1, s. 25.

**78.1.** The governing board may also, if authorized to do so by a vote of at least two-thirds of its members, advise the principal on any matter likely to facilitate the proper operation of the school. An advisory opinion of the board may not, however, pertain to the subjects referred to in sections 19, 96.15, 96.20 and 96.21.

If the principal does not follow up on an advisory opinion of the governing board which requires follow-up, the principal must give reasons to the board.

2020, c. 1, s. 26.

**78.2.** The governing board may establish committees to support it in the exercise of its functions. Section 65 applies to those committees, with the necessary modifications.

2020, c. 1, s. 26.

**79.** The school service centre must consult with the governing board concerning

- (1) the amendment or revocation of the deed of establishment of the school;
- (2) the selection criteria for the appointment of the principal;
- (3) *(paragraph repealed)*.

1988, c. 84, s. 79; 1997, c. 96, s. 13; 2000, c. 24, s. 21; 2020, c. 1, s. 312.

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

1988, c. 84, s. 80; 1990, c. 78, s. 34, s. 54; 1997, c. 58, s. 47; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1988, c. 84, s. 81; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

The annual report shall be prepared in accordance with the regulation made under section 457.6.

1988, c. 84, s. 82; 1997, c. 96, s. 13; 2020, c. 1, s. 27.

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

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

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

A document reporting on the evaluation must be distributed to the parents, the school staff and the Student Ombudsman.

2012, c. 19, s. 7.

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

1997, c. 96, s. 13.

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

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

**85.** The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of

studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

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

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

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

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

(2) *(paragraph repealed)*;

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

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

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

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

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

1988, c. 84, s. 88; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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

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

2006, c. 51, s. 89.

**89.2.** At least once per school year, the governing board must consult the students or a group of students on matters relevant to the operation of the school, including the extracurricular activities proposed, the design and organization of premises and of the schoolyard and the social climate. The consultation must also allow students to comment on matters of their choosing.

The board may also consult with the student committee or the association representing the students, and may request its collaboration in developing the list of matters to be submitted to student consultation.

2020, c. 1, s. 28.

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

1997, c. 96, s. 13.

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

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

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

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

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

1988, c. 84, s. 91; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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

1997, c. 96, s. 13.

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

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

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

1988, c. 84, s. 93; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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



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

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

1988, c. 84, s. 94; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1988, c. 84, s. 95; 1997, c. 47, s. 1; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

### DIVISION III

#### PARENT PARTICIPATION ORGANIZATION

1997, c. 96, s. 13.

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

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

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

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

1997, c. 96, s. 13.

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

1997, c. 96, s. 13; 2002, c. 63, s. 9; 2020, c. 1, s. 29.

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

1997, c. 96, s. 13.

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

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

1997, c. 96, s. 13.

## DIVISION IV

### STUDENT COMMITTEE

1997, c. 96, s. 13.

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

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

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

1997, c. 96, s. 13.

**96.6.** The purpose of the student committee is to encourage the collaboration of students in developing, implementing and periodically evaluating the school's educational project and their participation in their educational success and in school activities as well as in the student consultation held by the governing board under the first paragraph of section 89.2.

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

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

1997, c. 96, s. 13; 2002, c. 63, s. 10; 2012, c. 19, s. 9; 2020, c. 1, s. 30.

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

1997, c. 96, s. 13.

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

2012, c. 19, s. 10.

## DIVISION V

### PRINCIPAL

1997, c. 96, s. 13.

#### § 1. — *Appointment*

1997, c. 96, s. 13.

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1997, c. 96, s. 13.

§ 2. — *Functions and powers*

1997, c. 96, s. 13.

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

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

The principal shall see to the implementation of the anti-bullying and anti-violence plan, and shall receive and promptly deal with all reports or complaints concerning bullying or violence.

On receiving a complaint concerning bullying or violence, and after considering the best interest of the students directly involved, the principal shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan. The principal shall also inform them of their right to request assistance from the person specifically designated by the school service centre for that purpose.

For each complaint received, the principal shall send the director general of the school service centre a summary report on the nature of the incident and the follow-up measures taken.

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

1997, c. 96, s. 13; 2012, c. 19, s. 11; 2020, c. 1, s. 312.

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

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

(1.1) *(subparagraph repealed)*;

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

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

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

(2.2) send parents any document the governing board addresses to them;

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

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

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

1997, c. 96, s. 13; 2002, c. 63, s. 11; 2012, c. 19, s. 12; 2016, c. 26, s. 9; 2020, c. 1, s. 31.

**96.14.** In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school service centre's policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school service centre before the student's placement and enrollment at the school. In addition, the plan must state that recourse to the school service centre's complaint examination procedure provided for in section 220.2 is an option if the parent or student is not satisfied.

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

1997, c. 96, s. 13; 2016, c. 26, s. 10; 2020, c. 1, s. 312.

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

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

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

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

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

(5) the rules governing the placement of students and their promotion from one cycle to the other at the elementary level, subject to the rules prescribed by the basic school regulation;

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

Before approving the proposals under subparagraph 3 of the first paragraph and the proposals relating to how parents are to be informed of the academic progress of their children under subparagraph 4 of the first paragraph, the principal must consult with the governing board.

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

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

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

1997, c. 96, s. 13; 2006, c. 51, s. 90; 2016, c. 26, s. 11; 2020, c. 1, s. 32.

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

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

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

1997, c. 96, s. 13; 2006, c. 51, s. 91; 2020, c. 1, s. 33.

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

1997, c. 96, s. 13; 2006, c. 51, s. 92; 2020, c. 1, s. 33.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

service centre and university-level institutions concerning the training of future teachers or the mentoring of newly qualified teachers.

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

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

1997, c. 96, s. 13; 2000, c. 24, s. 24; 2012, c. 19, s. 13; 2020, c. 1, s. 34.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school service centre and the school's own revenues, on the other.

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

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

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

1997, c. 96, s. 13; 2008, c. 29, s. 5; 2016, c. 26, s. 12; 2020, c. 1, ss. 163 and 312.

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

1997, c. 96, s. 13; 2002, c. 63, s. 12; 2016, c. 26, s. 13; 2020, c. 1, s. 312.

**96.26.** The principal shall also exercise the functions and powers delegated by the school service centre's board of directors.

The principal shall, at the request of the school service centre, exercise functions other than the functions of a principal.

1997, c. 96, s. 13; 2020, c. 1, ss. 163 and 312.

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

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

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

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

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

2012, c. 19, s. 14; 2020, c. 1, ss. 163 and 312.

### CHAPTER IV

#### VOCATIONAL TRAINING CENTRES AND ADULT EDUCATION CENTRES

1997, c. 96, s. 13.

#### DIVISION I

##### ESTABLISHMENT

1997, c. 96, s. 13.

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

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

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

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

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

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

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

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

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

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

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

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

2002, c. 63, s. 14; 2008, c. 29, s. 6; 2016, c. 26, s. 15; 2020, c. 1, s. 35.

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

2016, c. 26, s. 15; 2020, c. 1, s. 312.

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

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

1988, c. 84, s. 98; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

**100.** Centres shall be established by the school service centre.

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

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

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

1988, c. 84, s. 100; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1988, c. 84, s. 101; 1990, c. 8, s. 9; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 312.



**DIVISION II**

**GOVERNING BOARD**

1997, c. 96, s. 13.

§ 1. — *Composition and formation*

1997, c. 96, s. 13.

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

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

(1) students attending the centre, elected by their peers according to the procedure determined by the principal after consulting with the students or the students' association, if any;

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

(3) at least two persons appointed by the school service centre after consulting with the socio-economic and community groups in the territory principally served by the centre;

(4) in the case of a vocational training centre, at least two parents of students attending the centre who are not members of the staff of the centre, elected by their peers according to the procedure determined by the principal;

(5) at least two persons appointed by the school service centre from within enterprises of the region which, in the case of a vocational training centre, operate in economic sectors corresponding to the vocational education programs offered by the centre.

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

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

They must, as soon as possible after taking office for a first term, undergo the training for governing board members developed by the Minister in accordance with the second paragraph of section 459.5.

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

1988, c. 84, s. 102; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 36.

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

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

1988, c. 84, s. 103; 1997, c. 96, s. 13; 2020, c. 1, s. 312.

**104.** *(Repealed).*

1988, c. 84, s. 104; 1990, c. 8, s. 10; 1990, c. 78, s. 36; 1997, c. 96, s. 13; 2008, c. 29, s. 7; 2020, c. 1, s. 313; 2020, c. 1, s. 312; 2020, c. 1, s. 37.

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

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

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

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

§ 2. — *Operation*

1997, c. 96, s. 13.

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

1988, c. 84, s. 107; 1997, c. 96, s. 13; 2020, c. 1, s. 38.

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

2002, c. 63, s. 15.

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

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

§ 3. — *Functions and powers*

1997, c. 96, s. 13.

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

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

1988, c. 84, s. 109; 1997, c. 96, s. 13; 2002, c. 63, s. 17; 2008, c. 29, s. 8; 2016, c. 26, s. 16; 2020, c. 1, s. 39.

**109.1.** The governing board shall send the centre's educational project to the school service centre and make it public within 30 days after sending it. It shall also make public the evaluation of the centre's educational project. The educational project and any evaluation of it shall be communicated to the students and the centre staff members.

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

2002, c. 63, s. 18; 2016, c. 26, s. 17; 2020, c. 1, s. 40.

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

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

If the school service centre does not follow up on an advisory opinion of the governing board which requires follow-up, the school service centre must give reasons to the board.

1988, c. 84, s. 110; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2020, c. 1, s. 41.

**110.0.1.** The governing board may also, if authorized to do so by a vote of at least two-thirds of its members, advise the principal on any matter likely to facilitate the proper operation of the centre. An advisory opinion of the board may not, however, pertain to the subjects referred to in sections 19, 96.20, 96.21 and 110.12.

If the principal does not follow up on an advisory opinion of the governing board which requires follow-up, the principal must give reasons to the board.

2020, c. 1, s. 42.

**110.0.2.** The governing board may establish committees to support it in the exercise of its functions. Section 65 applies to those committees, with the necessary modifications.

2020, c. 1, s. 42.

**110.1.** The school service centre must consult the governing board concerning

- (1) the amendment or revocation of the deed of establishment of the centre;
- (2) the selection criteria for the appointment of the principal.

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

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

1997, c. 96, s. 13.

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

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

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

2005, c. 16, s. 7.

**110.4.** Sections 75.1 to 75.3, 77, 80 to 82, 83.1, 89.2 and 93 to 95, adapted as required, apply to the governing board of a centre.

The document referred to in the fourth paragraph of section 75.1 and the second paragraph of section 83.1 must also be distributed to the students.

1997, c. 96, s. 13; 2002, c. 63, s. 20; 2020, c. 1, s. 43.

## **DIVISION III**

### **PRINCIPAL**

1997, c. 96, s. 13.

#### **§ 1. — *Appointment***

1997, c. 96, s. 13.

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

1997, c. 96, s. 13.

§ 2. — *Functions and powers*

1997, c. 96, s. 13.

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

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

1997, c. 96, s. 13; 2020, c. 1, s. 312.

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

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

(1.1) *(subparagraph repealed)*;

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

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

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

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

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

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

1997, c. 96, s. 13.

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

- (1) the criteria for the introduction of new instructional methods;
- (2) in keeping with the budget of the centre, the textbooks and instructional material required for the teaching of programs of studies;
- (3) the standards and procedures for the evaluation of student achievement in keeping with the prescriptions of the basic regulation and subject to the examinations that may be imposed by the Minister or the school service centre;
- (4) the measures selected to achieve the objectives and targets set out in the educational project.

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

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

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

1997, c. 96, s. 13; 2016, c. 26, s. 20; 2020, c. 1, s. 44.

**110.13.** Section 96.7.1, the third, fourth, fifth and sixth paragraphs of section 96.12, subparagraph 1.2 of the first paragraph of section 96.13 and sections 96.20 to 96.26, adapted as required, apply to the principal of a centre.

1997, c. 96, s. 13; 2020, c. 1, s. 45.

## CHAPTER V

### SCHOOL SERVICE CENTRES

1988, c. 84, c. V; 2020, c. 1, s. 312.

## DIVISION I

### ESTABLISHMENT OF FRENCH LANGUAGE AND ENGLISH LANGUAGE SCHOOL SERVICE CENTRES

1988, c. 84, Div. I; 2020, c. 1, s. 312.

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

A school service centre shall be established in each territory.

The order shall determine the name of the school service centre.

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

1988, c. 84, s. 111; 1990, c. 78, s. 1; 1997, c. 47, s. 2; 2020, c. 1, s. 320; 2020, c. 1, s. 46.

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

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

1997, c. 47, s. 3; 2020, c. 1, s. 312.

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

1988, c. 84, s. 112; 2020, c. 1, s. 312.

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

1988, c. 84, s. 113; 1997, c. 96, s. 14; 2020, c. 1, s. 312.

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

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

1988, c. 84, s. 114; 2018, c. 5, s. 1; 2019, c. 5, s. 1; 2020, c. 1, s. 312.

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

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

1988, c. 84, s. 115; 2020, c. 1, s. 312.

### DIVISION I.1

#### CHANGES TO SCHOOL SERVICE CENTRE TERRITORIES

2020, c. 1, s. 47.

**116.** The Government may, by order, at the request of a school service centre or of a majority of parents of students or electors, as applicable, domiciled in the territory of a same school service centre, or of its own motion after consulting with the interested school service centres, make any change to the school service centre territories concerned.

The Government shall determine the school service centre having jurisdiction over any changed or new territory and may, to that end, prescribe that a school service centre cease to exist or establish a new school service centre. It shall determine, after consulting with the interested school service centres, the name of the new school service centre, if applicable.

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

Until the coming into force of the territorial changes, a school service centre established under the second paragraph shall exercise only the functions necessary to prepare its first school year. On the coming into force of the territorial changes, it shall acquire all the attributes conferred on a school service centre under this Act.

Similarly, until the coming into force of the territorial changes, an existing school service centre whose territory is changed in accordance with the first paragraph or that acquires jurisdiction over a new territory in accordance with the second paragraph shall exercise, with respect to the new territory, only the functions necessary to prepare the school year as of which the territorial changes come into force. On the coming into force of the territorial changes, it shall fully exercise its jurisdiction over the entirety of the new territory.

The termination of a school service centre ordered pursuant to the second paragraph takes effect on the date of coming into force of the territorial changes.

1988, c. 84, s. 116; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**117.** The Minister may, by regulation, establish a transitional scheme applicable to the school service centres affected by the territorial changes for the period beginning on the day of publication of the order, or on any later date indicated in the order, and ending one year after the day of coming into force of those changes.

The scheme may prescribe rules relating to the transition, which may, in particular, concern the establishment, composition or operation of a transitional board of directors. If applicable, such rules apply despite the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3). Such rules may also concern a school service centre's functions and powers during the transition period.

In particular, the Minister may, in the scheme, specify the rules allowing a school service centre to succeed another and the manner in which the rights and obligations of a school service centre whose territory is changed are transferred.

1988, c. 84, s. 117; 1990, c. 8, s. 11; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**117.1.** *(Replaced).*

1991, c. 27, s. 1; 2020, c. 1, s. 47.

**118.** The Minister shall rule on any dispute among the school service centres during the transition period preceding the coming into force of the territorial changes, except disputes relating to the distribution and transfer of employees who are represented by a certified association within the meaning of the Labour Code (chapter C-27) or of employees for whom a regulation of the Minister made under section 451 provides a special recourse.

1988, c. 84, s. 118; 1991, c. 27, s. 2; 2018, c. 5, s. 2; 2019, c. 5, s. 2; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**118.1.** *(Replaced).*

1991, c. 27, s. 3; 1997, c. 96, s. 15; 2008, c. 29, s. 9; 2013, c. 15, s. 6; 2020, c. 1, s. 313; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 47.

**118.2.** *(Replaced).*

1991, c. 27, s. 3; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**118.3.** *(Replaced).*

1991, c. 27, s. 3; 2008, c. 29, s. 10; 2016, c. 26, s. 21; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 47.

**119.** In the event of territorial changes that cause a transfer of ownership to a school service centre, the latter becomes the owner of the immovable covered by the registration in the land register of a notice stating



the facts which resulted in the transfer, including the order for territorial changes, and describing the immovable concerned.

1988, c. 84, s. 119; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**120.** Any judicial or administrative proceedings to which a school service centre that ceases to exist on the coming into force of the territorial changes is a party are continued by the school service centre determined by the Government under section 116, without continuance of suit.

1988, c. 84, s. 120; 1997, c. 96, s. 16; 2020, c. 1, s. 312; 2020, c. 1, s. 47.

**121.** *(Repealed).*

1988, c. 84, s. 121; 1999, c. 40, s. 158; 2000, c. 42, s. 179; 2020, c. 1, s. 48.

## DIVISION II

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

1997, c. 47, s. 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**128.** *(Repealed).*

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

**129.** *(Repealed).*

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

**130.** *(Repealed).*

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

**131.** *(Repealed).*

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

**132.** *(Repealed).*

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

**133.** *(Repealed).*

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

**134.** *(Repealed).*

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

**135.** *(Repealed).*

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

**136.** *(Repealed).*

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

**137.** *(Repealed).*

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

**138.** *(Repealed).*

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

**138.1.** *(Repealed).*

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

**138.2.** *(Repealed).*

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

**138.3.** *(Repealed).*

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

**139.** *(Repealed).*

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

**140.** *(Repealed).*

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

**141.** *(Repealed).*

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

**142.** *(Repealed).*

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

**DIVISION III**

**SCHOOL SERVICE CENTRE'S BOARD OF DIRECTORS**

1988, c. 84, Div. III; 2020, c. 1, s. 49.

§ 1. — *Composition*

**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; and

(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.

1988, c. 84, s. 143; 1997, c. 47, s. 5; 1997, c. 96, s. 17; 2008, c. 29, s. 11; 2020, c. 1, ss. 307 and 313; 2020, c. 1, s. 50.

**143.1.** An English-language school service centre shall be administered by a board of directors composed of the following members:

(1) between 8 and 17 parent representatives who are parents of students attending an institution under the school service centre's jurisdiction, who are not members of the school service centre's staff and who sit as parent representatives on the governing board of a school or vocational training centre;

(2) between 4 and 13 community representatives who are domiciled in the school service centre's territory and who are not members of the school service centre's staff, including

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

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

(c) at least one person from the community, municipal, sport, cultural, health, social services or business sector; and

(d) at least one person aged 18 to 35; and

(3) four members of the school service centre's staff, including one teacher, one non-teaching professional staff member, one support staff member and one principal of an educational institution.

The members referred to in subparagraph 1 or 2 of the first paragraph are elected or appointed in accordance with the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3), whereas those referred to in subparagraph 3 of the first paragraph are designated in accordance with this Act and the regulation made under section 455.2.

2008, c. 29, s. 11; 2020, c. 1, s. 307; 2020, c. 1, s. 50.

**143.2.** In addition to having the qualifications required by sections 143 and 143.1, candidates for a seat on a French-language school service centre's board of directors and candidates for a staff representative seat on an English-language school service centre's board of directors must meet the conditions prescribed by the regulation made under section 455.2.

2008, c. 29, s. 11; 2020, c. 1, s. 313; 2020, c. 1, s. 50.

**143.3.** The members of a school service centre's board of directors are designated for three-year terms.

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.

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. They must, within 30 days after taking office, swear an oath before the school service centre's director general, or before the person designated by the latter, to fulfill the duties of their office faithfully and to the best of their judgment and ability. An entry of the oath is made in the Minutes of Proceedings of the school service centre.

This section does not apply to members whose election is governed by the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3), which provides for the duration of their term and for their taking office. The second paragraph does not apply to representatives of English-language school service centre staff.

2020, c. 1, ss. 50 and 313; 2020, c. 1, s. 50.

**143.4.** Despite subparagraph 1 of the first paragraph of section 143, a parent representative who is no longer a member of the parents' committee may apply for the renewal of his or her term as a parent representative on the school service centre's board of directors, provided that one of his or her children is still attending the school of whose governing board he or she was a member.

2020, c. 1, s. 50.

**143.5.** The fact that the representatives of a group fall short of the required number shall not prevent the formation of the school service centre's board of directors.

2020, c. 1, s. 50.

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

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

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

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

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

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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.

2020, c. 1, s. 50.

**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 to sit on the school service centre's board of directors and shall publish it on the school service centre's website.

2020, c. 1, s. 50.

**144.** *(Repealed).*

1988, c. 84, s. 144; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**145.** *(Repealed).*

1988, c. 84, s. 145; 1989, c. 36, s. 261; 1997, c. 96, s. 18; 2006, c. 51, s. 93; 2008, c. 29, s. 12; 2016, c. 26, s. 25; 2020, c. 1, s. 313; 2020, c. 1, s. 312; 2020, c. 1, s. 51.

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

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

**147.** *(Repealed).*

1988, c. 84, s. 147; 1997, c. 96, s. 19; 1997, c. 47, s. 7; 2020, c. 1, s. 313; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**148.** *(Repealed).*

1988, c. 84, s. 148; 1997, c. 47, s. 8; 2008, c. 29, s. 13; 2016, c. 26, s. 26; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**149.** *(Repealed).*

1988, c. 84, s. 149; 1997, c. 96, s. 20; 1997, c. 47, s. 9; 2008, c. 29, s. 14; 2013, c. 15, s. 6; 2020, c. 1, s. 313; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**150.** *(Repealed).*

1988, c. 84, s. 150; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**151.** *(Repealed).*

1988, c. 84, s. 151; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**152.** *(Repealed).*

1988, c. 84, s. 152; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 51.

**153.** *(Repealed).*

1988, c. 84, s. 153; 1997, c. 47, s. 10; 2008, c. 29, s. 34; 2020, c. 1, s. 312; 2020, c. 1, s. 51.

§ 2. — *Operation*

**154.** The chair of the school service centre's board of directors or, in the chair's absence, the director general, shall call the members of the school service centre's board of directors to a first meeting which must be held not later than 1 September of each school year.

1988, c. 84, s. 154; 2020, c. 1, s. 52.

**155.** At its first meeting, the school service centre's board of directors shall appoint a chair and a vice-chair, if those seats are vacant, from among its members sitting as parent representatives.

The terms of office of the chair and the vice-chair end at the same time as their terms as members of the school service centre's board of directors, unless they are removed by a vote of at least two-thirds of the board members.

1988, c. 84, s. 155; 2006, c. 51, s. 94; 2008, c. 29, s. 15, s. 34; 2020, c. 1, s. 52.

**155.1.** *(Repealed).*

2008, c. 29, s. 16; 2020, c. 1, s. 53.

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

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

**157.** Any vacancy in the office of chair or vice-chair shall be filled within 30 days in accordance with the rules governing the appointment of the member to be replaced.

1988, c. 84, s. 157; 2008, c. 29, s. 18, s. 34; 2020, c. 1, s. 54.

**158.** Where the chair is absent or unable to act, the vice-chair shall exercise his functions and powers. Where the vice-chair is absent or unable to act, another 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.

1988, c. 84, s. 158; 1990, c. 78, s. 54; 1997, c. 96, s. 21; 1999, c. 40, s. 158; 2008, c. 29, s. 34; 2020, c. 1, s. 55.

**159.** The chair shall preside over the sittings of the school service centre's board of directors. He shall maintain order at sittings of the council.

1988, c. 84, s. 159; 2008, c. 29, s. 34; 2020, c. 1, s. 163.

**160.** A majority of the members constitutes a quorum of the school service centre's board of directors.

1988, c. 84, s. 160; 2020, c. 1, s. 56.

**161.** The decisions of the school service centre's board of directors are taken by a majority of the votes cast by the members present.

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

1988, c. 84, s. 161; 1997, c. 96, s. 22; 2008, c. 29, s. 34; 2020, c. 1, s. 57.

**162.** The school service centre's board of directors must, by by-law, set its operating rules.

The school service centre's board of directors must hold at least four regular meetings every school year.

Unless the operating rules provide otherwise, the agenda for a meeting and the accompanying documents must be sent to the members at least two days before the meeting is to be held.

1988, c. 84, s. 162; 2020, c. 1, s. 58.

**163.** The chair or two members of the school service centre's board of directors may ask that a special meeting of the board be called.

The meeting is called by a notice sent to each member of the school service centre's board of directors by the secretary general, at least two days before the meeting is to be held. The notice must be accompanied by the documents necessary for the meeting.

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

1988, c. 84, s. 163; 2008, c. 29, s. 34; 2020, c. 1, s. 59.

**164.** At a special meeting, only the matters mentioned in the notice calling the meeting may be dealt with and decided, unless all the members of the school service centre's board of directors are present at the special meeting and decide otherwise.

1988, c. 84, s. 164; 2020, c. 1, s. 60.

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

The mere presence of a member of the school service centre's board of directors constitutes a waiver of the notice calling the meeting unless he specifically attends the meeting to object to the holding of the meeting.

1988, c. 84, s. 165; 1999, c. 40, s. 158; 2008, c. 29, s. 34; 2020, c. 1, s. 61.

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

1988, c. 84, s. 166.

**167.** The meetings of the school service centre's board of directors are public; however, the council may order that they be held in camera for the purpose of examining any matter liable to be prejudicial to a person.

1988, c. 84, s. 167; 2020, c. 1, s. 163.

**167.1.** The school service centre's director general and a member of the centre's executive staff designated by his or her peers shall take part in the meetings of the centre's board of directors but they are not entitled to vote.

2020, c. 1, s. 62.



**168.** Only board members, the school service centre's director general, the executive staff member referred to in section 167.1, and the persons authorized to do so by the board of directors may take part in the deliberations of the school service centre's board of directors.

However, a question period must be provided at each public meeting during which the persons present may put oral questions to the members of the school service centre's board of directors.

The school service centre's board of directors shall establish the rules relating to the time for question period, its duration and the procedure to be followed for putting questions.

1988, c. 84, s. 168; 2020, c. 1, s. 63.

**168.1.** *(Repealed).*

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

**169.** 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 participate in a meeting of the school service centre's board of directors through a means that allows the persons participating in or attending the meeting to communicate directly with each other.

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

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

1988, c. 84, s. 169; 2002, c. 63, s. 22; 2004, c. 38, s. 2; 2016, c. 26, s. 27; 2020, c. 1, s. 64.

**170.** The minutes of each meeting of the school service centre's board of directors shall be entered in the register known as the "Minutes of Proceedings". After having been read and approved at the beginning of the following meeting, they shall be signed by the person presiding over the meeting and countersigned by the secretary general.

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

1988, c. 84, s. 170; 2020, c. 1, s. 163.

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

1988, c. 84, s. 171; 2020, c. 1, s. 163.

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

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

1988, c. 84, s. 172; 2008, c. 29, s. 34; 2020, c. 1, ss. 163 and 312.

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

1988, c. 84, s. 173; 2008, c. 29, s. 34; 2020, c. 1, s. 312.

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

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

The school service centre's board of directors may also delegate certain functions and powers to a governing board, to the resource allocation committee or to the commitment-to-student-success committee.

1988, c. 84, s. 174; 1990, c. 78, s. 54; 1997, c. 96, s. 24; 2016, c. 26, s. 28; 2020, c. 1, s. 65.

**175.** The members of the school service centre's board of directors are not remunerated.

However, they are entitled, according to the standards established by the Government, to an attendance allowance and to the reimbursement of reasonable expenses incurred in the exercise of their functions.

The allowance and reimbursement are borne by the school service centre.

1988, c. 84, s. 175; 1990, c. 78, s. 54; 2020, c. 1, s. 66.

**175.1.** The English-language school service centre's board of directors must, by by-law, adopt a code of ethics and professional conduct for its members sitting as parent representatives or community representatives.

The code shall set out the duties and obligations of the members of the school service centre's board of directors referred to in the first paragraph, and may prescribe standards that vary according to the categories of members or that apply only to certain categories of members. The code must, among other things,

(1) include preventive measures, in particular rules for the disclosure of interests held by the members of the school service centre's board of directors;

(2) deal with the identification of situations of conflict of interest;

(3) *(paragraph repealed)*;

(4) specify the duties and obligations of members of the school service centre's board of directors even after they leave office;

(5) include enforcement mechanisms, in particular the designation of the persons charged with the enforcement of the code and provide for penalties.

No member of the school service centre's board of directors or employee of the centre may be responsible for determining if the code has been contravened or for imposing a penalty.

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

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

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

1997, c. 6, s. 2; 2006, c. 51, s. 95; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 67.

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

1997, c. 6, s. 2.

**175.3.** Any person who derives a benefit as a result of a failure to comply with any standard of ethics or professional conduct established under section 175.1 or 457.8 is liable to the State for the value of the benefit derived.

1997, c. 6, s. 2; 2020, c. 1, s. 68.

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

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

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

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

1997, c. 96, s. 25; 2020, c. 1, ss. 163 and 312; 2020, c. 1, s. 69.

### § 3. — *Vacancies*

2020, c. 1, s. 70.

**175.5.** This subdivision applies to members of a French-language school service centre's board of directors and to 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 rules concerning a vacancy in another seat on an English-language school service centre's board of directors are provided for in Chapter IX 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).

2020, c. 1, ss. 70 and 313; 2020, c. 1, s. 70.

**175.6.** A vacancy on a school service centre's board of directors occurs when a member no longer has a qualification required by section 143 or 143.1, becomes ineligible for the seat he or she holds, is disqualified from sitting, becomes incapable, resigns, dies or has his or her term revoked.

However, the following do not entail the loss of qualification as a member:

(1) in the case of a parent representative, the fact that the representative's child ceases to attend a school that comes under the school service centre's jurisdiction or that the representative ceases to be a member of the parents' committee; or

(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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2020, c. 1, s. 70.

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

However, the board of directors may, at that meeting, grant the member a period of grace until the next regular board meeting if he or she was in fact unable to attend the meetings. In such a case, the member's term ends on the day of that next meeting, unless the member attends that meeting.

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2020, c. 1, s. 70.

**175.8.** A member of a school service centre's board of directors may resign from office by notifying the school service centre's secretary general in writing.

The member's term ends on the date the notice is sent or on any later date indicated in it.

The secretary general shall send the notice to the school service centre's board of directors at the next meeting.

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2020, c. 1, s. 70.

**175.9.** On ascertaining a fact referred to in either section 175.6 or 175.7, the school service centre's secretary general shall notify the board of directors accordingly at the next meeting.

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2020, c. 1, s. 70.

**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.

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2020, c. 1, s. 70.

**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.

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2020, c. 1, s. 70.

**175.11.** A vacancy in a staff representative seat on a school service centre's board of directors is filled, for the unexpired portion of the term, by a substitute member previously designated for that purpose or, where there is no designated substitute, by following the prescribed procedure for designating the member to be replaced.

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2020, c. 1, s. 70.

**176.** A person is not qualified to hold office as a member of an English-language school service centre's board of directors as a parent representative or a community representative if convicted of an offence that is a

corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) or the Election Act (chapter E-3.3).

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

Sections 306 to 312 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply to members of an English-language school service centre's board of directors sitting as parent representatives or community representatives in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, an English-language school service centre's board of directors is deemed to be a municipal council and an English-language school service centre is deemed to be a municipality.

1988, c. 84, s. 176; 1997, c. 96, s. 26; 2006, c. 51, s. 96; 2020, c. 1, s. 313; 2020, c. 1, s. 71.

§ 4. — *Functions, duties and responsibilities of the members of a school service centre's board of directors*

2020, c. 1, s. 72.

**176.1.** The members of the school service centre's board of directors shall exercise their functions and powers, with due regard for everyone's role and responsibilities, with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government. To that end, the role of the board members includes

(1) *(paragraph repealed)*;

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

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

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

(4) carrying out any mandate entrusted to them by the school service centre's board of directors, on a proposal by the chair, for the purpose of providing information to the other board members on any specific matter.

They must, as soon as possible after taking office for a first term, undergo the training developed by the Minister for members of boards of directors, in accordance with the second paragraph of section 459.5.

2008, c. 29, s. 19; 2016, c. 26, s. 29; 2020, c. 1, s. 73.

**177.** No member of the school service centre's board of directors may be prosecuted for an act performed in good faith in the discharge of his functions.

1988, c. 84, s. 177; 1990, c. 78, s. 54; 2020, c. 1, s. 163.

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

1997, c. 96, s. 27; 2020, c. 1, ss. 163 and 312.

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

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

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

1997, c. 96, s. 27; 2020, c. 1, ss. 163 and 312.

**177.3.** *(Repealed).*

2008, c. 29, s. 20; 2020, c. 1, s. 74.

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

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

1988, c. 84, s. 178; 1997, c. 96, s. 28; 2020, c. 1, ss. 163 and 312.

## **DIVISION IV**

### **COMMITTEES**

1988, c. 84, Div. IV; 2020, c. 1, s. 75.

**179.** *(Repealed).*

1988, c. 84, s. 179; 1990, c. 8, s. 13; 1997, c. 96, s. 29; 1997, c. 47, s. 11; 2008, c. 29, s. 21; 2016, c. 26, s. 30; 2020, c. 1, s. 313; 2020, c. 1, s. 76.

**180.** *(Repealed).*

1988, c. 84, s. 180; 1990, c. 8, s. 14; 2020, c. 1, s. 76.

**181.** *(Repealed).*

1988, c. 84, s. 181; 1990, c. 78, s. 54; 2020, c. 1, s. 76.

**182.** *(Repealed).*

1988, c. 84, s. 182; 1997, c. 96, s. 30; 2020, c. 1, s. 76.

#### **§ 1. — *Advisory committee on management***

2020, c. 1, s. 77.

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

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

Where the advisory committee on management acts in the place and stead of the resource allocation committee under section 193.5, it shall add to its members the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities appointed under section 265 if that person is not already a member of the advisory committee on management.

1988, c. 84, s. 183; 1989, c. 36, s. 275; 1997, c. 96, s. 31; 2016, c. 26, s. 31; 2020, c. 1, s. 312.

**184.** Every school service centre may replace the advisory committee on management by an advisory committee for each region and a central advisory committee composed of delegates from the regional committees and of members of the executive staff of the school service centre.

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

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

1988, c. 84, s. 184; 1990, c. 78, s. 54; 1997, c. 96, s. 32; 2020, c. 1, s. 78.

*§ 2. — Advisory committee on services for handicapped students and students with social maladjustments or learning disabilities*

2020, c. 1, s. 79.

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

The committee shall be composed of

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

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

1988, c. 84, s. 185; 1990, c. 8, s. 16; 2020, c. 1, ss. 163 and 312.

**186.** The school service centre's board of directors shall determine the number of representatives from each group.

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

1988, c. 84, s. 186; 2020, c. 1, s. 163.

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

(1) to advise the school service centre on a policy for the organization of educational services to handicapped students and students with social maladjustments or learning disabilities;

(2) to advise the resource allocation committee on the allocation of financial resources to the services intended for those students;

(3) to advise the commitment-to-student-success committee on the commitment-to-success plan.

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

1988, c. 84, s. 187; 1990, c. 78, s. 37, s. 54; 1997, c. 96, s. 33; 2016, c. 26, s. 32; 2020, c. 1, s. 80.

**187.1.** Each year, the school service centre shall inform the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities of the amount of the financial resources available for services intended for those students and of the allocation of those resources in light of the policies defined by the Minister.

The school service centre shall report each year to the committee and the Minister on requests for reconsideration made under section 9 relating to services for handicapped students and students with social maladjustments or learning disabilities.

2005, c. 43, s. 43; 2020, c. 1, s. 312.

§ 3. — *Advisory committee on transportation*

2020, c. 1, s. 81.

**188.** Every school service centre which provides student transportation shall establish an advisory committee on transportation the composition, operation and functions of which shall meet the norms established by government regulation.

1988, c. 84, s. 188; 1990, c. 78, s. 54; 2020, c. 1, s. 312.

§ 4. — *Parents' committee*

2020, c. 1, s. 82.

**189.** A parents' committee composed of the following persons shall be established for each school service centre:

(1) one representative from each school, elected by the meeting of parents pursuant to the second paragraph of section 47;

(2) one representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

A representative from a school whose child no longer attends the school may remain on the parents' committee.

The parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities may designate a second representative as a substitute to attend and vote at meetings of the parents' committee when their representative is unable to do so.

1988, c. 84, s. 189; 1989, c. 36, s. 263; 1997, c. 47, s. 12; 1997, c. 96, s. 34; 2020, c. 1, s. 312.



**190.** Each year, before the first Sunday in November, the chair of the parents' committee or, in his absence, the secretary general of the school service centre shall call a meeting of the parents' committee to elect the chair of the parents' committee.

1988, c. 84, s. 190; 2008, c. 29, s. 34; 2016, c. 26, s. 33; 2020, c. 1, s. 312.

**191.** Every school service centre may replace the parents' committee by a regional parents' committee for each region and a central parents' committee composed of delegates from the regional parents' committees and a representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, designated by and from among the parents who are members of that committee.

Section 190 applies to the election of the chair of the central parents' committee and the chair of each regional parents' committee.

The school service centre, after consulting with the members of the regional parents' committees, shall determine the allocation of functions and the mode of operation and financing of the regional and central committees.

1988, c. 84, s. 191; 1989, c. 36, s. 264; 1990, c. 78, s. 54; 1997, c. 47, s. 13; 1997, c. 96, s. 35; 2008, c. 29, s. 34; 2020, c. 1, s. 83.

**192.** The functions of the parents' committee are

(1) to raise awareness of the value of public education among all the parents of students attending one of the school service centre's schools;

(2) to propose to the school service centre ways of supporting parents' involvement in their role with their child in order to foster their child's success at school;

(3) to propose to the school service centre ways of facilitating communication between parents and school staff members;

(4) to promote parents' participation in the activities of the school and of the school service centre and, to that end, to designate parents to take part in the various committees established by the school service centre;

(5) to inform the school service centre of parents' needs, especially their training needs, as identified by the school representatives and by the representative of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities;

(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

(7) to advise the school service centre on the special school projects offered or considered in its schools, on any matter likely to ensure the best possible operation of the school service centre and on any matter on which it must be consulted.

1988, c. 84, s. 192; 1990, c. 78, s. 54; 1997, c. 96, s. 36; 2020, c. 1, s. 84.

**193.** The parents' committee shall be consulted on the following matters:

(1) the division, annexation or amalgamation of the territory of the school service centre;

(1.1) the school service centre's commitment-to-success plan;

(2) the three-year plan of allocation and destination of the immovables of the school service centre, the list of schools and the deeds of establishment;

(3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school;

(3.1) *(subparagraph repealed)*;

(4) *(subparagraph repealed)*;

(5) the distribution of educational services among the schools;

(5.1) the school service centre's by-law on the complaint examination procedure established under section 220.2;

(6) the criteria referred to in section 239 for the enrollment of students in schools;

(6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school;

(7) the school calendar;

(7.1) the childcare provided at school;

(8) *(subparagraph repealed)*;

(9) *(subparagraph repealed)*;

(10) *(subparagraph repealed)*.

Moreover, the parents' committee may, on its own initiative, make recommendations to the school service centre regarding the matters referred to in the first paragraph. It may also waive a consultation on a matter referred to in subparagraph 1, 2, 3, 5, 5.1, 6 or 6.1 of the first paragraph. In such a case, it must so inform the school service centre in writing, and it shall do the same if it wishes to put an end to the waiver.

1988, c. 84, s. 193; 1990, c. 8, s. 17; 1990, c. 78, s. 54; 1997, c. 47, s. 14; 1997, c. 96, s. 37; 2002, c. 63, s. 23; 2005, c. 16, s. 8; 2006, c. 51, s. 97; 2016, c. 26, s. 34; 2018, c. 5, s. 3; 2020, c. 1, s. 85.

**193.0.1.** At the request of the parents' committee, the school service centre shall send parents any document that the parents' committee addresses to them.

The school service centre shall also forward to the parents' committee any document that a parent wishes to send to the committee.

2020, c. 1, s. 86.

**§ 5. — Governance and ethics committee, audit committee and human resources committee**

2020, c. 1, s. 87.

**193.1.** The school service centre's board of directors must establish the following committees:

- (1) a governance and ethics committee;
- (2) an audit committee; and
- (3) a human resources committee.

The governance and ethics committee shall, among other things, assist the members of the school service centre's board of directors in applying the standards of ethics and professional conduct. It shall also develop

the criteria and terms for evaluating the operation of the school service centre's board of directors. Lastly, it shall ensure that all the members of the board of directors and of the governing boards undergo the training developed by the Minister under the second paragraph of section 459.5.

The audit committee shall, among other things, assist the members of the school service centre's board of directors in seeing to the establishment of internal control mechanisms and to the optimal use of the school service centre's resources. The committee must secure the assistance of at least one member of the school service centre's staff with accounting or financial expertise.

The human resources committee shall, among other things, assist the members of the school service centre's board of directors in developing an expertise and experience profile and selection criteria for persons to be appointed by the school service centre under section 96.8, 110.5 or 198. It shall also propose to the school service centre's board of directors criteria for evaluating the school service centre's director general. In addition, it shall develop a management succession planning program for the school service centre.

The school service centre's board of directors may establish other committees to assist it in the exercise of its functions or the examination of specific matters.

2008, c. 29, s. 22; 2020, c. 1, s. 88.

#### § 6. — *Resource allocation committee*

2020, c. 1, s. 89.

**193.2.** The school service centre must establish a resource allocation committee composed of not more than 15 members, including the director general of the school service centre, who is responsible for its direction. Subject to the third paragraph, the committee members must be members of the school service centre's executive staff.

The majority of the committee members must be school principals or principals of centres, including at least one principal of a school providing preschool education or elementary education, one principal of a school providing secondary education and one principal of a centre. These principals of institutions shall be chosen by their peers.

The person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities, appointed under section 265, must also be on the committee.

At least one committee member must be a member of the school service centre's executive staff not expressly mentioned in any of the first three paragraphs.

At the committee's request, other members of the school service centre's personnel may also take part in committee sittings, but are not entitled to vote.

2016, c. 26, s. 35; 2020, c. 1, s. 312.

**193.3.** The function of the resource allocation committee is to make recommendations to the school service centre's board of directors with a view to establishing objectives and principles governing the annual allocation of revenues in accordance with section 275, determining how those revenues are to be allocated in accordance with section 275.1, including by setting out the criteria to be used to determine the amounts allocated, and determining how student services are to be distributed in accordance with section 261.

To that end, the committee shall set up a consultation process allowing it to obtain all the necessary information on the needs of the various sectors.

In addition to student services, the committee may also submit the distribution of other professional services to the consultation process.

Under the consultation process, each school service centre and educational institution must provide the committee with any information or document necessary for the exercise of its functions.

At the conclusion of the consultation process, the director general or any other member designated by the committee must present recommendations at a meeting of the school service centre's board of directors concerning the objectives and principles to govern the allocation of revenues, the annual allocation of those revenues and the distribution of student services and other professional services, as applicable. If the school service centre's board of directors fails to implement a recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected. A copy of the minutes of the meeting of the school service centre's board of directors containing the decision with reasons must be sent to the resource allocation committee.

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2016, c. 26, s. 35; 2020, c. 1, s. 90.

**193.4.** The resource allocation committee must annually make a recommendation to the school service centre's board of directors regarding the allocation of the surpluses of the school service centre's educational institutions in accordance with section 96.24.

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2016, c. 26, s. 35; 2020, c. 1, ss. 163 and 312.

**193.5.** A school service centre may entrust the functions assigned to the resource allocation committee under this Act to the advisory committee on management provided the latter complies with the composition requirements set out in section 193.2. It may also do so if it must add the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities to its members in order to comply with the composition requirements of section 193.2.

The advisory committee on management shall then act in the place and stead of the resource allocation committee.

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2016, c. 26, s. 35; 2020, c. 1, s. 312.

*§ 7. — Commitment-to-student-success committee*

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2020, c. 1, s. 91.

**193.6.** The school service centre must establish a commitment-to-student-success committee composed of not more than 18 members, as follows:

- (1) the school service centre's director general or the person the director general designates;
- (2) at least two members of a school's teaching staff;
- (3) at least one member of an adult education centre's teaching staff;
- (4) at least one member of a vocational training centre's teaching staff;
- (5) at least one non-teaching professional staff member;
- (6) at least one support staff member;
- (7) at least one principal of a school providing preschool education or elementary education;
- (8) at least one principal of a school providing secondary education;
- (9) at least one principal of a vocational training centre;
- (10) at least one principal of an adult education centre;

- (11) one member of the executive staff responsible for educational services; and
- (12) one member from the education research sector.

One of the members must have experience working with handicapped students or students with social maladjustments or learning disabilities.

The leadership of the commitment-to-student-success committee is entrusted to the school service centre's director general or the person the director general designates under subparagraph 1 of the first paragraph.

2020, c. 1, s. 91.



*Until 1 July 2021, this section is not applicable as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

**193.7.** The functions of the commitment-to-student-success committee are

- (1) to develop and propose to the school service centre a commitment-to-success plan in accordance with section 209.1;
- (2) to analyse students' results and make recommendations to the school service centre on the implementation of the commitment-to-success plan approved by the school service centre;
- (3) to promote, among the institutions of the school service centre, educational practices, including evaluation practices, that are based on research and relevant to the policy directions set out in the commitment-to-success plan; and
- (4) to advise the school service centre on any matter relating to student success.

2020, c. 1, s. 91.



*Until 1 July 2021, this section is not applicable as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

**193.8.** In developing the commitment-to-success plan, the commitment-to-student-success committee shall consult with, in particular, the parents' committee, the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, the advisory committee on management, the governing boards, the teachers and other staff members, and the student committees.

The parents' committee and advisory committee on management may, among other things, make recommendations on the content of the school service centre's commitment-to-success plan.

2020, c. 1, s. 91.



*Until 1 July 2021, this section is not applicable as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

**193.9.** The director general or any other member designated by the commitment-to-student-success committee must present the commitment-to-success plan proposed by the committee to the school service centre's board of directors for approval. If the board of directors does not approve the plan, it must give reasons for its decision at the meeting where the plan is rejected. A copy of the minutes of the meeting of the board of directors containing the decision with reasons must be sent to the commitment-to-student-success committee.

2020, c. 1, s. 91.



*Until 1 July 2021, this section is not applicable as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

§ 8. — *General provisions*

2020, c. 1, s. 91.

**194.** The committees may hold their meetings on the premises of the school service centre.

The committees may also use, free of charge the administrative support services and the facilities of the school service centre in accordance with the terms and conditions established by the director general.

1988, c. 84, s. 194; 1997, c. 96, s. 38; 2020, c. 1, s. 312.

**195.** The committees shall establish their rules of internal procedure. The rules shall provide for at least three sittings every school year.

A member may take part in and vote at a meeting of the committee by any means allowing all the participants to communicate with each other.

1988, c. 84, s. 195; 1997, c. 96, s. 39.

**196.** No committee member may be prosecuted for an act performed in good faith in the discharge of his functions.

Sections 177, 177.1 and 177.2, adapted as required, apply to members of the parents' committee and to members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

1988, c. 84, s. 196; 1990, c. 78, s. 54; 1997, c. 96, s. 40.

**197.** The parents' committee and the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities shall adopt their annual operating budget, see to its administration and give an account thereof to the school service centre.

The budget shall maintain a balance between the expenditures of each committee on the one hand and the financial resources allocated to each committee by the school service centre and each committee's own other revenues, on the other.

1988, c. 84, s. 197; 2020, c. 1, s. 312.

## DIVISION V

### DIRECTOR GENERAL

**198.** Every school service centre shall appoint a director general and an assistant director general. In the cases prescribed by regulation of the Minister under section 451, the board may appoint more than one assistant director general.

1988, c. 84, s. 198; 1990, c. 8, s. 18; 1997, c. 96, s. 41; 1997, c. 47, s. 15; 2020, c. 1, s. 312.

**199.** In no case may the director general or the assistant director general be a member of the governing board of a school or a centre under the authority of the school service centre.

1988, c. 84, s. 199; 1997, c. 96, s. 42; 2020, c. 1, s. 312.

**200.** The suspension or dismissal of the director general and the director general's removal from office requires the vote of at least two-thirds of the members of the school service centre's board of directors.

1988, c. 84, s. 200; 1989, c. 36, s. 265, s. 276; 1990, c. 8, s. 19; 1997, c. 96, s. 43; 2020, c. 1, s. 92.

**201.** The director general shall assist the school service centre's board of directors in the exercise of its functions and powers.

The director general is responsible for the day-to-day management of the school service centre's activities and resources. He shall see that the decisions of the school service centre's board of directors are carried out and shall perform the duties that the board assigns to him.

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.

The director general is the school service centre's official spokesperson. As such, the director general shall publicly state the position of the school service centre on any matter affecting it, such as when the director general is involved, on the school service centre's behalf, in various organizations devoted to local and regional development.

1988, c. 84, s. 201; 1990, c. 78, s. 54; 1997, c. 96, s. 44; 2020, c. 1, s. 93.

**201.1.** The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively.

The director general may, however, hold an office or position or provide a service if no compensation or direct or indirect benefit is granted to the director general therefor.

Moreover, the director general may, with the authorization of the school service centre's board of directors, hold an office or position or provide a service for which compensation or any direct or indirect benefit is granted.

1997, c. 96, s. 45; 2020, c. 1, s. 163.

**201.2.** The director general may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise which places the director general's personal interest in conflict with the interest of the school service centre.

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.

1997, c. 96, s. 45; 2020, c. 1, s. 312.

**202.** The director general shall render account of his management to the school service centre's board of directors.

1988, c. 84, s. 202; 2020, c. 1, s. 94.

**203.** An assistant director general shall assist the director general in the exercise of his functions and powers.

An assistant director general shall perform his functions under the authority of the director general.

The assistant director general, or the particular assistant director general designated by the school service centre, shall exercise the functions and powers of the director general if he is absent or unable to act. If the assistant director general is absent or unable to act, the person designated for that purpose by the school service centre shall exercise the functions and powers of the director general.

1988, c. 84, s. 203; 1990, c. 8, s. 20; 1990, c. 78, s. 54; 1997, c. 96, s. 46; 2020, c. 1, s. 312.

## DIVISION VI

### FUNCTIONS AND POWERS OF THE SCHOOL SERVICE CENTRE

1988, c. 84, Div. VI; 2020, c. 1, s. 312.

#### § 1. — *Preliminary provisions*

**204.** For the purposes of this division relating to the educational services referred to in section 1 and for the purposes of Division II of Chapter I, the persons who reside in the territory of a school service centre or who are committed or placed under custody therein pursuant to the Youth Protection Act (chapter P-34.1), the Act respecting health services and social services (chapter S-4.2), except persons to whom Part IV.1 of that Act applies, or the Young Offenders Act (R.S.C. 1985, c. Y-1) come under the jurisdiction of the school service centre.

To that end, despite the first paragraph, any person residing in the territory of another school service centre to whom the school service centre provides services comes under the jurisdiction of the school service centre.

For the purposes of the provisions of this division relating to vocational training or adult education, any person entitled and wishing to be enrolled in vocational training or adult education, whether or not resident in the territory of the school service centre, comes under the jurisdiction of a school service centre.

1988, c. 84, s. 204; 1990, c. 78, s. 54; 1992, c. 21, s. 175; 1994, c. 23, s. 17; 1997, c. 96, s. 47; 2017, c. 23, s. 5; 2020, c. 1, s. 95.



*Despite the coming into force of 2020, c. 1, s. 1, this section continue to apply, as it read before being amended, for the purposes of the 2020-2021 school year. (See 2020, c. 1, s. 333)*

**205.** Only those persons who, according to law, are entitled to receive instruction in the English language and who elect to come under the jurisdiction of an English language school service centre, including for the purpose of being exempted from compulsory school attendance, come under the jurisdiction of that school service centre.

1988, c. 84, s. 205; 2017, c. 23, s. 6; 2020, c. 1, s. 312.

**206.** *(Repealed).*

1988, c. 84, s. 206; 1997, c. 47, s. 16.

**207.** The election to come under the jurisdiction of an English language school service centre is made upon an application for admission to the educational services of the school service centre or, in the case of a homeschooled child, by sending the notice provided for in subparagraph *a* of subparagraph 4 of the first paragraph of section 15.

An election made under the first paragraph remains in force until the person makes a new election.

1988, c. 84, s. 207; 1997, c. 47, s. 17; 2017, c. 23, s. 7; 2020, c. 1, s. 312.



§ 2. — *General functions*

**207.1.** The mission of a school service centre is to establish educational institutions in its territory, to support those institutions and to accompany them by procuring access to the goods and services and offering the optimal conditions enabling them to provide students with quality educational services and see to their educational success, so that the population may attain a higher level of knowledge, social development and qualification.

To that end, while showing due regard for the principle of subsidiarity, the school service centre organizes the educational services offered in its institutions and ensures their quality as well as the effective, efficient, fair and environmentally responsible management of its human, physical and financial resources.

The school service centre also sees to the promotion and enhancement of public education in its territory, in collaboration with its educational institutions and the parents' committee, and contributes, to the extent provided for by law, to its region's social, economic and cultural development.

For the purposes of the second paragraph, "principle of subsidiarity" means the principle whereby powers and responsibilities must be delegated to the appropriate level of authority so that decision-making centres are adequately distributed and brought as close as possible to the students.

2008, c. 29, s. 23; 2016, c. 26, s. 36; 2020, c. 1, s. 96.

**207.2.** A school service centre shall contribute, to the extent provided for by this Act, to children's attending school as required.

2017, c. 23, s. 8; 2020, c. 1, s. 312.

**208.** Every school service centre shall ensure that the persons who come under its jurisdiction are provided the educational services to which they are entitled under this Act.

The Minister may, in exceptional circumstances, relieve any school service centre in whole or in part from that function in respect of persons committed or placed under custody in its territory.

1988, c. 84, s. 208; 2020, c. 1, s. 312.

**209.** In order to carry out that function, the school service centre shall, in particular,

(1) admit persons who come under its jurisdiction to educational services;

(2) organize educational services or, if the school service centre can establish that its resources are insufficient or if the school service centre agrees to grant the request of parents, entrust the organization of educational services to another school service centre, a body or a person with which or whom it has entered into an agreement pursuant to any of sections 213, 214, 214.3 or 215.1, while making sure the services are provided as near the students' place of residence as possible;

(3) if it does not arrange certain vocational education programs or adult education services for which it receives no subsidies following a decision of the Minister pursuant to section 466 or 467, refer persons to a school service centre which provides such services.

In addition, a school service centre shall provide the educational services provided for in an agreement referred to in section 213 or 214. It shall also provide the services provided for in a decision of the Minister pursuant to section 468, to the extent indicated in that decision.

1988, c. 84, s. 209; 1990, c. 8, s. 21; 1990, c. 78, s. 38; 1997, c. 96, s. 48; 2020, c. 1, s. 97.

**209.1.** For the exercise of its functions and powers, every school service centre shall approve, on the proposal of the commitment-to-student-success committee, a commitment-to-success plan that is consistent with the strategic directions and objectives of the department's strategic plan. The commitment-to-success plan must also meet any expectations communicated under section 459.2. In addition, the period covered by the plan must be harmonized with the period covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph of section 459.3.

The commitment-to-success plan that the school service centre may update as needed, on the recommendation of the commitment-to-student-success committee, must contain

- (1) a description of the context in which the school service centre acts, particularly the needs of its institutions, the main challenges it faces, and the characteristics and expectations of the community it serves;
- (2) the directions and objectives selected;
- (3) the targets for the period covered by the plan;
- (4) the indicators, particularly Québec-wide indicators, to be used to measure achievement of those objectives and targets;
- (5) a service statement setting out its objectives with regard to the level and quality of the services it provides; and
- (6) any other element determined by the Minister.

The school service centre shall send its commitment-to-success plan to the Minister and make it public on the expiry of 60 to 90 days after sending it or of another period if the school service centre and the Minister so agree. The commitment-to-success plan takes effect on the date of its publication. The school service centre shall present the content of its commitment-to-success plan to the public at the meeting following the effective date of the plan. Public notice specifying the date, time and place of the meeting must be given not less than 10 days before it is held.

2002, c. 63, s. 24; 2005, c. 28, s. 195; 2008, c. 29, s. 24; 2016, c. 26, s. 37; 2020, c. 1, s. 98.



*Until 1 July 2021, the amendment made by 2020, c. 1 is not in force insofar as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

**209.2.** The school service centre must ensure that any terms prescribed by the Minister under the first paragraph of section 459.3 are complied with.

2008, c. 29, s. 25; 2016, c. 26, s. 37; 2020, c. 1, s. 99.

**210.** A French language school service centre shall provide educational services in French; an English language school service centre shall provide educational services in English.

However, vocational training and adult education services shall be provided in French or in English according to law; the same applies in respect of educational services provided to persons coming under the jurisdiction of a school service centre of another category pursuant to section 213 or 468.

Nothing in this section shall prevent the teaching of a second language in that language.

1988, c. 84, s. 210; 1997, c. 47, s. 19; 1997, c. 96, s. 49; 2020, c. 1, s. 312.

**210.1.** The school service centre shall see to it that each of its institutions provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of

bullying or violence. To that end, it shall support the principals of its institutions in their efforts to prevent and stop bullying and violence.

2012, c. 19, s. 15; 2020, c. 1, s. 100.

**211.** Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school service centre shall establish a three-year plan for the allocation and destination of its immovables. The plan must specify, for each school and each vocational training and adult education centre, the name and address of the school or centre, the premises at its disposal, the level of instruction provided, any purpose it may have other than its educational purpose, its capacity and the school enrolment forecast for the duration of the plan.

The school service centre shall transmit the plan to every municipality or metropolitan community consulted.

The school service centre shall then draw up, in accordance with the plan, a list of its schools, and of its vocational training and adult education centres, if any, and shall issue a deed of establishment to them.

Where two or more educational institutions are established in the same premises or immovables, the school service centre shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.

In the case described in the fourth paragraph, the school service centre may, at the request of the governing boards concerned, establish a coordinating committee composed of representatives of the governing boards and determine the distribution of powers and functions between the governing boards and the coordinating committee, as well as the administrative and operating rules applicable to the coordinating committee.

The school service centre may also appoint a single principal for all the institutions and one or more vice principals for each institution. In such a case, the school service centre, after consulting with the governing boards concerned, shall determine the distribution of powers and functions between the principal and the vice principals.

1988, c. 84, s. 211; 1990, c. 8, s. 22; 1997, c. 96, s. 50; 2000, c. 56, s. 159; 2002, c. 68, s. 52; 2003, c. 19, s. 203; 2006, c. 51, s. 98; 2020, c. 1, s. 312.

**211.1.** Subject to any policy directions the Minister may establish, the school service centre must adopt a policy on introducing students to democracy in schools, providing, in particular, for a form of student representation with the school service centre's board of directors.

2006, c. 51, s. 99; 2020, c. 1, ss. 163 and 312.

**212.** Subject to any policy directions the Minister may establish and after holding a public consultation and consulting the parents' committee, the school service centre shall adopt a policy on

- (1) the continued operation or closure of schools; and
- (2) changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

The policy must include a public consultation process, to take place prior to any change, that must provide for

- (1) the consultation timetable;
- (2) the manner in which the public, and more particularly the parents and the students of full age concerned, are to be informed, including the place where relevant information on the project, particularly its

budgetary and educational impact, may be consulted by any person interested, and the place where additional information may be obtained;

(3) at least one public consultation meeting and the related procedure; and

(4) the presence at the consultation meetings of the chair of the school service centre's board of directors and of a parent representative sitting on that board.

The policy must also specify that the public consultation process must start with a public notice of the consultation meeting, to be issued

(1) not later than 1 July of the year preceding the year during which the school would be closed; or

(2) not later than 1 April of the year preceding the year during which a change under subparagraph 2 of the first paragraph would be made.

1988, c. 84, s. 212; 1997, c. 96, s. 51; 2006, c. 51, s. 100; 2008, c. 29, s. 34; 2020, c. 1, s. 101.

**212.1.** On the proposal of the parents' committee, the school service centre shall adopt a policy on the financial contributions that may be made for the documents and objects mentioned in the third and fourth paragraphs of section 7, or that may be claimed for services referred to in sections 256 and 292.

This policy must respect the powers of the governing board and promote accessibility to the educational services provided for in this Act and prescribed by the basic regulations established by the Government.

If the parents' committee fails or refuses to submit a proposal to the school service centre within the period specified by the school service centre, which must be of at least 30 days, the latter may act without such a proposal.

2005, c. 16, s. 9; 2019, c. 9, s. 5; 2020, c. 1, s. 102.

**212.2.** The school service centre shall see to it that its schools and vocational training centres comply with the conditions applicable to required financial contributions and that the schools and centres do not, under any circumstances, require payment of fees contrary to law, including administrative fees.

2019, c. 9, s. 6; 2020, c. 1, s. 312.

**213.** A school service centre may enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school service centre or an educational institution governed by the Act respecting private education (chapter E-9.1), or an educational body in Canada which provides educational services equivalent to those referred to in this Act.

A school service centre may enter into an agreement with another school service centre, a body or a person for the provision of student services and special educational services, literacy services or popular education services or for any purposes other than the provision of services referred to in the first paragraph.

Before entering into such an agreement, the school service centre shall consult every student of full age and the parents of every student likely to be concerned by such an agreement. In the case of a handicapped student or a student with a social maladjustment or a learning disability, the school service centre shall consult the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.

Under the terms of an agreement entered into under this section, a school service centre may also organize on-the-job training and apprenticeship internships.

1988, c. 84, s. 213; 1990, c. 8, s. 23; 1990, c. 78, s. 54; 1992, c. 68, s. 144, s. 156; 1997, c. 96, s. 52; 1997, c. 47, s. 20; 1997, c. 96, s. 52; 2020, c. 1, s. 103.

**214.** A school service centre may, according to law, enter into an agreement with a foreign government or one of its departments, an international organization, or an agency of such government or organization.

A school service centre 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 the latter determines, with a department or agency of the Government of Canada or the government of another province of Canada.

However, it cannot enter into an agreement concerning the provision of educational services to which students who come under the jurisdiction of the school service centre are entitled under the basic regulations except where the Minister judges that the services offered are equivalent to those provided for by such regulations.

1988, c. 84, s. 214; 1990, c. 8, s. 24; 1990, c. 78, s. 54; 1997, c. 96, s. 164; 2008, c. 29, s. 26; 2020, c. 1, s. 104.

**214.1.** A school service centre and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the school service centre and the competent authority in respect of a police force in the territory of the school service centre, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

The director general of the school service centre shall send a copy of the agreement to the school principals and the Student Ombudsman.

2012, c. 19, s. 16; 2020, c. 1, s. 312.

**214.2.** A school service centre shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.

The director general of the school service centre shall send a copy of the agreement to the school principals and the Student Ombudsman.

2012, c. 19, s. 16; 2020, c. 1, s. 312.

**214.3.** A school service centre must enter into an agreement with an institution operating a child and youth protection centre in its territory concerning the services to be provided to a child and his parents by the health and social services network and the education network if the child is the subject of a report for a situation of educational neglect in connection with the schooling the child receives or with the child's compliance with compulsory school attendance under subparagraph iii of subparagraph 1 of subparagraph *b* of the second paragraph of section 38 of the Youth Protection Act (chapter P-34.1).

The agreement must establish a method of cooperation to ensure the child's situation is monitored.

The agreement must cover, among other aspects, the continuity and complementarity of the services provided and the actions to be taken jointly. The parties are required to share the information necessary for the implementation of the agreement.

2017, c. 18, s. 94; 2020, c. 1, s. 312.

**215.** *(Repealed).*

1988, c. 84, s. 215; 1992, c. 68, s. 145, s. 156; 2008, c. 29, s. 27.

**215.1.** A school service centre may, with the authorization of and subject to the conditions determined by the Minister, enter into a contract of association with a general and vocational college.

A general and vocational college that enters into a contract of association with a school service centre in accordance with the first paragraph may provide educational services provided for by this Act and prescribed by the basic regulations established by the Government under sections 447 and 448; the college is entitled to such benefits granted by this Act to schools, vocational training centres or adult education centres as are determined by the Minister.

Likewise, a school service centre that enters into a contract of association with a general and vocational college may provide college studies programs established by the Minister under the General and Vocational Colleges Act (chapter C-29); the school service centre is entitled to such benefits granted by the General and Vocational Colleges Act to general and vocational colleges as are determined by the Minister.

1997, c. 96, s. 53; 2020, c. 1, s. 312.

**215.2.** The school service centres must facilitate the sharing of resources and services, especially administrative resources and services, with each other, with other public bodies, including municipalities, or with educational institutions governed by the Act respecting private education (chapter E-9.1) if sharing allows them, in pursuing their mission, to fulfill efficiency and cost-benefit requirements in the management of human, financial and physical resources.

For those purposes, the Minister may request a school service centre to produce an analysis evaluating opportunities to share resources and services with another school service centre.

Following this analysis, the Minister may make recommendations or require that measures facilitating the sharing of resources or services be put in place between two school service centres.

2020, c. 1, s. 105.

**215.3.** A school service centre may, within the framework of an agreement by which another school service centre undertakes to provide services to it, delegate in writing to that school service centre or to a member of its staff any power allowing the agreement to be carried out.

2020, c. 1, s. 105.

**216.** Every school service centre shall, in accordance with the budgetary rules established by the Minister of Education, Recreation and Sports, require a financial contribution in respect of a student who is not resident in Québec for services that are not free services under section 3.1.

It may, subject to the maximum amount determined according to the budgetary rules, require a financial contribution in respect of a Québec resident enrolled in vocational training or adult education for services that are not free services under section 3.

Despite the first paragraph, the school service centre may, following a request made by a student or his parents, exempt the student from payment of the required financial contribution for humanitarian reasons or to avoid serious prejudice to him, particularly if the school service centre considers there is a risk he will not

attend any school, in Québec or elsewhere, if the contribution is required. In the event of refusal by the school service centre, the Minister may, at the request of the same, order the school service centre to exempt the student from payment of the required financial contribution.

1988, c. 84, s. 216; 1990, c. 78, s. 39, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 54; 2005, c. 28, s. 195; 2017, c. 23, s. 9; 2020, c. 1, s. 312.

**217.** Every school service centre shall consult the governing boards and the school service centre committees on those matters on which they must be consulted, and hold the public consultations prescribed in this Act.

1988, c. 84, s. 217; 1997, c. 96, s. 55; 2006, c. 51, s. 101; 2020, c. 1, s. 312.

**218.** Every school service centre shall facilitate the implementation of the educational project of each school and each centre.

1988, c. 84, s. 218; 1990, c. 8, s. 25; 1990, c. 78, s. 54; 1997, c. 47, s. 21; 1997, c. 96, s. 56; 2000, c. 24, s. 25; 2002, c. 63, s. 25; 2016, c. 26, s. 38; 2020, c. 1, s. 312.

**218.1.** The school service centre may require from its educational institutions any information or document it considers necessary for the exercise of its functions and powers, on the date and in the form it specifies.

1997, c. 96, s. 57; 2020, c. 1, s. 312.

**218.2.** If a school, a vocational training centre or an adult education centre fails or refuses to comply with this Act or with a regulation of the Government, the Minister or the school service centre, the school service centre shall give the institution formal notice to comply therewith; failing that, the school service centre shall take appropriate action to ensure compliance with this Act and the regulations, such as substituting its decisions for the decisions of the institution.

1997, c. 96, s. 57; 2020, c. 1, s. 312.

**219.** Every school service centre shall prepare and transmit to the Minister the documents and information he requests for the exercise of his functions and powers at such time and in such form as he prescribes.

1988, c. 84, s. 219; 1990, c. 28, s. 1; 1990, c. 78, s. 54; 1990, c. 78, s. 8; 1991, c. 27, s. 7; 2020, c. 1, s. 312.

**219.1.** At the Minister's request and subject to the terms the Minister determines, the school service centre sends parents or members of its staff any document that the Minister addresses to them.

2020, c. 1, s. 106.

**220.** Every school service centre shall prepare an annual report in accordance with the regulation made under section 457.6 in order to give the population in its territory an account of the implementation of its commitment-to-success plan and the results obtained measured against the objectives and targets it contains.

In the report, the school service centre must state separately, for each of its educational institutions, the nature of the complaints reported to its director general by their principals under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman.

The school service centre shall send a copy of the report to the Minister and make the report public no later than 31 December each year.

1988, c. 84, s. 220; 1997, c. 96, s. 58; 2002, c. 63, s. 26; 2005, c. 28, s. 195; 2008, c. 29, s. 28; 2012, c. 19, s. 17; 2016, c. 26, s. 39; 2020, c. 1, s. 107.

**220.1.** Every school service centre must invite the public to an information meeting at least once a year. The meeting shall 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. The school service centre's annual report must have been made public in accordance with the third paragraph of section 220 at the time of the public notice, which must mention the report.

During the meeting, the school service centre's board members must present the content of the annual report provided for in section 220 and answer any questions concerning the report.

2008, c. 29, s. 29; 2016, c. 26, s. 40; 2020, c. 1, s. 108.

**220.2.** After consulting with the parents' committee, every school service centre shall establish, by by-law, a procedure for the examination of complaints related to its functions.

The complaint examination procedure must enable a complainant who is a student, a homeschooled child or a parent of either and who has filed a complaint with regard to the services the school service centre provides to him under this Act and who is dissatisfied with the handling of the complaint or with the outcome to refer the complaint to a person designated by the school service centre as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the school service centre's board of directors nor a member of the personnel of the school service centre may act as Student Ombudsman.

In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the school service centre's board of directors an opinion on the merits of the complaint and recommend any appropriate corrective measures.

The Student Ombudsman must send the school service centre an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the school service centre's annual report.

The school service centre may enter into an agreement with another school service centre to designate the same person as Student Ombudsman and determine how to share the expenses incurred.

2008, c. 29, s. 29; 2012, c. 19, s. 18; 2016, c. 26, s. 41; 2020, c. 1, ss. 163 and 312.

### § 3. — *Functions and powers relating to educational services provided in schools*

**221.** This subdivision does not apply to vocational training or adult education services.

A reference to the basic school regulation is a reference to the basic school regulation established by the Government under section 447.

1988, c. 84, s. 221; 1990, c. 78, s. 54; 1997, c. 96, s. 59.

**221.1.** The school service centre shall ensure, without encroaching upon the functions and powers conferred on schools, that each school has adopted an educational project.

2002, c. 63, s. 27; 2016, c. 26, s. 42; 2020, c. 1, s. 312.



**222.** Every school service centre shall ensure that the basic school regulation established by the Government is implemented in accordance with the gradual implementation procedure established by the Minister under section 459.

For humanitarian reasons or to avoid serious harm to a student, the school service centre may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the school principal, exempt the student from the application of a provision of the basic school regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school service centre must apply therefor to the Minister.

The school service centre may also, subject to the rules governing certification of studies prescribed by the basic school regulation, permit a departure from a provision of the basic school regulation so that a special school project applicable to a group of students may be carried out. However, a departure from the list of subjects may only be permitted in the cases and on the conditions determined by a regulation of the Minister made under section 457.2 or with the authorization of the Minister given in accordance with section 459.

1988, c. 84, s. 222; 1990, c. 78, s. 54; 1997, c. 96, s. 60; 2004, c. 38, s. 3; 2020, c. 1, s. 312.

**222.1.** Every school service centre shall ensure that the programs of activities or of studies established by the Minister under section 461 are implemented.

However, a school service centre may, at the request of a school principal, after consulting with the student's parents and subject to the rules governing certification of studies prescribed by the basic school regulation, exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation; no exemption may be granted, however, in respect of those programs.

As well, a school service centre may, with the authorization of and subject to the conditions determined by the Minister, allow a school to replace a program of studies established by the Minister by a local program of studies designed for a student or a category of students who are unable to benefit from the programs of studies established by the Minister. Every such local program of studies must be submitted by the school service centre to the Minister for approval.

1997, c. 96, s. 61; 2000, c. 24, s. 26; 2005, c. 20, s. 2; 2019, c. 9, s. 7; 2020, c. 1, s. 312.

**223.** A school service centre may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic school regulation does not apply to a program of studies referred to in the first paragraph.

1988, c. 84, s. 223; 1990, c. 78, s. 54; 1997, c. 96, s. 62; 2020, c. 1, s. 312.

**224.** Every school service centre shall establish a program for each student service and special educational service contemplated in the basic school regulation except in matters coming under the jurisdiction of a minister other than the Minister of Education, Recreation and Sports.

It may enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the Minister of Education, Recreation and Sports.

The programs must be in conformity with the basic school regulation.

1988, c. 84, s. 224; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 63; 2005, c. 28, s. 195; 2020, c. 1, s. 312.

**224.1.** In accordance with the conditions and procedures established by the Minister under section 461.1, a school service centre referred to in that section shall organize preschool educational services, admit students to them, enrol the students in a school and organize activities or services intended for the students' parents in order to help achieve the educational services objectives

The school service centre may however be exempted from the objectives set by the Minister under the fourth paragraph of section 461.1 if it proves, to the satisfaction of the Minister, that it is unable to provide quality service.

2013, c. 14, s. 2; 2019, c. 24, s. 3; 2020, c. 1, s. 312.

**225.** *(Repealed).*

1988, c. 84, s. 225; 1997, c. 96, s. 64; 2000, c. 24, s. 27; 2005, c. 20, s. 3.

**226.** *(Repealed).*

1988, c. 84, s. 226; 1997, c. 96, s. 65; 2000, c. 24, s. 28; 2020, c. 1, s. 312; 2020, c. 1, s. 109.

**227.** *(Repealed).*

1988, c. 84, s. 227; 1997, c. 96, s. 66; 2000, c. 24, s. 29.

**228.** *(Repealed).*

1988, c. 84, s. 228; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 1997, c. 96, s. 67; 2000, c. 24, s. 30.

**229.** *(Repealed).*

1988, c. 84, s. 229; 1990, c. 78, s. 54; 1997, c. 96, s. 68.

**230.** Every school service centre shall ensure that only the textbooks, instructional material or class of instructional material approved by the Minister are used by schools for the teaching of any program of studies established by the Minister.

It shall also ensure that schools, in accordance with section 7, place at the disposal of the students, free of charge, the textbooks and instructional material used for the implementation of programs of activities or for the teaching of the programs of studies, and ensure that students have access, free of charge, to reference and reading material.

1988, c. 84, s. 230; 1990, c. 78, s. 54; 1997, c. 96, s. 69; 2000, c. 24, s. 31; 2019, c. 9, s. 8; 2020, c. 1, s. 312.

**231.** Every school service centre shall ensure that each school evaluates student achievement and administers the examinations imposed by the Minister.

A school service centre may impose internal examinations in the subjects it determines at the end of each cycle of the elementary level and at the end of the first cycle of the secondary level.

1988, c. 84, s. 231; 1990, c. 8, s. 26; 1990, c. 78, s. 54; 1997, c. 96, s. 70; 2020, c. 1, s. 312.

**232.** Every school service centre shall recognize, in accordance with the criteria or conditions established by the Minister, the learning acquired by a student otherwise than as prescribed in the basic school regulation.

1988, c. 84, s. 232; 1990, c. 78, s. 54; 2020, c. 1, s. 312.

**233.** After consulting with the parents' committee, every school service centre shall establish rules governing promotion from elementary school to secondary school and from the first cycle to the second cycle of the secondary level, subject to the rules prescribed by the basic school regulation.

1988, c. 84, s. 233; 1990, c. 78, s. 54; 1997, c. 47, s. 22; 1997, c. 96, s. 71; 2020, c. 1, s. 312.

**234.** Every school service centre shall, subject to sections 222 and 222.1, adapt the educational services provided to a handicapped student or a student with a social maladjustment or a learning disability according to the student's needs and in keeping with the student's abilities as evaluated by the school service centre according to the procedures prescribed under subparagraph 1 of the second paragraph of section 235.

1988, c. 84, s. 234; 1997, c. 96, s. 72; 2020, c. 1, s. 312.

**235.** Every school service centre shall adopt, after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, a policy concerning the organization of educational services for such students to ensure the harmonious integration of each such student into a regular class or group and into school activities if it has been established on the basis of the evaluation of the student's abilities and needs that such integration would facilitate the student's learning and social integration and would not impose an excessive constraint or significantly undermine the rights of the other students.

The policy shall include

(1) procedures for evaluating handicapped students and students with social maladjustments or learning disabilities; such procedures shall provide for the participation of the parents of the students and of the students themselves, unless they are unable to do so;

(2) methods for integrating those students into regular classes or groups and into regular school activities as well as the support services required for their integration and, if need be, the weighting required to determine the maximum number of students per class or group;

(3) terms and conditions for grouping those students in specialized schools, classes or groups;

(4) methods for preparing and evaluating the individualized education plans intended for such students.

Specialized schools referred to in subparagraph 3 of the second paragraph are not schools established under section 240.

1988, c. 84, s. 235; 1990, c. 78, s. 40; 1997, c. 96, s. 73; 2020, c. 1, s. 312.

**236.** Every school service centre shall determine the educational services to be provided by each of its schools.

1988, c. 84, s. 236; 2020, c. 1, s. 312.

**237.** *(Repealed).*

1988, c. 84, s. 237; 1990, c. 78, s. 54; 1997, c. 96, s. 74.

**238.** Every school service centre shall establish the school calendar of its schools, taking into account the provisions of the basic school regulation.

1988, c. 84, s. 238; 1990, c. 78, s. 54; 2020, c. 1, s. 312.

**239.** Each year, every school service centre shall enroll students in its schools in keeping with the choice of each student's parents or the choice of the student, if of full age. However, if the number of applications for

enrollment in a school exceeds the capacity of the school, enrollment shall be effected according to the criteria established by the school service centre after consultation with the parents' committee.

The enrollment criteria must give priority to students coming under the jurisdiction of the school service centre under the first paragraph of section 204 and, from among them, as far as possible, to students whose place of residence is nearest to the school premises, to those who have a sister, a brother or another student who they live with attending the school and to other students who already attend the school.

If the number of enrollment applications for students referred to in the second paragraph does not exceed the school's capacity, the enrollment criteria must then give priority to students from another territory who already attend the school.

The enrollment criteria must be adopted and put into force at least 15 days before the beginning of the student enrollment period; a copy of them must be sent to each governing board by the same time limit.

The conditions or criteria for participation in a special project may not serve as criteria for enrollment in a school; nor may they operate to exclude a student from the school of the student's choice if the student has a right to enroll in that school pursuant to the criteria referred to in the first paragraph.

1988, c. 84, s. 239; 1997, c. 96, s. 75; 2020, c. 1, s. 110.



*Despite the coming into force of 2020, c. 1, s. 1, this section continue to apply, as it read before being amended, for the purposes of the 2020-2021 school year. (See 2020, c. 1, s. 333)*

**240.** By way of exception, at the request of a group of parents and after consulting with the parents' committee, a school service centre may, with the Minister's approval, establish a school for the purposes of a specific project other than a religious project, subject to the conditions and for the period determined by the Minister.

The school service centre may determine the criteria for the enrollment of the students in that school. It must give priority to students coming under its jurisdiction within the meaning of the first paragraph of section 204.

1988, c. 84, s. 240; 1997, c. 96, s. 76; 2000, c. 24, s. 32; 2020, c. 1, s. 111.



*Despite the coming into force of 2020, c. 1, s. 1, this section continue to apply, as it read before being amended, for the purposes of the 2020-2021 school year. (See 2020, c. 1, s. 333)*

**241.** *(Repealed).*

1988, c. 84, s. 241; 2000, c. 24, s. 33; 2005, c. 20, s. 3.

**241.1.** For humanitarian reasons or to avoid a serious prejudice to a child who has not attained the age of admission, the school service centre may, following a request giving reasons therefor made by the parents, in cases determined by regulation of the Minister,

(1) admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age;

(2) admit to elementary school education a child admitted to preschool education who has attained 5 years of age.

In the event of refusal by the school service centre, the Minister may, at the request of the parents and if he considers it expedient on the grounds mentioned in the first paragraph, order the school service centre to admit the child, in the cases and subject to the conditions prescribed in the first paragraph.

1992, c. 23, s. 1; 2020, c. 1, s. 312.

**241.2.** *(Repealed).*

1992, c. 23, s. 1; 1997, c. 96, s. 77.

**241.3.** *(Repealed).*

1992, c. 23, s. 1; 1997, c. 96, s. 77.

**241.4.** The school service centre shall, each year and not later than 31 March, send to the Minister a report on the number of students admitted under each of sections 96.17, 96.18 and 241.1.

1992, c. 23, s. 1; 1997, c. 96, s. 78; 2020, c. 1, s. 312.

**242.** A school service centre may, at the request of the principal and for just and sufficient cause, and after giving the student and his parents an opportunity to be heard, enrol him in another school or expel him from its schools; in the latter case, it shall inform the director of youth protection.

The school service centre shall promptly decide on the principal's request, at the latest within 10 days.

A copy of the decision is sent to the Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence.

1988, c. 84, s. 242; 2012, c. 19, s. 19; 2020, c. 1, s. 312.

**243.** Every school service centre shall take part in any periodical evaluation by the Minister of the basic school regulation, the programs of activities or of studies, the textbooks and instructional material required for the teaching of the programs of studies established by the Minister and the operation of the school system.

The school service centre shall send the Minister the results obtained by students on each examination imposed by the Minister.

1988, c. 84, s. 243; 1990, c. 78, s. 54; 2019, c. 9, s. 9; 2020, c. 1, s. 112.

**244.** The functions and powers provided for in sections 222 to 224, in the second paragraph of section 231 and in sections 233 to 240 and 243 are exercised after consultation with the teachers.

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school service centre.

1988, c. 84, s. 244; 1997, c. 96, s. 79; 2020, c. 1, s. 312.

§ 4. — *Functions and powers relating to educational services provided in vocational training centres and adult education centres*

1997, c. 96, s. 80.

**245.** This subdivision applies only to vocational training and adult education services.

A reference to the basic regulation is a reference to a basic regulation established by the Government under section 448.

1988, c. 84, s. 245; 1990, c. 78, s. 54; 1997, c. 96, s. 81.

**245.1.** The school service centre shall ensure, without encroaching upon the functions and powers conferred on centres, that each centre has adopted an educational project.

2002, c. 63, s. 28; 2016, c. 26, s. 43; 2020, c. 1, s. 312.

**246.** Every school service centre shall see to the implementation of the basic regulations established by the Government in accordance with the gradual implementation approach prescribed by the Minister under section 459 and of the programs of studies established by the Minister under section 461.

For humanitarian reasons or to avoid serious harm to a student, the school service centre may, following a request, with reasons, made by the parents of the student, by the student, if of full age, or by the principal of the centre, exempt the student from the application of a provision of the basic regulation. In the case of an exemption from the rules governing certification of studies referred to in section 460, the school service centre must apply therefor to the Minister.

1988, c. 84, s. 246; 1990, c. 8, s. 27; 1990, c. 78, s. 54; 1997, c. 96, s. 82; 2020, c. 1, s. 312.

**246.1.** A school service centre may, with the authorization of and subject to the conditions determined by the Minister, develop and offer, in addition to the vocational education programs that it is authorized to organize, programs of studies leading to an occupation or a profession and award an attestation of qualification for such programs.

The basic regulations do not apply to a program of studies referred to in the first paragraph.

1997, c. 96, s. 83; 2020, c. 1, s. 312.

**247.** Every school service centre shall establish a program for each student service and popular education service provided for in the basic regulation.

The programs must comply with the objectives set out in the basic regulation.

1988, c. 84, s. 247; 1990, c. 78, s. 41, s. 54; 1997, c. 96, s. 164; 2020, c. 1, s. 312.

**248.** *(Repealed).*

1988, c. 84, s. 248; 1990, c. 78, s. 54; 1997, c. 96, s. 84.

**249.** Every school service centre shall ensure that each centre evaluates student achievement and administers the examinations imposed by the Minister.

A school service centre may impose internal examinations in the subjects in which no examination is imposed by the Minister and for which credits are compulsory for the issue of a secondary school diploma or a vocational training diploma.

1988, c. 84, s. 249; 1990, c. 8, s. 28; 1990, c. 78, s. 54; 1997, c. 96, s. 85; 2020, c. 1, s. 312.

**250.** Every school service centre shall organize and offer reception, referral, counselling and support services relating to vocational training or adult education.

It shall recognize, in accordance with the criteria or conditions established by the Minister, the scholastic or experiential learning of a person enrolled in vocational training or adult educational services.

1988, c. 84, s. 250; 1990, c. 78, s. 42, s. 54; 1997, c. 96, s. 86; 2020, c. 1, s. 113.

**251.** Every school service centre shall determine the educational services to be provided by each of its vocational training or adult education centres.

1988, c. 84, s. 251; 1997, c. 96, s. 87; 2020, c. 1, s. 312.

**252.** Every school service centre shall establish the school calendar of its vocational training and adult education centres, subject to the provisions of the basic school regulation.

1988, c. 84, s. 252; 1990, c. 78, s. 54; 1997, c. 96, s. 88, s. 164; 2020, c. 1, s. 312.

**253.** Every school service centre shall take part in any periodical evaluation by the Minister of the basic regulation, the programs of studies and the operation of the school system.

The school service centre shall send the Minister the results obtained by students on each examination imposed by the Minister.

1988, c. 84, s. 253; 1990, c. 78, s. 54; 1997, c. 96, s. 164; 2020, c. 1, s. 114.

**254.** The functions provided for in this subdivision are exercised after consultation with the teachers.

The consultation procedure is the procedure set out in a collective agreement or, failing that, the procedure established by the school service centre.

1988, c. 84, s. 254; 2020, c. 1, s. 312.

§ 5. — *Functions and powers relating to community services*

**255.** A school service centre may

(1) through workforce training, technical assistance to enterprises and informational activities, contribute to the development and realization of technological innovation projects, to the implementation and dissemination of new technology and to regional development;

(2) provide cultural, social, sports, scientific or community services;

(3) take part, in keeping with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and implementation of external cooperation programs in the fields under its jurisdiction;

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

The main object of the exercise of such powers shall not be the operation of a commercial enterprise.

1988, c. 84, s. 255; 1995, c. 43, s. 45; 1997, c. 96, s. 89; 2007, c. 3, s. 72; 2008, c. 29, s. 30; 2020, c. 1, s. 312.

**255.1.** A school service centre may, to the extent and on the conditions it determines, entrust the management of all or any part of the activities referred to in section 255, except workforce training activities, to a committee it establishes or to a body it designates.

1995, c. 43, s. 45; 1997, c. 96, s. 90; 2007, c. 3, s. 72; 2020, c. 1, s. 312.

**256.** At the request of the governing board of a school, a school service centre must provide childcare for preschool and elementary school students, in the manner agreed with the governing board, on the school premises or, if the school does not have suitable premises, on other premises.

If childcare is so provided, the governing board shall, at the request of parents, form a childcare parents' committee that is composed of the childcare provider, the principal or his representative and three to five parents elected by and from among the parents of students attending childcare.

The committee may make recommendations to the principal, governing board and school service centre regarding childcare services, including the financial contributions required for those services.

1988, c. 84, s. 256; 1989, c. 59, s. 28; 1996, c. 16, s. 66; 1997, c. 58, s. 49; 1997, c. 96, s. 91; 2019, c. 9, s. 10; 2020, c. 1, s. 312.

**256.1.** *(Repealed).*

1992, c. 23, s. 2; 1997, c. 96, s. 92.

**257.** A school service centre may arrange services to promote access to educational services, such as meals and lodging.

1988, c. 84, s. 257; 2020, c. 1, s. 312.

**258.** The school service centre may hire staff and enter into agreements for the purposes of sections 255 to 257. In addition, it may require a financial contribution from users of the services it provides.

1988, c. 84, s. 258; 1992, c. 23, s. 3; 1995, c. 43, s. 46; 1997, c. 58, s. 50; 1997, c. 96, s. 93; 2020, c. 1, s. 312.

§ 6. — *Functions and powers relating to human resources*

**258.1.** For the purposes of this subdivision, “judicial record” means

(1) a conviction for a criminal or penal offence committed in Canada or elsewhere, unless a pardon has been obtained for that offence;

(2) a charge still pending for a criminal or penal offence committed in Canada or elsewhere; and

(3) a court order subsisting against a person in Canada or elsewhere.

2005, c. 16, s. 10.

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

The school service centre must ensure that that information is accessible only to the persons who are qualified to receive it by reason of their responsibilities, and that those persons undertake in writing with the school service centre to comply with the limitations set out in the first paragraph.

2005, c. 16, s. 10; 2020, c. 1, s. 312.

**258.3.** The Minister and the Minister of Public Security shall make a framework agreement for establishing the procedures to be followed by Québec police forces when verifying judicial records for school service centres.

2005, c. 16, s. 10; 2020, c. 1, s. 312.

**258.4.** The Minister shall prepare a judicial record verification guide for school service centres and see that it is distributed.

2005, c. 16, s. 10; 2020, c. 1, s. 312.

**259.** Every school service centre is the employer of the personnel required for its operation and that of its schools, vocational training centres and adult education centres, except the personnel required for the student services and special educational services programs under the jurisdiction of a minister other than the Minister of Education, Recreation and Sports.



Every school service centre shall appoint a secretary general who shall perform and exercise, in addition to the functions and powers provided for in this Act and in the regulation of the Minister under section 451, the functions and powers of the secretary of the school service centre's board of directors and those determined by the school service centre. The same person may hold the positions of secretary general and assistant director general simultaneously.

1988, c. 84, s. 259; 1990, c. 8, s. 29; 1990, c. 78, s. 43, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 94; 2005, c. 28, s. 195; 2020, c. 1, s. 115.

**260.** The personnel required for the operation of a school service centre shall perform their functions under the authority of the director general of the school service centre.

The personnel assigned to a school shall perform their functions under the authority of the principal and the personnel assigned to a vocational training or adult education centre shall perform their functions under the authority of the principal of the centre.

1988, c. 84, s. 260; 1990, c. 78, s. 54; 1997, c. 96, s. 95; 2020, c. 1, s. 312.

**261.** Every school service centre shall, in assigning personnel to its schools, vocational training centres and adult education centres, take into account the staffing requirements submitted to it by the school principals and the principals of the centres, the recommendations of the resource allocation committee under section 193.3 and the applicable collective agreements.

Every school service centre shall ensure that any person it hires to provide preschool education services or to teach at the elementary or secondary level holds a teaching licence issued by the Minister, except in cases where such a licence is not required.

1988, c. 84, s. 261; 1997, c. 96, s. 96; 2000, c. 24, s. 34; 2016, c. 26, s. 44; 2020, c. 1, s. 312.

**261.0.1.** Before hiring persons who would be required to work with minor students or be regularly in contact with them, the school service centre must ensure that they have no judicial record relevant to the functions that could be assigned to them within that school service centre.

To that end, those persons must send a declaration concerning their judicial record to the school service centre. The school service centre must verify the declaration or have it verified.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.2.** At the request of the school service centre, persons who work with minor students and persons who are regularly in contact with minor students in the school service centre must send it a declaration concerning their judicial record so that the school service centre may ensure that they have no judicial record relevant to their functions within that school service centre.

To that end, the school service centre may act on the strength of that declaration, or it may verify the declaration or have it verified.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.3.** If the school service centre has reasonable grounds to believe that a person who works with minor students in the school service centre or is regularly in contact with them has a judicial record, it must require the person to send it a declaration concerning the person's judicial record. The person must comply with the request within 10 days.

The school service centre must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the school service centre.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.4.** Within 10 days of being notified of a change in their judicial record, persons who work with minor students and persons who are regularly in contact with minor students in the school service centre must inform the school service centre of that change, regardless of whether they have already filed a declaration concerning their judicial record.

The school service centre must verify the declaration or have it verified, and ensure that the person has no judicial record relevant to the person's functions within the school service centre.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.5.** When a school service centre verifies a declaration concerning a judicial record under this subdivision, or has it verified, it may have the declaration verified, in particular, by a Québec police force and communicate or receive any information for the purposes of the verification.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.6.** The form established by the school service centre for declarations concerning a judicial record under this subdivision must state that the school service centre may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification.

The declaration form must also state that the school service centre will inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school service centre.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.0.7.** The school service centre must inform the Minister of each case in which it has concluded that the judicial record of a person holding a teaching licence is relevant to the functions that are assigned or that could be assigned to that person within the school service centre.

2005, c. 16, s. 11; 2020, c. 1, s. 312.

**261.1.** A school service centre may enter into an agreement with any educational institution at the university level concerning the training of future teachers and the mentoring of teacher trainees or newly qualified teachers.

1997, c. 96, s. 97; 2020, c. 1, s. 312.

**262.** *(Repealed).*

1988, c. 84, s. 262; 1997, c. 96, s. 98; 2000, c. 24, s. 35.

**263.** *(Repealed).*

1988, c. 84, s. 263; 1997, c. 96, s. 99; 2000, c. 24, s. 35.

**264.** Every school service centre which provides adult education services shall appoint a person responsible for adult education services.

1988, c. 84, s. 264; 1990, c. 78, s. 44; 2020, c. 1, s. 312.

**265.** Every school service centre shall appoint a person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities.

1988, c. 84, s. 265; 2020, c. 1, s. 312.

§ 7. — *Functions and powers relating to material resources*

**266.** The functions of the school service centre are

(1) to acquire or lease such property as is required for the carrying on of its activities and the activities of its educational institutions and to accept property gratuitously;

(2) to build, repair or maintain its property;

(3) to determine the use of its property and administer it, subject to the right of its educational institutions to use the property placed at their disposal;

(4) to encourage the use of its immovables by public or community organizations in its territory or to lease out its movable or immovable property, subject to the right of its educational institutions to use the property placed at their disposal.

A school service centre may be the owner or lessee of premises or immovables situated outside its territory.

1988, c. 84, s. 266; 1990, c. 8, s. 30; 1997, c. 96, s. 100; 1999, c. 40, s. 158; 2006, c. 29, s. 36; 2020, c. 1, s. 312.

**266.1.** Any contract that allows the total or partial use of an immovable of a school service centre is deemed to contain a clause allowing the school service centre to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.

2016, c. 12, s. 33; 2020, c. 1, s. 312.

**267.** A school service centre may enter into an agreement with another school service centre, an educational institution, a municipality or a community organization in its territory to jointly establish, maintain or improve public libraries, administrative, sports, cultural or recreation centres or playgrounds.

The school service centre shall obtain the prior authorization of the Minister where the agreement provides for the co-ownership of an immovable or where the school service centre must resort to credit repayable over a period exceeding one year in order to pay the cost of its contribution.

The school service centre may also, with the authorization of and subject to the conditions determined by the Minister, enter into a partnership agreement to jointly establish, maintain or improve a school, a vocational training centre, an adult education centre or a college-level educational institution. The agreement may provide for co-ownership of an immovable allocated to the educational institution.

1988, c. 84, s. 267; 1997, c. 96, s. 101; 2020, c. 1, s. 116.

**268.** *(Repealed).*

1988, c. 84, s. 268; 1992, c. 23, s. 4.

**269.** *(Repealed).*

1988, c. 84, s. 269; 1992, c. 23, s. 4.

**270.** A school service centre may insure its property.

1988, c. 84, s. 270; 2020, c. 1, s. 312.

**271.** *(Repealed).*

1988, c. 84, s. 271; 1992, c. 23, s. 5; 1997, c. 96, s. 102.

**272.** No school service centre shall, without the authorization of the Minister, acquire an immovable, grant a dismemberment of the right of ownership, or hypothecate or demolish its immovables.

Every sale, exchange or other disposition of an immovable shall be effected in accordance with the regulation of the Government.

1988, c. 84, s. 272; 1990, c. 78, s. 54; 2020, c. 1, s. 117.

**272.1.** A school service centre may not, without the authorization of the Minister, construct, enlarge, develop, convert, demolish, replace or substantially renovate its immovables if the estimated total cost of the project is greater than the amounts determined by the regulation made under section 457.7.

This section does not apply to asset maintenance work, whatever the estimated cost of the work.

For the purposes of this section, “asset maintenance work” means all the work required to ensure the security of persons and property, stop the deterioration of immovables and ensure their conservation.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

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

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

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2020, c. 1, s. 118.

**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.

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2020, c. 1, s. 118.

**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 school service centre's 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.

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2020, c. 1, s. 118.

**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 applies 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.

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2020, c. 1, s. 118.

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

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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 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.

2020, c. 1, s. 118.

**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 272.2, 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).

2020, c. 1, s. 118.

**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.

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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**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.

2020, c. 1, s. 118.

**273.** A school service centre may, if authorized by the Minister, expropriate an immovable required for its purposes.

Notwithstanding the foregoing, no school service centre shall, without the authorization of the Government, expropriate an immovable exempt from school tax under the Act respecting municipal taxation (chapter F-2.1).

1988, c. 84, s. 273; 2020, c. 1, s. 312.

§ 8. — *Functions and powers relating to financial resources*

**274.** The fiscal year of every school service centre begins on 1 July and ends on 30 June of the following year.

1988, c. 84, s. 274; 2020, c. 1, s. 312.

**275.** Taking into account the recommendations made by the resource allocation committee under the fifth paragraph of section 193.3, the school service centre shall establish objectives and principles governing the allocation of its revenues.

1988, c. 84, s. 275; 1997, c. 96, s. 103; 2008, c. 29, s. 31; 2016, c. 26, s. 45; 2018, c. 5, s. 4; 2020, c. 1, s. 119.

**275.1.** The school service centre shall determine the allocation of its revenues for every school year taking into account the recommendations of the resource allocation committee under the fifth paragraph of section 193.3.

The allocation must be carried out in an equitable manner and reflect the needs expressed by the educational institutions, the social and economic disparities they must deal with, the school board's commitment-to-success plan and the educational projects of its schools and centres.

The allocation must include amounts for the operation of the governing boards and amounts to meet the needs of the school service centre, its educational institutions and its committees.

2016, c. 26, s. 45; 2018, c. 5, s. 5; 2020, c. 1, s. 120.

**275.2.** The school service centre shall include in its annual report a description of the objectives and principles governing the allocation of its revenues and the criteria used to determine the amounts allocated.

2016, c. 26, s. 45; 2020, c. 1, s. 312.

**276.** Every school service centre is responsible for approving the budget of its schools, vocational training centres and adult education centres.

The budget of an educational institution shall be without effect until it is approved by the school service centre. However, the school service centre may, subject to the conditions it determines, authorize an institution to incur expenses that have not been approved.

1988, c. 84, s. 276; 1997, c. 96, s. 104; 2020, c. 1, s. 312.

**277.** Every school service centre shall adopt its operating, investment and debt service budget for the following school year and transmit it to the Minister before such date and in such form as the latter determines. The school service centre shall also adopt and transmit to the Minister any budget estimates the Minister requests.

The budget of every school service centre shall indicate the financial resources allocated to its committees and the financial resources allotted to services for handicapped students and students with social maladjustments or learning disabilities.

The budgets of the educational institutions of the school service centre shall constitute separate appropriations within the school service centre's budget.

1988, c. 84, s. 277; 1992, c. 23, s. 6; 1997, c. 96, s. 105; 2009, c. 38, s. 18; 2020, c. 1, s. 121.

**278.** Before adopting its budget, every school service centre shall give a public notice of at least 15 days of the date, time and place of the sitting of the school service centre's board of directors at which its budget is to be studied.

1988, c. 84, s. 278; 2020, c. 1, ss. 163 and 312.

**279.** Except with the authorization of the Minister and subject to the terms and conditions the latter determines, the budget may not provide for expenditures that exceed the revenues of the school service centre.

1988, c. 84, s. 279; 1992, c. 23, s. 7; 2020, c. 1, s. 122.

**280.** *(Repealed).*

1988, c. 84, s. 280; 1992, c. 23, s. 8; 2009, c. 38, s. 19.

**281.** If, on 1 July, a school service centre has not adopted its budget, it is authorized to incur expenses for that month for an amount equal to one-twelfth of the amount of expenses of the preceding school year.

The same applies for each month of the school year if, on the first day of the month, the budget has not been adopted.

1988, c. 84, s. 281; 1992, c. 23, s. 9; 2020, c. 1, s. 312.

**282.** Every school service centre shall transmit to the Minister, on the dates and in the form the latter determines, interim reports on its financial position.

1988, c. 84, s. 282; 2020, c. 1, s. 123.

**283.** Every school service centre shall keep accounting records in such manner and in such form as the Minister may prescribe.

1988, c. 84, s. 283; 2020, c. 1, s. 312.

**284.** For each fiscal year, every school service centre shall appoint from among the members of the professional order of accountants governed by the Professional Code (chapter C-26) an external auditor who shall file a report of his audit of the financial transactions of the school service centre.

The Minister may specify the mandate applicable to all auditors of school service centres.

1988, c. 84, s. 284; 1990, c. 8, s. 31; 1994, c. 40, s. 457; 2012, c. 11, s. 32; 2020, c. 1, s. 312.

**285.** The following shall not act as external auditor for the school service centres:

- (1) a member of the school service centre's board of directors;
- (2) an employee of the school service centre;
- (3) a partner of a person referred to in paragraph 1 or 2;

(4) a person who, during the fiscal year for which the audit is carried out, has, directly or indirectly, personally or through his partner, any share or interest in or in relation to a contract with the school service centre, receives a commission pursuant to such a contract or derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession.

1988, c. 84, s. 285; 2020, c. 1, ss. 163 and 312.

**286.** Once the financial activities have been audited, the director general shall submit the financial statements of the school service centre and the external auditor's report to the school service centre's board of directors at its first sitting following by at least 15 days the date of receipt of the report.

The secretary general shall give public notice of the date, time and place of the sitting at least 15 days in advance.

1988, c. 84, s. 286; 2020, c. 1, ss. 163 and 312.

**287.** At least one week before the sitting referred to in section 286, the director general shall publish a summary of the annual financial statement of the school service centre.

He shall submit to the Minister, at such time and in such form as he prescribes, the annual financial statement of the school service centre together with the external auditor's report.

A school service centre must, if any of its institutions receives a sum of money by way of a gift, legacy, subsidy or other voluntary contribution from any person or any public or private body wishing to provide funding for the activities of the institution, disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money was granted.

The financial statements of a school service centre that has entrusted a body with the management of certain of the activities referred to in section 255 must be accompanied with any document or information required by the Minister in respect of those activities.

1988, c. 84, s. 287; 1990, c. 8, s. 32; 1995, c. 43, s. 47; 1997, c. 96, s. 106; 2020, c. 1, s. 312.

**288.** Notwithstanding any inconsistent legislative provision, a school service centre may, with the authorization of the Minister and subject to such conditions as the latter prescribes, borrow money by any method recognized by law.

The Minister may grant to a school service centre a general authorization to borrow for a period not exceeding one year and up to such amount as he specifies.

At the request of the Minister, the school service centre, either directly or through the financial institution with which it does business, shall furnish him with any information he may require on its financial position.

1988, c. 84, s. 288; 2020, c. 1, s. 124.

**289.** No school service centre shall negotiate a loan on a money market other than the Canadian market or a loan which must be repaid, in whole or in part, in foreign currency without prior authorization from the Minister of Finance and the Minister of Education, Recreation and Sports.

No school service centre shall contract such a loan or engage in any registration formality permitting access to a money market other than the Canadian market without obtaining such prior authorizations.

The loan authorization of the Minister of Education, Recreation and Sports may prescribe the conditions of the loan.

Where the authorization limits the amount of the loan, that amount is deemed to be the par value of the bonds or other securities issued pursuant to that loan, regardless of any premium which may be payable upon repayment, or of the fact that the bonds or other securities may be sold at a premium or rebate.

The loan is deemed to be authorized both in foreign currency and in Canadian currency notwithstanding the difference that may exist between them when the loan is made or subsequently.

1988, c. 84, s. 289; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2020, c. 1, s. 312.



*Until 5 November 2020, the amendment made by 2020, c. 1 is not in force insofar as it concerns an English-language school service centre. 2020, c. 1, s. 335*

**290.** The Government may prescribe, by regulation, the nature and form of the information that must be supplied to the Minister of Finance and to the Minister of Education, Recreation and Sports for the purposes of the first paragraph of section 289, as well as the time when it must be supplied.

Regulation under the first paragraph come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1988, c. 84, s. 290; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

#### § 9. — *Functions and powers relating to student transportation*

**291.** A school service centre may, with the authorization of the Minister, provide transportation for all or part of its students.

It may provide the transportation itself if authorized by the Minister, or enter into a contract with a carrier for that purpose.

1988, c. 84, s. 291; 1997, c. 96, s. 107; 2020, c. 1, s. 312.

**292.** Student transportation provided by a school service centre before the beginning of classes and after the end of classes each day is free of charge. Where the transportation is provided under a contract with a public transit authority or with the holder of a bus transport permit, within the meaning of government regulation, the school service centre may claim from a student that portion of the cost of the transportation pass which corresponds to service in addition to service before the beginning of classes and after the end of classes each day.

A school service centre that provides student transportation at noon to allow students to have their meal at home may claim the cost thereof from the students who elect to use that service.

Whether or not a school service centre provides transportation at noon to allow students to have their meal at home, it is required to ensure, in the manner agreed upon with the governing boards and on such financial conditions as it may determine, supervision of the students who stay at school.

1988, c. 84, s. 292; 1990, c. 78, s. 9, s. 54; 1997, c. 96, s. 108; 2020, c. 1, s. 312.

**293.** Section 292 does not apply to the transportation of persons enrolled in adult education.

A school service centre that provides transportation to persons enrolled in adult education may claim the cost thereof from the users of such service.

1988, c. 84, s. 293; 1990, c. 78, s. 45; 2020, c. 1, s. 312.

**294.** A school service centre authorized to provide transportation for its students may enter into an agreement to provide transportation for all or some of the students of another school service centre, an institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) or a general and vocational college.

1988, c. 84, s. 294; 1989, c. 17, s. 16; 1992, c. 68, s. 146, s. 156; 1994, c. 15, s. 33; 1996, c. 21, s. 70; 2020, c. 1, s. 312.

**295.** The cost of the transportation provided by one school service centre for another school service centre shall be assumed by the latter school service centre according to the cost of the transportation services received or in such proportion as is determined by the Government, after deducting the subsidies granted for such purposes.

1988, c. 84, s. 295; 2020, c. 1, s. 312.

**296.** The cost of transportation provided by a school service centre for a general and vocational college, an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) or an institution governed by the Act respecting private education (chapter E-9.1) shall be assumed by the college or institution according to the cost of the transportation services received, after deducting the subsidies granted for such purposes, if any.

1988, c. 84, s. 296; 1989, c. 17, s. 17; 1992, c. 68, s. 147, s. 156; 1994, c. 15, s. 33; 1996, c. 21, s. 70; 2020, c. 1, s. 312.

**297.** A school service centre may grant a student transportation contract after negotiating an agreement or following a call for public tenders.

In the case of a call for public tenders, the school service centre must accept the lowest admissible tender. However, the Minister may, exceptionally, authorize the school service centre to award the contract to another admissible bidder and attach conditions to such authorization. The school service centre may also reject all the tenders and either call for new ones or, in the cases provided for by regulation of the Government, enter into a contract by mutual agreement.

Every student transportation contract shall be made in writing and in accordance with government regulation. The contract must require the carrier to adopt measures to prevent and stop any form of bullying or violence during the transportation of students, and to inform the principal of the school concerned of any act of bullying or violence that occurs during transportation. The contract must also require the carrier to make sure, in collaboration with the school service centre, that the driver completes proper anti-bullying and anti-violence training as soon as possible.

The duration of the contract is determined in accordance with the standards established by regulation of the Government. However, where no regulation exists, the maximum duration shall not exceed three school years.

1988, c. 84, s. 297; 1990, c. 78, s. 54; 1993, c. 27, s. 1; 1997, c. 96, s. 109; 2012, c. 19, s. 20; 2020, c. 1, s. 312.

**298.** A school service centre, after determining the number of available seats, may allow any person other than a person to whom it provides student transportation to use such transportation service until all available seats are filled, and determine the fare in requires for such transportation.

The person who effects student transportation is bound by a decision, notwithstanding any contrary provision contained in a student transportation contract.

This section does not apply where student transportation is integrated into the regular service of a public transit authority or of a holder of a bus transport permit.

1988, c. 84, s. 298; 2020, c. 1, s. 312.

**299.** A school service centre, whether or not it is bound by a student transportation contract, may pay directly to the students an amount to cover all or part of their transportation costs.

1988, c. 84, s. 299; 2020, c. 1, s. 312.

**300.** Each year, the Minister shall establish and submit to the Conseil du trésor, for approval, budgetary rules to determine the amount of subsidies granted to school service centres providing student transportation.

The budgetary rules may provide that subsidies may be granted on the basis of general standards applicable to all students using student transportation or on the basis of special rules applicable to certain students.

The budgetary rules may provide that the grant of a subsidy may be subject to general conditions applicable to all school service centres or to special conditions applicable to one school service centre or to certain school service centres.

The budgetary rules may also provide that the grant of a subsidy may be subject to authorization by the Minister or that it can only be made to one school service centre or to certain school service centres.

Every school service centre shall provide the Minister with any information he requests for purposes of subsidies at such time and in such form as he prescribes.

A school service centre which entrusts the transportation of its students to another school service centre is not presumed to provide student transportation for the purposes of this section.

1988, c. 84, s. 300; 1990, c. 78, s. 10; 1991, c. 27, s. 8; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 110; 1999, c. 40, s. 158; 2020, c. 1, s. 125.

**301.** The Minister may withhold or cancel all or part of a subsidy for student transportation where a provision of this Act or of the regulation under section 453 or 454 is not complied with.

1988, c. 84, s. 301; 1990, c. 78, s. 54; 1997, c. 96, s. 111.

## DIVISION VII

### TAXATION

#### § 1. — *Preliminary provisions*

**302.** In this Act,

(1) the word “**clerk**” has the same meaning as in the Act respecting municipal taxation (chapter F-2.1);

(2) “**standardized assessment**” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the comparative factor established for that roll under section 264 of the Act respecting municipal taxation;

(2.1) “**adjusted standardized assessment**” means the value of the standardized assessment or, if there is a variation in the municipality’s standardized assessment of taxable immovables resulting from the coming

into force of its assessment roll, the adjusted value obtained after averaging the variation in the standardized assessment in accordance with the provisions of Division IV.3 of Chapter XVIII of the Act respecting municipal taxation, with the necessary modifications;

(3) “**taxable immovable**” means

(a) a taxable unit of assessment, or the taxable part thereof if it is not entirely taxable;

(b) a non-taxable unit of assessment referred to in the first paragraph of section 208 of the Act respecting municipal taxation, or the part thereof referred to in that paragraph if the reference is not to its entirety;

(4) “**owner**” means the person or trust in whose name a taxable immovable is entered on the assessment roll of a municipality.

1988, c. 84, s. 302; 2018, c. 5, s. 6; 2019, c. 5, s. 3.

## § 2. — *Levy and determination of the school tax*

2019, c. 5, s. 4.

**303.** For each school year, a school tax is levied on every taxable immovable.

The tax is levied on the value of the adjusted standardized assessment of the immovable that exceeds \$25,000.

1988, c. 84, s. 303; 2019, c. 5, s. 4.



*For the school years 2020-2021, See School tax rate (2020) 152 G.O. 1, 391A.*

### ***Not in force***

**303.1.** The school tax rate is the same for all taxable immovables.

It is computed annually, in accordance with section 303.4.

2019, c. 5, s. 4.

**303.2.** The clerk of a municipal body having jurisdiction in property assessment shall provide every school service centre all or part of whose territory is included in the body’s territory with a certified copy of the assessment roll of the taxable immovables situated in the common territory and a certificate attesting the standardizing factor for that roll.

The clerk shall send the copy within 15 days after the day on which the Minister of Municipal Affairs, Regions and Land Occupancy communicates the standardizing factor for the municipal fiscal year in which the roll comes into force to the body.

The copy is provided on payment of the fees payable for the issue of copies of municipal documents.

2019, c. 5, s. 4; 2020, c. 1, s. 312.

**303.3.** Each year, every school service centre shall send the Minister the information he considers necessary for computing the school tax rate, in the form determined by the Minister.

The information shall be sent on or before 1 May for the school year beginning on the next 1 July and be based on the assessment roll that is up to date on 1 April of the current school year for all taxable immovables situated in the school service centre’s territory.

2019, c. 5, s. 4; 2020, c. 1, s. 312.

***Not in force***

**303.4.** The school tax rate for a school year corresponds to the proportion that the amount for financing local needs for all school service centres for the school year, computed using the method prescribed by a regulation made under section 455.1, minus the total standardizing compensation referred to in section 303.5, is of the adjusted standardized assessment of all taxable immovables as at 1 April preceding the school year.

The proportion is multiplied by 100 to express the rate in dollars per \$100 of adjusted standardized assessment. The rate is expressed as a five-decimal number. The fifth decimal is increased by 1 if the sixth is greater than 4.

2019, c. 5, s. 4; 2020, c. 1, s. 312.

***Not in force***

**303.5.** The total standardizing compensation corresponds to the sum of the most recent standardizing compensation amounts computed for each school service centre under section 35 of the Act to establish a single school tax rate (2019, chapter 5).

2019, c. 5, s. 4; 2020, c. 1, s. 312.

**303.6.** The maximum school tax rate is \$0.35 per \$100 of the adjusted standardized assessment of all taxable immovables.

The maximum rate is applied where the computation of the school tax rate results in a higher rate.

2019, c. 5, s. 4.

***Not in force***

**303.7.** The Minister shall publish the school tax rate in the *Gazette officielle du Québec* and give notice of it to the school service centres and the Comité de gestion de la taxe scolaire de l'île de Montréal, not later than 15 June preceding the school year concerned.

2019, c. 5, s. 4; 2020, c. 1, s. 312.

**§ 3. — *Collection of the school tax***

2019, c. 5, s. 4.

**304.** The school tax levied on an immovable owned by a person who has children admitted to the educational services of a school service centre having jurisdiction over the territory where the immovable is situated shall be collected exclusively by that school service centre.

Where the children are admitted to the educational services of different school service centres having jurisdiction over the territory where the immovable is situated, the school tax shall be collected exclusively by these school service centres, each on a portion of the standardized assessment of the immovable corresponding to the ratio between the number of those persons admitted to the educational services of that school service centre and the number of those persons admitted to the educational services of all the school service centres concerned. The school service centres concerned may enter into an agreement in respect of the terms and conditions for collecting the tax intended for each of them.

1988, c. 84, s. 304; 1990, c. 8, s. 33; 2019, c. 5, s. 5; 2020, c. 1, s. 312.

**305.** The school tax levied on an immovable owned by a natural person to whom section 304 does not apply and whose name is entered on the latest list of electors of an English-language school service centre



having jurisdiction over the territory where the immovable is situated or who has since effected the voting option referred to in section 18 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) shall be collected exclusively by that school service centre.

1988, c. 84, s. 305; 1990, c. 8, s. 34; 1997, c. 47, s. 25; 2019, c. 5, s. 6; 2020, c. 1, s. 313; 2020, c. 1, s. 126.

**306.** The school tax levied on an immovable owned by a natural person to whom sections 304 and 305 do not apply and who has elected to pay the school tax to a school service centre shall be collected exclusively by that school service centre.

An election as to the destination of school taxes shall be made by way of a notice transmitted before 1 April to the school service centre in whose favour the election is made; that school service centre must, without delay and in writing, inform any other school service centre which has jurisdiction over the territory where the immovable is situated.

Such an election remains in force until the person revokes it in the manner provided in the second paragraph, until he applies for admission of one of his children to the educational services of another school service centre having jurisdiction over the territory where the immovable is situated or until his name is entered on the list of electors of the English-language school service centre having jurisdiction over the territory where the immovable is situated.

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.

1988, c. 84, s. 306; 1997, c. 47, s. 25; 2019, c. 5, s. 7; 2020, c. 1, s. 127.

**307.** The school tax levied on an immovable owned by a person to whom sections 304 to 306 do not apply shall be collected by each school service centre having jurisdiction over the territory in which the immovable is situated on a portion of the standardized assessment of the immovable established in proportion to the number of students enrolled on 30 September of the preceding year in the schools that are under the jurisdiction of the school service centres concerned and residing in their common territory.

The school service centres concerned shall jointly determine the proportion of the tax to be collected by each of them; they may enter into an agreement in respect of the terms and conditions for collecting the tax intended for each of them.

1988, c. 84, s. 307; 1990, c. 8, s. 35; 1990, c. 28, s. 2; 2019, c. 5, s. 8; 2020, c. 1, s. 312.

**308.** *(Repealed).*

1988, c. 84, s. 308; 1990, c. 28, s. 3; 1992, c. 23, s. 10; 1999, c. 40, s. 158; 2019, c. 5, s. 9.

**309.** *(Repealed).*

1988, c. 84, s. 309; 1990, c. 28, s. 4.

**310.** *(Repealed).*

1988, c. 84, s. 310; 2006, c. 54, s. 1; 2019, c. 5, s. 9.

**311.** *(Repealed).*

1988, c. 84, s. 311; 1989, c. 36, s. 266; 1999, c. 40, s. 158; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2019, c. 5, s. 9.

**312.** *(Repealed).*

1988, c. 84, s. 312; 1990, c. 28, s. 5; 1992, c. 23, s. 11; 2019, c. 5, s. 9.

**313.** School taxes are payable by the owner of the taxable immovable.

However, in the case of a tax levied on an immovable owned by a partnership or an immovable held in undivided co-ownership, the tax may be claimed and recovered in its entirety from any member of the partnership or from any co-owner.

1988, c. 84, s. 313; 1997, c. 96, s. 112; 2019, c. 5, s. 10.

**313.1.** Any person, other than the debtor, who pays a school tax owed by another person is subrogated by operation of law in the prior claims and legal hypothecs of the school service centre on the immovables of the debtor and may recover from the debtor the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt which the school service centre is required to issue states that the payment was made by a third party for the debtor.

The name of such third party shall be recorded in the books of the school service centre.

1997, c. 96, s. 113; 2020, c. 1, s. 312.

**314.** After 1 July of the school year concerned, the director general of the school service centre shall have a request for payment of school taxes sent to every owner of a taxable immovable, except where the collection of the school tax is entrusted to another school service centre under section 304 or 307.

1988, c. 84, s. 314; 1989, c. 36, s. 267; 1990, c. 8, s. 36; 1996, c. 2, s. 698; 1999, c. 40, s. 158; 2000, c. 56, s. 160; 2019, c. 5, s. 12; 2020, c. 1, s. 312.

**315.** School taxes are payable 31 days from the sending of the tax bill.

School taxes are payable in a single payment.

However, if the school tax is equal to or greater than the amount set by the regulation made under paragraph 4 of section 263 of the Act respecting municipal taxation (chapter F-2.1), the debtor may choose to pay it in two equal payments. The second payment is payable 121 days after the sending of the tax bill.

The school service centre may, at the request of an owner who shows that by reason of the occurrence of a disaster in the school service centre's territory, the owner has been recognized as eligible, for the owner's immovables, under a financial assistance or compensation program referred to in Division II of Chapter VII of the Civil Protection Act (chapter S-2.3), extend the payment deadline by fixing another date when the single payment or each of the equal payments may be made.

If the first payment is not made within the period prescribed, the entire amount becomes payable immediately. However, the school service centre may provide that only the first payment becomes payable immediately.

1988, c. 84, s. 315; 2006, c. 54, s. 2; 2020, c. 1, s. 128.

**316.** Interest is payable on school taxes at the rate applicable under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) on the day the notice required under section 303.7 is published in the *Gazette officielle du Québec*. The notice shall mention the applicable interest rate.

The rate applies to all taxes payable, from 1 July of the school year to which the notice referred to in the first paragraph applies.

Every tax bill shall clearly state the applicable interest rate and the fact that the rate may be changed in accordance with this section.

1988, c. 84, s. 316; 1997, c. 96, s. 114; 2019, c. 5, s. 13.

**317.** No school service centre may waive the payment of school taxes or interest, except where an owner's annual tax bill is for an amount under \$2.

1988, c. 84, s. 317; 2019, c. 5, s. 14; 2020, c. 1, s. 312.

**317.1.** In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code, the school tax is secured by a legal hypothec on the immovable subject to the tax.

Registration by the school service centre of a legal immovable hypothec does not prevent it from exercising its prior claim.

1997, c. 96, s. 115; 2020, c. 1, s. 312.

**317.2.** A creditor who takes proceedings in execution or who, as holder of an immovable hypothec, has registered a prior notice of his intention to exercise his hypothecary rights, may request the school service centre to declare the amount of its prior claim. The request must be registered and proof of its notification must be filed at the registry office.

Within 30 days following the notification, the school service centre must declare the amount of its claim and enter it in the land register; such a declaration does not have the effect of limiting the priority of the school service centre's claim to the amount entered.

An application for registration, in the land register, of the request for declaration and of the declaration shall be made in the form of a notice. In addition to the provisions of this section and the requirements of the regulation made under Book IX of the Civil Code, the notice shall indicate the legislative provision under which it is given, the name of the debtor and the name of the school service centre; the notice does not require attestation and may be presented in single copy.

1997, c. 96, s. 115; 2020, c. 1, s. 312.

**318.** Any action for the recovery of school taxes brought against an owner is prescribed by three years from the date they become payable.

1988, c. 84, s. 318.

**319.** *(Repealed).*

1988, c. 84, s. 319; 1999, c. 40, s. 158; 2006, c. 54, s. 3; 2018, c. 5, s. 13.

**320.** *(Repealed).*

1988, c. 84, s. 320; 2018, c. 5, s. 13.

**321.** *(Repealed).*

1988, c. 84, s. 321; 2018, c. 5, s. 13.

**322.** The municipality shall remit to the school service centre any additional amount relating to school taxes payable by an owner under the Act respecting municipal taxation (chapter F-2.1).

The school service centre shall remit to the municipality any amount relating to school taxes reimbursed to an owner under the Act respecting municipal taxation.

The remittances shall be made on the first day of the month of April, July or November following the due date of the billing or the reimbursement of the amount, whichever of those three dates is closest.

Any amount remitted after the applicable time limit bears interest at a rate equal to the maximum rate fixed under section 50 of the Act respecting municipal debts and loans (chapter D-7) from the expiration of that time limit. If the maximum rate is changed after the expiration of that time limit but before the amount is paid, the new rate applies from passage of the order.

1988, c. 84, s. 322; 2020, c. 1, s. 312.

**323.** *(Repealed).*

1988, c. 84, s. 323; 2018, c. 5, s. 15.

**324.** The clerk of the municipality shall forward to the school service centre any information it requires in writing in respect of the school tax and the contributions or subsidies given in lieu thereof.

1988, c. 84, s. 324; 2020, c. 1, s. 312.

§ 4. — *Recovery of school taxes*

1. — *Seizure and sale of movable property*

**325.** The provisions of the Code of Civil Procedure (chapter C-25.01) respecting the seizure in execution of movable property apply except as otherwise provided in this subdivision.

1988, c. 84, s. 325; I.N. 2016-01-01 (NCCP).

**326.** The director general may collect, with legal costs, the taxes due by any owner by the seizure and sale of his movable property not exempt from seizure that is found in the territory of the school service centre.

1988, c. 84, s. 326; I.N. 2016-01-01 (NCCP); 2020, c. 1, s. 312.

**327.** The seizure and sale are made under a notice of execution prepared by the chair of the school service centre and filed with the court office by the clerk of the Court of Québec or the clerk of the Superior Court, according to the amount of the claim.

The clerk shall file the notice of execution upon production of a certificate from the chair of the school service centre attesting the amount of the debt and the fact that it is due and owing.

1988, c. 84, s. 327; 2008, c. 29, s. 34; I.N. 2016-01-01 (NCCP); 2020, c. 1, s. 312.

**328.** The notice of execution is addressed to a bailiff, who shall execute it in the same manner as a notice of execution issued under the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 328; I.N. 2016-01-01 (NCCP).

**329.** The bailiff shall announce the day and place of sale of the seized movable property by public notice given in accordance with the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 329; I.N. 2016-01-01 (NCCP).

**330.** The public notice shall state the name and address of the person whose property is to be sold.

1988, c. 84, s. 330.

*2. — Oppositions to seizure and sale of movable property and oppositions to payment out of proceeds of sale*

**331.** The debtor or any person having a right to claim the movable property seized may oppose the seizure and sale on any of the grounds listed in article 735 of the Code of Civil Procedure (chapter C-25.01).

In addition to the grounds mentioned in article 735 of the Code of Civil Procedure, opposition to annul may be brought before the court of competent jurisdiction for any cause likely to affect the claim of the school service centre.

1988, c. 84, s. 331; 1992, c. 57, s. 594; I.N. 2016-01-01 (NCCP); 2020, c. 1, s. 312.

**332.** The opposition shall be accompanied by a declaration under oath attesting that the allegations therein contained are true, and that it is not made with intent to unjustly delay the sale, but with a view to obtaining justice. It shall be served upon the bailiff entrusted with the execution of the notice of execution and returned to the office of the Court of Québec, within eight days following the service.

1988, c. 84, s. 332; I.N. 2016-01-01 (NCCP).

**333.** On being served with an opposition, the bailiff shall stay the proceedings, and, within eight days following the service, he shall return all his proceedings respecting the notice of execution to the office of the court mentioned in the opposition.

1988, c. 84, s. 333; I.N. 2016-01-01 (NCCP).

**334.** The opposition shall thereafter be contested, heard and decided according to the rules of procedure governing oppositions to the seizure and sale of movable property before the court in which it is brought.

1988, c. 84, s. 334.

**335.** Where the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with the seizure, or any other bailiff, to proceed on the notice of execution, and, upon the delivery to him of such notice and of a copy of the judgment, the bailiff shall proceed with the sale of the movable property seized, after notice given in the manner provided in the Code of Civil Procedure (chapter C-25.01).

1988, c. 84, s. 335; I.N. 2016-01-01 (NCCP).

**336.** Where no opposition to the distribution of the proceeds of the sale of the seized movable property is made, the bailiff shall return the notice and his proceedings, and remit the proceeds of the sale, after deducting the costs of seizure and sale, to the director general, who shall apply such proceeds towards the payment of the school taxes for which the notice of execution was issued.

1988, c. 84, s. 336; I.N. 2016-01-01 (NCCP).

**337.** Where an opposition is made to the payment of the proceeds of the sale, the bailiff shall remit the moneys in his possession, after deducting the costs of seizure and sale, to the director general, who shall receive them on deposit, and make a return of all his proceedings respecting the seizure and sale to the court.

The opposition shall thereafter be contested, heard and decided according to the rules of procedure governing oppositions to payment before the court in which it is brought.

The proceeds of the sale shall be distributed by the court, and paid by the director general as ordered by the court.

1988, c. 84, s. 337.

**338.** If there is any surplus, the director general shall pay it to the owner whose property was sold.

1988, c. 84, s. 338.

3. — *Sale of immovable property*

**339.** Before the beginning of the month of November every year, the director general shall prepare a statement of the school taxes remaining due and owing by owners.

The statement shall show the name and address of each owner and describe the taxable immovables subject to the school tax according to the assessment roll. The description of the taxable immovables is made in accordance with the provisions of the Cities and Towns Act (chapter C-19) respecting the sale of immovables for non-payment of taxes.

1988, c. 84, s. 339.

**340.** The statement contemplated in section 339 shall be submitted to the school service centre's board of directors for approval.

Before the beginning of the month of November, the director general shall transmit the approved statement to the secretary-treasurer of the local municipality governed by the Municipal Code of Québec (chapter C-27.1) in whose territory the immovables are situated.

The provisions of the Municipal Code of Québec respecting the sale of immovables for non-payment of taxes, including the redemption of immovables sold, apply.

Where the taxes to be collected relate to immovables situated in the territory of a municipality governed by the Cities and Towns Act (chapter C-19), the provisions of that Act respecting the sale of immovables for non-payment of taxes and the redemption of immovables sold apply.

1988, c. 84, s. 340; 1996, c. 2, s. 699; 2020, c. 1, s. 163.

**341.** Where the director general of a school service centre receives from the secretary-treasurer of the municipality a statement of the immovable property to be sold for taxes by the secretary-treasurer of the regional county municipality, he shall, if he has not already done so under section 340 with respect to the secretary-treasurer of the local municipality, forward to the secretary-treasurer of the regional county municipality, before 31 December, a statement showing the amount of school taxes due and affecting each such immovable for school purposes; the secretary-treasurer of the regional county municipality shall take such claim into account in preparing his list.

1988, c. 84, s. 341; 2020, c. 1, s. 312.

**342.** Where immovables in the territory of a school service centre are put up for sale for non-payment of school taxes, the school service centre may bid for and purchase immovables through its chair or another person authorized by the school service centre, without being bound to pay the purchase price forthwith.

The school service centre may also bid for and purchase those immovables at any sale under judicial authority or any other sale having the effect of a sale under judicial authority.

In no case, however, may the bid of the school service centre exceed the amount of the school taxes in principal, interest and costs, plus a sufficient amount to satisfy any prior claim of prior or equal rank to the school taxes, in which case the school service centre shall pay the purchase price in the same manner as any other bidder.

1988, c. 84, s. 342; 1992, c. 57, s. 595; 2008, c. 29, s. 34; I.N. 2016-01-01 (NCCP); 2020, c. 1, s. 312.

**343.** The school service centre shall enter in its own name the immovables purchased at auction upon the assessment and collection rolls and upon the special apportionment rolls; such immovables shall remain subject to municipal and school taxes like any other immovables and shall be so assessed but the municipal taxes shall not be collectable from the school service centre.

If the right of redemption is exercised by the owner of the immovable, the redemption price shall include, in addition to the amount paid by the school service centre for the immovable and interest thereon at 10%, the amount of the municipal and school taxes levied on the immovable from the date of the auction purchase to the date of the redemption, or the instalments due upon such taxes if they are payable by instalments, and also the sums of money owing for municipal and school taxes which were not paid in the distribution of the proceeds of the sale.

After the redemption, the undue instalments of special taxes shall continue to encumber the redeemed immovable and the owner shall be liable therefor.

If the right of redemption is not exercised within the period fixed by law, the bailiff or clerk, as the case may be, shall draw up and sign a deed of sale in favour of the school service centre and cause it to be registered.

1988, c. 84, s. 343; I.N. 2016-01-01 (NCCP); 2019, c. 5, s. 15; 2020, c. 1, s. 312.

**344.** Immovables acquired at auction by the school service centre which are not redeemed and are not required for the carrying on of its activities shall be disposed of in accordance with the regulation referred to in the second paragraph of section 272.

1988, c. 84, s. 344; 2019, c. 5, s. 16; 2020, c. 1, s. 312.

§ 5. —

*Repealed, 2018, c. 5, s. 27.*

1988, c. 84, Sd. 5; 2018, c. 5, s. 27.

**345.** *(Repealed).*

1988, c. 84, s. 345; 1990, c. 78, s. 54; 2002, c. 10, s. 103; 2018, c. 5, s. 27.

**346.** *(Repealed).*

1988, c. 84, s. 346; 2018, c. 5, s. 27.

**347.** *(Repealed).*

1988, c. 84, s. 347; 2002, c. 10, s. 104; 2018, c. 5, s. 27.

**348.** *(Repealed).*

1988, c. 84, s. 348; 1990, c. 8, s. 38; 1990, c. 28, s. 6; 2018, c. 5, s. 27.

**349.** *(Repealed).*

1988, c. 84, s. 349; 2018, c. 5, s. 27.

**350.** *(Repealed).*

1988, c. 84, s. 350; 2008, c. 29, s. 34; 2018, c. 5, s. 27.

**351.** *(Repealed).*

1988, c. 84, s. 351; 2018, c. 5, s. 27.

**352.** *(Repealed).*

1988, c. 84, s. 352; 1990, c. 8, s. 39; 1990, c. 28, s. 7; 2018, c. 5, s. 27.

**353.** *(Repealed).*

1988, c. 84, s. 353; 2018, c. 5, s. 27.

**DIVISION VIII**

*Repealed, 1997, c. 47, s. 26.*

1997, c. 47, s. 26.

**354.** *(Repealed).*

1988, c. 84, s. 354; 1997, c. 47, s. 26.

**355.** *(Repealed).*

1988, c. 84, s. 355; 1997, c. 47, s. 26.

**356.** *(Repealed).*

1988, c. 84, s. 356; 1997, c. 47, s. 26.

**357.** *(Repealed).*

1988, c. 84, s. 357; 1997, c. 47, s. 26.

**358.** *(Repealed).*

1988, c. 84, s. 358; 1997, c. 47, s. 26.

**359.** *(Repealed).*

1988, c. 84, s. 359; 1997, c. 47, s. 26.

**360.** *(Repealed).*

1988, c. 84, s. 360; 1997, c. 47, s. 26.

**361.** *(Repealed).*

1988, c. 84, s. 361; 1997, c. 47, s. 26.

**362.** *(Repealed).*

1988, c. 84, s. 362; 1997, c. 47, s. 26.

**363.** *(Repealed).*

1988, c. 84, s. 363; 1997, c. 47, s. 26.

**364.** *(Repealed).*

1988, c. 84, s. 364; 1997, c. 47, s. 26.



**365.** *(Repealed).*

1988, c. 84, s. 365; 1997, c. 47, s. 26.

**366.** *(Repealed).*

1988, c. 84, s. 366; 1991, c. 27, s. 9; 1997, c. 47, s. 26.

**366.1.** *(Repealed).*

1991, c. 27, s. 10; 1997, c. 47, s. 26.

**367.** *(Repealed).*

1988, c. 84, s. 367; 1991, c. 27, s. 11; 1997, c. 47, s. 26.

**368.** *(Repealed).*

1988, c. 84, s. 368; 1997, c. 47, s. 26.

**369.** *(Repealed).*

1988, c. 84, s. 369; 1997, c. 47, s. 26.

**370.** *(Repealed).*

1988, c. 84, s. 370; 1997, c. 47, s. 26.

**371.** *(Repealed).*

1988, c. 84, s. 371; 1997, c. 47, s. 26.

**372.** *(Repealed).*

1988, c. 84, s. 372; 1997, c. 47, s. 26.

**373.** *(Repealed).*

1988, c. 84, s. 373; 1997, c. 47, s. 26.

**374.** *(Repealed).*

1988, c. 84, s. 374; 1997, c. 47, s. 26.

**375.** *(Repealed).*

1988, c. 84, s. 375; 1997, c. 47, s. 26.

**376.** *(Repealed).*

1988, c. 84, s. 376; 1997, c. 47, s. 26.

**377.** *(Repealed).*

1988, c. 84, s. 377; 1990, c. 8, s. 65; 1997, c. 47, s. 26.

**378.** *(Repealed).*

1988, c. 84, s. 378; 1997, c. 47, s. 26.

**379.** *(Repealed).*

1988, c. 84, s. 379; 1997, c. 47, s. 26.

**380.** *(Repealed).*

1988, c. 84, s. 380; 1997, c. 47, s. 26.

**381.** *(Repealed).*

1988, c. 84, s. 381; 1990, c. 8, s. 40; 1997, c. 47, s. 26.

**382.** *(Repealed).*

1988, c. 84, s. 382; 1990, c. 8, s. 41; 1997, c. 47, s. 26.

**383.** *(Repealed).*

1988, c. 84, s. 383; 1997, c. 47, s. 26.

**384.** *(Repealed).*

1988, c. 84, s. 384; 1990, c. 78, s. 54; 1997, c. 47, s. 26.

**385.** *(Repealed).*

1988, c. 84, s. 385; 1997, c. 47, s. 26.

**386.** *(Repealed).*

1988, c. 84, s. 386; 1997, c. 47, s. 26.

**387.** *(Repealed).*

1988, c. 84, s. 387; 1997, c. 47, s. 26.

**388.** *(Repealed).*

1988, c. 84, s. 388; 1997, c. 47, s. 26.

**389.** *(Repealed).*

1988, c. 84, s. 389; 1990, c. 28, s. 8; 1997, c. 47, s. 26.

**390.** *(Repealed).*

1988, c. 84, s. 390; 1989, c. 36, s. 268; 1996, c. 2, s. 700; 1997, c. 47, s. 26.

**391.** *(Repealed).*

1988, c. 84, s. 391; 1997, c. 47, s. 26.

**DIVISION IX**

**PROCEDURE**

§ 1. — *By-laws and resolutions*

**392.** No by-law may be adopted by a school service centre where this procedure is provided for in this Act, unless the school service centre gives public notice of 30 days before adoption, indicating the object of the by-law, the day appointed for its adoption and the place where the draft may be examined.

The school service centre shall send to each governing board a copy of every draft by-law within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

This section does not apply to by-laws pertaining to the delegation of functions or powers of the school service centre's board of directors.

1988, c. 84, s. 392; 1997, c. 96, s. 116; 2020, c. 1, ss. 163 and 312.

**393.** No resolution may be adopted by a school service centre authorizing an application to be made to the Government for the making of an order pursuant to this Act, unless the school service centre gives public notice of at least 30 days before adoption, indicating the object of the resolution and the day appointed for its adoption.

A school service centre shall send to each governing board a copy of every draft resolution within the same period before adoption; copy thereof shall also be sent in the same manner to the parents' committee.

1988, c. 84, s. 393; 1997, c. 96, s. 117; 2020, c. 1, s. 312.

**394.** By-laws come into force on the day of the publication of a public notice that they have been adopted or on any later date indicated in the notice.

1988, c. 84, s. 394; 1990, c. 8, s. 66.

**395.** The secretary general of a school service centre shall, without delay, send a true copy of the by-laws to each governing board and to the parents' committee.

1988, c. 84, s. 395; 1997, c. 96, s. 118; 2020, c. 1, s. 312.

**396.** All by-laws shall be recorded in a by-law registry kept at the head office of the school service centre.

Each entry of by-laws in the by-law registry shall be signed by the chair and the secretary general of the school service centre.

1988, c. 84, s. 396; 2008, c. 29, s. 34; 2020, c. 1, s. 312.

§ 2. — *Public notices*

**397.** All public notices shall be posted up in each school and each centre of the school service centre and published in at least one newspaper circulated in the territory of the school service centre.

1988, c. 84, s. 397; 1997, c. 96, s. 119; 2020, c. 1, s. 312.

**398.** The notice shall indicate its object and shall be published within the time limit prescribed by this Act or, where none is prescribed, as soon as possible.

1988, c. 84, s. 398.

## CHAPTER VI

### COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L'ÎLE DE MONTRÉAL

2002, c. 75, s. 1.

#### DIVISION I

##### CONSTITUTION AND COMPOSITION

1999, c. 40, s. 158.

**399.** The Comité de gestion de la taxe scolaire de l'île de Montréal replaces the Conseil scolaire de l'île de Montréal. The Comité shall acquire the rights and assume the obligations of the Council.

The Comité has jurisdiction over the school service centres situated in whole or in part on the island of Montréal in those matters that are assigned to it.

1988, c. 84, s. 399; 2002, c. 75, s. 2; 2020, c. 1, s. 312.

**400.** The Comité is a legal person established in the public interest.

1988, c. 84, s. 400; 1997, c. 96, s. 120; 2002, c. 75, s. 31.

**401.** The head office of the Comité is located in the territory of Ville de Montréal.

The Comité shall notify the Minister and give public notice of the location or of any relocation of the head office.

The Comité shall send a copy of the notice to each school service centre on the island of Montréal.

1988, c. 84, s. 401; 1989, c. 36, s. 269; 1996, c. 2, s. 701; 2000, c. 56, s. 161; 2002, c. 75, s. 31; 2020, c. 1, s. 312.

**402.** The Comité shall consist of members designated in the following manner:

(1) each school service centre on the island of Montréal shall designate one person from among the members of its board of directors sitting as parent representatives or community representatives;

(2) the Minister shall designate two persons, one person chosen from among the managerial staff of the Ministère de l'Éducation, du Loisir et du Sport and another person domiciled on the island of Montréal, chosen after consultation with the parents' committees of the school service centres on the island of Montréal.

If a school service centre fails to make the designation as provided in subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the members of that school service centre's board of directors.

1988, c. 84, s. 402; 2002, c. 75, s. 3; 2005, c. 28, s. 195; 2016, c. 26, s. 46; 2020, c. 1, s. 313; 2020, c. 1, s. 129.

**403.** A school service centre may designate another member of its board of directors as a substitute to sit and vote in the member's stead when that member is unable to take part in a sitting of the Comité.

1988, c. 84, s. 403; 2002, c. 75, s. 4; 2020, c. 1, s. 130.

**404.** The director general shall take part in the sittings of the Comité but is not entitled to vote.

1988, c. 84, s. 404; 2002, c. 75, s. 31.

**405.** *(Repealed).*

1988, c. 84, s. 405; 1990, c. 8, s. 42; 2002, c. 75, s. 5.

**406.** *(Repealed).*

1988, c. 84, s. 406; 2002, c. 75, s. 6.

**407.** No officer or employee of the Comité or of a school service centre on the island of Montréal may be designated or appointed as a member of the Comité.

1988, c. 84, s. 407; 2002, c. 75, s. 7; 2020, c. 1, s. 312.

**DIVISION II**

**OPERATION**

**408.** *(Repealed).*

1988, c. 84, s. 408; 2002, c. 75, s. 8.

**409.** The members of the Comité shall designate a president from among themselves.

The president must be a person referred to in subparagraph 1 of the first paragraph of section 402.

1988, c. 84, s. 409; 2002, c. 75, s. 9.

**410.** *(Repealed).*

1988, c. 84, s. 410; 2002, c. 75, s. 10.

**411.** The Comité shall send a copy of the notice and of the agenda for its extraordinary sittings to each school service centre on the island of Montréal and to the members of the Comité.

1988, c. 84, s. 411; 2020, c. 1, s. 131.

**412.** The Comité may delegate certain of its functions and powers to the director general or to another member of the personnel of the Comité.

1988, c. 84, s. 412; 2002, c. 75, s. 11; 2018, c. 5, s. 36.

**413.** *(Repealed).*

1988, c. 84, s. 413; 2002, c. 75, s. 12.

**414.** *(Repealed).*

1988, c. 84, s. 414; 2002, c. 75, s. 12.

**415.** Sections 159 to 161, the first and second paragraphs of section 163, sections 164 to 166, 169 to 173, 175 to 175.3, paragraph 3 of section 176.1 and sections 177 to 178 apply to the Comité or to its members, with the necessary modifications. For that purpose, "member of a school service centre's board of directors" means a member of the Comité.

1988, c. 84, s. 415; 2002, c. 75, s. 13; 2018, c. 5, s. 37; 2020, c. 1, s. 132.

**415.1.** The Comité shall fix the date, time and place of its regular sittings. It shall hold at least one regular sitting each school year.

2002, c. 75, s. 13.

### **DIVISION III**

*Repealed, 2002, c. 75, s. 14.*

2002, c. 75, s. 14.

**416.** *(Repealed).*

1988, c. 84, s. 416; 1990, c. 8, s. 43; 2002, c. 75, s. 14.

**417.** *(Repealed).*

1988, c. 84, s. 417; 1990, c. 8, s. 44; 2002, c. 75, s. 14.

**418.** *(Repealed).*

1988, c. 84, s. 418; 2002, c. 75, s. 14.

**419.** *(Repealed).*

1988, c. 84, s. 419; 1990, c. 8, s. 45; 1997, c. 96, s. 121; 2002, c. 75, s. 14.

### **DIVISION IV**

#### **STAFF**

**420.** The Comité shall appoint a director general and the necessary staff for its operations.

Section 200, the first and second paragraphs of section 201 and sections 201.1 and 201.2, adapted as required, apply to the director general of the Comité.

1988, c. 84, s. 420; 1997, c. 96, s. 122; 2002, c. 75, s. 31; 2018, c. 5, s. 38; 2020, c. 1, s. 133.

**421.** *(Repealed).*

1988, c. 84, s. 421; 2002, c. 75, s. 15; 2018, c. 5, s. 39.

**422.** The Comité shall designate a member of its executive staff to perform the functions of the director general if he is absent or unable to act.

1988, c. 84, s. 422; 1990, c. 78, s. 54; 1997, c. 96, s. 123; 2002, c. 75, s. 31.

### **DIVISION V**

#### **FUNCTIONS AND POWERS**

**423.** Only the Comité may, with the authorization of the Minister and on the conditions he determines, borrow money by any legal means for its purposes and the purposes of school service centres on the island of Montréal.

Sections 288 to 290, adapted as required, apply to the Comité.

The second paragraph of section 288 also applies to the school service centres on the island of Montréal.

1988, c. 84, s. 423; 1990, c. 8, s. 46; 2002, c. 75, s. 16; 2020, c. 1, s. 312.

**424.** *(Repealed).*

1988, c. 84, s. 424; 1997, c. 96, s. 124; 2020, c. 1, s. 134.

**424.1.** *(Repealed).*

2002, c. 75, s. 17; 2020, c. 1, s. 134.

**425.** *(Repealed).*

1988, c. 84, s. 425; 1997, c. 96, s. 125; 2020, c. 1, s. 134.

**425.1.** *(Repealed).*

1990, c. 78, s. 11; 1997, c. 47, s. 27; 2002, c. 75, s. 18; 2020, c. 1, s. 134.

**426.** *(Repealed).*

1988, c. 84, s. 426; 1999, c. 43, s. 13; 2002, c. 75, s. 31; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109; 2020, c. 1, s. 134.

**427.** *(Repealed).*

1988, c. 84, s. 427; 2002, c. 75, s. 31; 2020, c. 1, s. 134.

**428.** The Comité shall receive the government subsidies required to repay the loans it has contracted for its purposes and for the purposes of the school service centres on the island of Montréal.

1988, c. 84, s. 428; 2002, c. 75, s. 31; 2020, c. 1, s. 135.

**429.** For the purposes of the rules contained in the Civil Code as regards investments presumed sound, the Comité is considered a school service centre.

1988, c. 84, s. 429; 1999, c. 40, s. 158; 2002, c. 75, s. 31; 2020, c. 1, s. 312.

**430.** Each school service centre on the island of Montréal, by by-law, shall adopt measures calculated to ensure the upgrading of education in economically disadvantaged areas of school service centres on the island of Montréal.

1988, c. 84, s. 430; 1990, c. 78, s. 54; 2002, c. 75, s. 19; 2020, c. 1, s. 312.

**431.** Following an agreement with a school service centre, the Comité may provide technical, administrative or financial support services to it. The agreement shall provide for the costs of such services.

1988, c. 84, s. 431; 2002, c. 75, s. 31; 2020, c. 1, s. 312.

**432.** *(Repealed).*

1988, c. 84, s. 432; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 126; 2002, c. 75, s. 20.

**433.** *(Repealed).*

1988, c. 84, s. 433; 2002, c. 75, s. 20.

**434.** *(Repealed).*

1988, c. 84, s. 434; 1990, c. 8, s. 47; 1990, c. 28, s. 9; 1990, c. 78, s. 54; 2002, c. 75, s. 20.

**434.1.** The Comité shall collect the school tax intended, under sections 304 to 307, for any of the school service centres situated in whole or in part on the island of Montréal.

To that end, it shall exercise the functions and powers the law confers on school service centres, with the necessary modifications.

1990, c. 28, s. 9; 2002, c. 75, s. 31; 2019, c. 5, s. 17; 2020, c. 1, s. 312.

**434.2.** *(Repealed).*

1990, c. 28, s. 9; 1999, c. 40, s. 158; 2002, c. 75, s. 31; 2019, c. 5, s. 18.

**434.3.** *(Repealed).*

1990, c. 28, s. 9; 2002, c. 75, s. 31; 2019, c. 5, s. 18.

**434.4.** *(Repealed).*

1990, c. 28, s. 9; 1999, c. 40, s. 158; 2002, c. 75, s. 21; 2019, c. 5, s. 18.

**434.5.** Each year, every school service centre on the island of Montréal shall, by resolution of its school service centre's board of directors, require from the Comité the payment of the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.

The school service centres on the island of Montréal shall prepare and transmit to the Comité the documents and information it requests for the purposes of school taxation.

1990, c. 28, s. 9; 2002, c. 75, s. 22; 2019, c. 5, s. 19; 2020, c. 1, ss. 163 and 312.

**435.** *(Repealed).*

1988, c. 84, s. 435; 1990, c. 8, s. 48; 1990, c. 28, s. 10; 1992, c. 23, s. 12; 2002, c. 75, s. 23; 2019, c. 5, s. 20.

**436.** *(Repealed).*

1988, c. 84, s. 436; 1990, c. 8, s. 49; 1990, c. 28, s. 11; 1999, c. 40, s. 158; 2002, c. 75, s. 31; 2006, c. 54, s. 4; 2019, c. 5, s. 20.

**437.** *(Repealed).*

1988, c. 84, s. 437; 1990, c. 28, s. 12.

**438.** *(Repealed).*

1988, c. 84, s. 438; 1990, c. 28, s. 13.

**439.** The Comité shall, for each school year, apportion the amount for financing local needs and the investment income of all or part of that amount according to the following rules:

(1) every school service centre on the island of Montréal shall, not later than 3 January of each year, receive the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1;

(2) the remainder, after deducting the amount determined by the Comité for its purposes, shall be apportioned among the school service centres to ensure the upgrading of education in economically



disadvantaged areas served by those school service centres, at such periods and according to such allocation rules as determined by a resolution adopted by the vote of at least two-thirds of the members of the Comité.

The remainder referred to in subparagraph 2 of the first paragraph must be apportioned in a fair and non-discriminatory manner.

1988, c. 84, s. 439; 1990, c. 28, s. 14; 1990, c. 78, s. 12, s. 54; 2002, c. 75, s. 24; 2019, c. 5, s. 21; 2020, c. 1, s. 312.

**440.** *(Repealed).*

1988, c. 84, s. 440; 1990, c. 8, s. 50; 1990, c. 28, s. 15; 2002, c. 75, s. 25; 2019, c. 5, s. 22.

**441.** *(Repealed).*

1988, c. 84, s. 441; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**442.** *(Repealed).*

1988, c. 84, s. 442; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**443.** *(Repealed).*

1988, c. 84, s. 443; 1999, c. 40, s. 158; 2019, c. 5, s. 22.

**444.** *(Repealed).*

1988, c. 84, s. 444; 1990, c. 8, s. 51; 1990, c. 28, s. 16; 1990, c. 78, s. 54; 2002, c. 75, s. 26.

**445.** The Comité shall adopt its operating, capital and debt service budget for the following school year and transmit it to the Minister before the date and in the form prescribed by him. The Comité shall also adopt and transmit to the Minister any budget estimates the Minister requests. The Comité shall send a copy of its budget to the school service centres on the island of Montréal.

1988, c. 84, s. 445; 1992, c. 23, s. 13; 2002, c. 75, s. 31; 2009, c. 38, s. 20; 2020, c. 1, s. 312.

**446.** Sections 266, 270, 272, 274, 279 to 285, the first paragraph of section 286 and the second paragraph of section 287 apply to the Comité, with the necessary modifications.

1988, c. 84, s. 446; 1990, c. 8, s. 52; 1997, c. 96, s. 127; 2002, c. 75, s. 27.

## CHAPTER VII

### THE GOVERNMENT AND THE MINISTER OF EDUCATION, RECREATION AND SPORTS

1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

#### DIVISION I

##### REGULATIONS

**447.** The Government may make regulations to be known as the “basic school regulation”.

The basic school regulation shall relate to

(1) the nature and objectives of educational services, including preschool education, instructional services, student services and special educational services as well as the general organizational framework thereof;

(2) the date, between the beginning of the school year and 1 January, for determining the age at which a person is eligible for admission to the educational services referred to in section 1.

In addition, the basic school regulation may

- (1) establish rules on the school admission and enrolment of students and on school attendance;
- (2) establish rules respecting the school calendar;
- (3) establish rules respecting textbooks, instructional material or classes of instructional material and their accessibility;
- (3.1) prescribe the formalities and conditions governing instruction in English to foster the learning thereof;
- (4) establish rules on the evaluation of learning achievement and the certification of studies;
- (5) determine the diplomas, certificates and other official attestation awarded by the Minister and prescribe the conditions under which they are to be awarded;
- (6) provide for the admission of students or categories of students under five years of age and indicate the educational services that they are to receive;
- (7) authorize the Minister to draw up a list of the school service centres to which subparagraph 6 applies and to specify the conditions for admission;
- (8) allow, on conditions determined by the Minister, the admission of students or a category of students over the age limit provided for in section 1;
- (9) *(subparagraph repealed)*;
- (9.1) *(subparagraph repealed)*;
- (10) authorize a school service centre, on conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic school regulation;
- (11) determine the number of students per teacher for the preschool education services intended for students 4 years of age on the date determined under subparagraph 2 of the second paragraph.

1988, c. 84, s. 447; 1990, c. 8, s. 53; 1990, c. 78, s. 46, s. 54; 1992, c. 23, s. 14; 1993, c. 40, s. 63; 1997, c. 96, s. 128; 2019, c. 24, s. 6; 2020, c. 1, s. 312.

**448.** The Government shall, by regulation, establish a basic vocational training regulation and a basic adult education regulation.

The basic regulations shall relate to the nature and objectives of instructional, training and student services and, in the case of adult education, literacy and popular education services, as well as to the general organization framework for those services. The basic regulations shall prescribe, subject to the third paragraph of section 3, the conditions that a person resident in Québec must meet to qualify for free access to those services.

The basic regulations may also

- (1) establish rules on the school admission and enrolment of students;
- (2) establish rules respecting the school calendar;

(3) establish rules respecting textbooks, instructional material or classes of instructional material and their accessibility;

(4) establish rules on the evaluation of learning achievement and the certification of prior learning;

(5) determine the diplomas, certificates and other official attestations awarded by the Minister and prescribe the conditions under which they are to be awarded;

(6) prescribe the cases in which, or the conditions or circumstances under which a person resident in Québec cannot avail himself of the right of free access to vocational training or adult education services provided for in the second paragraph of section 3;

(7) *(subparagraph repealed)*;

(8) authorize a school service centre, on the conditions and to the extent determined by the Minister, to exempt a category of students from the application of a provision of the basic regulation.

1988, c. 84, s. 448; 1990, c. 8, s. 54; 1990, c. 78, s. 47, s. 54; 1997, c. 96, s. 129, s. 164; 2017, c. 23, s. 11; 2020, c. 1, s. 312.

**448.1.** The Government shall, by regulation, determine standards for homeschooling, which must, among other things, specify how the Minister is to monitor homeschooling and how the school service centre that has jurisdiction is to support the child.

When determining regulatory standards under subparagraph *d* of subparagraph 4 of the first paragraph of section 15, the Government shall take into account the instruction generally provided at school and the educational experience involved as well as the possibility for the child to attend a school.

2017, c. 23, s. 12; 2020, c. 1, s. 312.

**449.** *(Repealed)*.

1988, c. 84, s. 449; 1990, c. 78, s. 54; 1997, c. 96, s. 164; 2000, c. 24, s. 36.

**450.** The Government may, by regulation, provide for the organization of services other than educational services to handicapped students and students with social maladjustments or learning disabilities.

1988, c. 84, s. 450.

**451.** The Minister may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school service centres and for the Comité de gestion de la taxe scolaire de l'île de Montréal, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (chapter C-27).

The Conseil du trésor may limit the authorization requirement under the first paragraph to the matters it considers to be of governmental import. It may also attach conditions to its authorization.

1988, c. 84, s. 451; 1997, c. 96, s. 130; 2000, c. 8, s. 155; 2002, c. 75, s. 28; 2020, c. 1, s. 312.

**452.** The Government may, by regulation,

(1) *(subparagraph repealed)*;

(2) determine the norms, conditions and procedure for disposing of an immovable of a school service centre or of the Comité de gestion de la taxe scolaire de l'île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister.

The regulation provided for in this section may

(1) require the authorization of the Minister at various stages; the authorization given may be subject to certain conditions;

(2) allow the Minister to waive the requirements of certain provisions of the regulation with regard to those dispositions of immovables which he indicates.

1988, c. 84, s. 452; 1990, c. 78, s. 54; 2002, c. 75, s. 31; 2006, c. 29, s. 37; 2020, c. 1, s. 312.

**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

(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.

2020, c. 1, s. 136.



*See 2020, c. 1, s. 334*

**453.** The Government may regulate student transportation, namely,

(1) to determine the stages of the process for awarding contracts for the transportation of students;

(2) to provide, for each stage, restrictions and conditions for awarding contracts;

(3) to limit the carriers with whom a school service centre may make agreements;

(4) to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration;

(5) set standards for the cost that may be claimed for the service.

A regulation contemplated in this section may allow the Minister to exempt contracts for the transportation of students from the application of some of the provisions of that regulation.

1988, c. 84, s. 453; 1993, c. 27, s. 2; 1997, c. 96, s. 131; 2019, c. 9, s. 11; 2020, c. 1, s. 312.

**454.** The Government may, by regulation, establish the composition, mode of operation and functions of the advisory committee on student transportation.

1988, c. 84, s. 454.

**454.1.** The Government may by regulation, prescribe standards for the provision of childcare at school.

The regulation may also deal with the nature and objectives of childcare provided at school as well as its general organizational framework and the financial contributions that may be required for the service.

1997, c. 58, s. 51; 1997, c. 96, s. 132; 2019, c. 9, s. 12.

**455.** The Government may define, by regulation, the expression “resident in Québec” for the purposes of this Act.

1988, c. 84, s. 455.

**455.0.1.** The Government may, by regulation, determine the situations in which, for the purposes of subparagraph 3 of the first paragraph of section 3.1, a person who is not resident in Québec may avail himself of the right of free access to services in accordance with that section.

2017, c. 23, s. 13.

**455.1.** The Government shall, by regulation, prescribe the method for computing the amount referred to in section 303.4 for financing local needs for a school service centre. The method must make it possible to determine basic financing and financing that takes the number of students into account.

The method for computing basic financing may vary according to categories of school service centres and types of activities.

The method for computing financing that takes the number of students into account may include rules for establishing the number of eligible students and may vary according to categories of students, weighting indexes applicable to students, measures to mitigate the impact of a decline in the number of students in a school service centre, and categories of school service centres.

The regulation may provide for the indexing of the amounts included in the computation method.

1990, c. 28, s. 17; 1992, c. 23, s. 15; 2019, c. 5, s. 23; 2020, c. 1, s. 312.

**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; and

(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.

2020, c. 1, s. 137.

**456.** The Minister may, by regulation, establish

(1) a classification of teaching licences, the nature and term of such licences, and the requirements and procedure applicable to their issuance or renewal, as the case may be, including the documents and information to be furnished;

(2) the standards for evaluating the formal training of teachers for the determination of their qualifications.

1988, c. 84, s. 456; 2000, c. 24, s. 37.

**456.1.** The Minister shall, by regulation, establish the salary of the members of the inquiry committee set up under section 28 and rules relating to the reimbursement of expenses incurred by the members in the exercise of their functions.

1997, c. 43, s. 323.

**457.** (*Repealed*).

1988, c. 84, s. 457; 2000, c. 24, s. 38.

**457.1.** The Minister may determine by regulation

(1) the cases in which a school service centre may exercise the powers provided for in section 241.1 in respect of the admission of a child who has not attained the age of admission;

(2) the information which must be included in a request made under sections 96.17, 96.18 and 241.1 as well as the documents which must be attached to a request;

(3) the evaluations, consultations, opinions or recommendations required for the purposes of sections 96.17, 96.18 and 241.1.

1992, c. 23, s. 16; 1997, c. 96, s. 133; 2020, c. 1, s. 312.

**457.2.** The Minister may determine by regulation the cases in which and the conditions on which a school service centre may permit a departure from the provisions of a basic regulation that relate to the list of subjects so that a special school project may be carried out.

The regulation must prescribe that a report be made to the Minister, at intervals determined by the Minister, on departures from those provisions granted to carry out special school projects.

2004, c. 38, s. 4; 2020, c. 1, s. 312.

**457.2.1.** The Minister may, by regulation,

(1) determine the services and school activities to which the right to free educational services, provided for in section 3, does not apply;

(2) specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7, does or does not apply; and

(3) establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3, section 7 or the third paragraph of section 292, does not apply.

The standards provided for in the first paragraph may vary according to the basic regulation, level of instruction or school project to which they apply.

2019, c. 9, s. 13.

**457.3.** The Minister may determine by regulation the standards or conditions for the complaint examination procedure to be established by a school service centre and the nature of the complaints to which the procedure may apply, as well as the measures it must include.

2008, c. 29, s. 32; 2020, c. 1, s. 312.

**457.4.** The Minister may, by regulation, require a school service centre to draw up documents to inform the population in its territory of its activities or administration.

The Minister may also make rules governing the publication or distribution by the school service centre of any type of document determined by the Minister. The rules may specify, among other things, when and how the publication or distribution must be carried out.

2008, c. 29, s. 32; 2020, c. 1, s. 312.

**457.5.** The Minister may, by regulation, provide for and regulate the carrying out of information and prevention activities related to safety at school. The Minister may also, by regulation, prescribe or limit the application by school authorities of certain measures relating to safety at school and to the safety and well-being of students and the safety and integrity of their property.

2016, c. 26, s. 48.

**457.6.** The Minister may, by regulation, prescribe the information that a school service centre's or governing board's annual report must contain as well as the form of the report.

2020, c. 1, s. 139.



*See 2020, c. 1, s. 334*

**457.7.** The Government may, by regulation, determine the amounts applicable for the purposes of the authorization required by the school service centre for work mentioned in section 272.1.

2020, c. 1, s. 139.

**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.

2020, c. 1, s. 139.



*See 2020, c. 1, s. 334*

**457.8.** The Minister shall determine, by regulation, the standards of ethics and professional conduct applicable to the members of a French-language school service centre's board of directors and to the members of an English-language school service centre's board of directors sitting as staff representatives.

The regulation may, in particular,

- (1) determine the duties and obligations of board members referred to in the first paragraph as well as those they must comply with after the expiry of their terms and the period of compliance;
- (2) establish prevention measures, in particular rules concerning the disclosure of interests;
- (3) deal with the identification of conflict of interest situations;
- (4) regulate or prohibit practices relating to the attendance allowance and to the reimbursement of reasonable expenses incurred by board members, subject to section 175;
- (5) establish the procedure governing examinations of and inquiries into conduct that may contravene the standards determined by the Minister, prescribe appropriate penalties and designate the authorities that are to determine or impose such penalties; and
- (6) determine the cases in and procedure according to which board members may be temporarily relieved of their duties.

The regulation may establish standards that vary according to the categories of board members referred to in the first paragraph.

2020, c. 1, s. 139.



*See 2020, c. 1, s. 334*

**458.** A draft copy of the regulation provided for in sections 447, 448 and 456 shall be submitted before passage to the Conseil supérieur de l'éducation for preliminary examination.

1988, c. 84, s. 458; 1990, c. 78, s. 54; 2006, c. 52, s. 23.

## DIVISION II

### FUNCTIONS AND POWERS OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS

1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

**459.** The Minister shall ensure quality in the educational services provided by school service centres.

In order to exercise that function, the Minister may establish an approach for gradual implementation of the provisions of the basic regulations relating to the list of subjects and to the rules governing the evaluation of learning achievement and the certification of studies.

Moreover, following a request, with reasons, made by a school service centre, the Minister may permit, on the conditions and to the extent determined by the Minister, a departure from provisions of a basic regulation relating to the list of subjects so that a special school project applicable to a group of students may be carried out.

1988, c. 84, s. 459; 1990, c. 78, s. 54; 1997, c. 96, s. 134; 2020, c. 1, s. 312.

**459.0.1.** The Minister may enter into an agreement with a minister or a public body to collect from or communicate to the minister or body any information needed for the purpose of applying the provisions of this Act that relate to a child's compulsory school attendance, in particular for the purpose of identifying, including by means of a comparison of files, the children who may not be attending school as required.



The Minister may also communicate to a school service centre personal information concerning any child who comes under its jurisdiction or concerning the child's parents that is needed for the purpose of applying the provisions referred to in the first paragraph.

2017, c. 23, s. 14; 2020, c. 1, s. 312.

**459.1.** After consultation with the school service centres, the Minister shall establish national indicators and make them available to all school service centres, particularly so that they may define, in their commitment-to-success plans, the main challenges they face.

2002, c. 63, s. 29; 2016, c. 26, s. 49; 2020, c. 1, s. 312.

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

2008, c. 29, s. 33; 2016, c. 26, s. 50; 2020, c. 1, s. 312.

**459.3.** The Minister may, for any school service centre, prescribe terms governing the coordination of the entire strategic planning process between the educational institutions, the school service centre and the department.

The Minister may also, after receiving a school service centre's commitment-to-success plan, require the school service centre, within the period prescribed by section 209.1, to defer publication of the plan or to amend it to harmonize the period covered by the plan with that covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph. The Minister may also impose such a requirement to ensure that the plan is consistent with the strategic directions and objectives of the department's strategic plan or that it meets the expectations communicated under section 459.2.

2008, c. 29, s. 33; 2016, c. 26, s. 50; 2020, c. 1, s. 312.

**459.4.** The Minister shall evaluate the results obtained under each school service centre's commitment-to-success plan, at intervals determined by the Minister, and send the evaluation to the school service centre concerned.

The Minister and the school service centre, after consulting with the commitment-to-student-success committee, shall agree on any corrective measures to be put in place to ensure that the policy directions, objectives or targets set out in the commitment-to-success plan are achieved.

If, despite the corrective measures, the Minister considers it unlikely that the school service centre will be able to achieve those policy directions, objectives or targets, the Minister may prescribe any additional measure to be put in place by the school service centre within a specified period.

2008, c. 29, s. 33; 2016, c. 26, s. 51; 2020, c. 1, s. 140.



*Until 1 July 2021, the amendment made by 2020, c. 1 is not in force insofar as it concerns an English-language school service centre. (See 2020, c. 1, s. 335)*

**459.5.** The Minister shall prepare a guide for the school service centres on good management practices, in particular with respect to decentralization, that takes into account such factors as the number of students they have and the size of their territory.

The Minister shall also develop the content of the training for governing board members and members of the boards of directors of school service centres.

The Minister shall distribute the documents provided for in the first and second paragraphs to the persons they are intended for.

2016, c. 26, s. 52; 2020, c. 1, s. 141.

**459.5.1.** The Minister shall prepare a guide for school service centres and parents on good homeschooling practices, and see that it is disseminated among school service centres and parents.

2017, c. 23, s. 15; 2020, c. 1, s. 312.

**459.5.2.** The Minister shall establish a Québec-wide advisory panel on homeschooling.

The panel shall advise the Minister on any matter he submits to it.

2017, c. 23, s. 15.

**459.5.3.** The Minister may establish and implement a pilot project to experiment or innovate in the field of distance education, or to study, improve or define standards for distance education.

Within such a pilot project, the Minister may

(1) provide distance education services or authorize a school service centre or an educational institution governed by the Act respecting private education (chapter E-9.1) to provide such services, or a person to receive them, according to standards that depart from those established by or under this Act or the Act respecting private education, all in compliance with the right to free educational services; and

(2) issue directives establishing the applicable standards and rules.

The Minister may also, at any time, make changes or put an end to a pilot project after notifying all interested persons.

The maximum duration of a pilot project is three years, which the Minister may extend by up to two years if he considers it necessary. The Minister shall evaluate the pilot project and make the evaluation public every two years as well as at the end of the pilot project.

2017, c. 23, s. 15; 2020, c. 1, s. 312.

**459.5.4.** The Minister may determine, for all the school service centres or in light of the situation of one or certain centres, objectives or targets relating to their administration, organization or operation.

2020, c. 1, s. 142.

**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.

2020, c. 1, s. 142.



*See 2020, c. 1, s. 334*

**459.6.** Within the scope of the Minister's responsibilities, the Minister may issue directives to a school service centre concerning its administration, organization, operation and actions. Such directives may also complement or clarify the budgetary rules during a school year.

The directives may apply to one or more school service centres and contain different elements according to the school service centre concerned.

The directives must be submitted to the Government for approval. Once approved, they are binding on the school service centre. Such directives must be tabled in the National Assembly within 30 days of being approved by the Government or, if the Assembly is not sitting, within 30 days of resumption.

2016, c. 26, s. 52; 2020, c. 1, s. 312.

**460.** The Minister may, on such conditions as he determines, exempt any student or any category of students he determines from the application of certain rules of certification of studies or of prior learning.

1988, c. 84, s. 460; 1990, c. 78, s. 48; 1997, c. 96, s. 135.

**461.** The Minister shall establish the programs for preschool education, the programs of compulsory subjects for elementary and secondary schools as well as the elective subjects specified in a list drawn up by him under section 463 and, if he considers it appropriate, the programs of vocational education.

Every program shall include compulsory objectives and contents and may include optional objectives and contents that shall be enriched or adapted according to the needs of students who receive the services.

The Minister may, in the broad areas of learning established by the Minister, prescribe activities or content to be integrated into the educational services provided to students, and determine exemption conditions.

Furthermore, the Minister may establish literacy and presecondary and secondary education programs to be offered as part of the adult education services.

1988, c. 84, s. 461; 1990, c. 78, s. 49; 1997, c. 96, s. 136; 2000, c. 24, s. 39; 2005, c. 20, s. 4; 2012, c. 19, s. 21; 2020, c. 1, s. 143.

**461.1.** The Minister may, after consultation with the school service centres, provide for the organization, by the latter, of preschool educational services intended for students having reached the age of 4 in the 12 months preceding the date prescribed by the third paragraph of section 1 for admission to preschool education.

In such a case, the Minister shall, after consultation with the Minister of Families, Seniors and the Status of Women establish conditions and procedures for the organization of such services. The Minister shall, in those conditions and procedures, specify the activities or services for the students' parents that a school service centre must organize to help achieve the educational services objectives.

The conditions and procedures established under the second paragraph may be different from those determined by the basic school regulation and may, in particular, specify the responsibilities of the various participants from the educational sector. The conditions and procedures may be general or specific or they may be applicable only to one or to certain school service centres. They are primarily designed to meet the needs of students from underprivileged backgrounds, as defined by the Minister, when allocating available physical, human and financial resources.

In addition, the Minister may set objectives for and limits to the organization of the educational services by the school service centres.

The aim of the consultation provided for in the second paragraph is to ensure consistency between the preschool educational services intended for the students referred to in the first paragraph and organized under this section and, in particular, the childcare services for children 4 years of age governed by the Educational Childcare Act (chapter S-4.1.1).

2013, c. 14, s. 3; 2019, c. 24, s. 7; 2020, c. 1, s. 312.

**462.** The Minister may draw up a list of textbooks, instructional material or classes of instructional material approved by him which may be selected for the teaching of the programs of studies established by him.

This section does not apply to vocational training or adult education.

1988, c. 84, s. 462; 1990, c. 78, s. 54; 1997, c. 96, s. 137; 2000, c. 24, s. 40.

**463.** The Minister shall draw up a list of elective subjects for which he establishes a program of studies, a list of vocational education programs, the number of credits assigned to each elective subject and to each vocational education program and a list of the subjects and vocational education programs for which he imposes examinations.

The Minister may authorize a school, following a request sent by the school service centre, to assign a greater number of credits than that prescribed in the basic school regulation to an elective subject for which the school service centre has adopted a local program of studies.

1988, c. 84, s. 463; 1990, c. 78, s. 54; 1997, c. 96, s. 138; 2020, c. 1, s. 312.

**464.** The Minister shall ensure that every school service centre, governing board, school principal, principal of a centre and teacher and the Conseil supérieur de l'éducation have access, free of charge, to the programs and lists established by the Minister.

1988, c. 84, s. 464; 1997, c. 96, s. 139; 2000, c. 24, s. 41; 2020, c. 1, s. 312.

**465.** The Minister may establish, subject to what is prescribed in the basic regulations, conditions of admission to vocational education programs.

1988, c. 84, s. 465; 1990, c. 78, s. 50, s. 54; 1997, c. 96, s. 164.

**466.** The Minister may draw up a list of school service centres which, for purposes of subsidies, are authorized to provide adult education services.

Expenditures incurred by an unlisted school service centre to provide such adult education services are not qualified for subsidies granted by the Minister of Education, Recreation and Sports.

Pursuant to an agreement with interested school service centres which do not provide adult education services, a school service centre authorized under the first paragraph shall establish mechanisms whereby they may take part in the definition of its adult education policies.

In addition, in an agreement entered into with a school service centre not included on the list for the provision of adult education services, it may, with the authorization of the Minister and according to the conditions the latter determines, send to that school service centre any sums received from the Minister as subsidies for the organization of those services.

1988, c. 84, s. 466; 1990, c. 8, s. 55; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2020, c. 1, s. 144.

**467.** The Minister may draw up a list of vocational education programs which a school service centre, for purposes of subsidies, is authorized to provide.

Expenditures incurred by a school service centre to provide any vocational education program that is not included on the list drawn up in its respect are not qualified for subsidies granted by the Minister of Education, Recreation and Sports.

1988, c. 84, s. 467; 1990, c. 78, s. 54; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 140; 2005, c. 28, s. 195; 2020, c. 1, s. 312.

**468.** The Minister may establish a school, vocational training centre or adult education centre having a regional or provincial role under the jurisdiction of one or more school service centres, pursuant to an agreement with each of the school service centres concerned.

The agreement shall state the name and address of the institution, indicate the premises or immovables placed at its disposal, specify the educational services to be provided by the institution, the enrollment criteria, the territory to be served as well as the mode of administration and operation of the institution.

In addition, the agreement may entrust the management of any or all of the services provided by the institution to a committee or body established by the agreement and determine the distribution of the functions and powers between the institution, the school service centre and the committee or body.

Neither Chapter III nor Chapter IV applies to the institution.

1988, c. 84, s. 468; 1990, c. 78, s. 51; 1997, c. 96, s. 141; 2020, c. 1, s. 312.

**469.** The Minister shall establish criteria or requirements for the recognition by school service centres of the learning acquired by a person otherwise than as prescribed in the basic school regulation established under section 447.

In addition, the Minister shall establish criteria or requirements for the recognition by school service centres of the scholastic or experiential learning of a person enrolled in vocational training or adult education.

1988, c. 84, s. 469; 1990, c. 78, s. 52, s. 54; 1997, c. 96, s. 142; 2020, c. 1, s. 312.

**470.** The Minister may, to avoid penalizing students unduly, revise the results obtained by them in the examinations he imposes, to compensate for any error or ambiguity in the examinations brought to his attention after they are taken.

The Minister may, where circumstances so require, invalidate the examination and either retain as the final result the grades obtained in the school service centre internal examinations or hold another examination.

In addition, the Minister may, in accordance with the criteria and methods established by him, weight the results obtained in the school service centre internal examinations in subjects for which he imposes examinations, to make the results comparable to those obtained in the internal examinations held in other school service centres.

1988, c. 84, s. 470; 2020, c. 1, s. 312.

**471.** The Minister shall award diplomas, certificates and other official attestations prescribed in the basic regulations as well as the official attestations and transcripts of marks which he determines.

1988, c. 84, s. 471; 1990, c. 78, s. 54; 1997, c. 96, s. 164.

**472.** After consulting with the school service centres, the Minister shall establish annually and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses allowable for the purpose of subsidies to be allocated to school service centres and the Comité de gestion de la taxe scolaire de l'île de Montréal. The budgetary rules shall be drafted in such a way as to provide an equitable apportionment with regard to the allocation of subsidies applicable to the operating expenses of school service centres.

The budgetary rules shall also provide for the allocation of subsidies to a school service centre which is authorized, for the purpose of subsidies, to organize vocational training programs or adult education services or which fulfils a special obligation it is subject to under this Act, and, in particular, under subparagraphs 6 and 7 of the third paragraph of section 447 and sections 461.1 and 468. The allocation of such subsidies may be made on the basis of general or specific standards or be subject to the authorization of the Minister.

The budgetary rules may provide that the allocation of subsidies applicable to capital expenditures and debt service for capital expenditures may be made on the basis of general or specific standards, be subject to the authorization of the Minister or be made only to one school service centre or certain school service centres or the Comité de gestion de la taxe scolaire de l'île de Montréal.

The budgetary rules may provide that the allocation of subsidies applicable to the expenses referred to in the second and third paragraphs may also be subject to general conditions applicable to all school service centres or to special conditions applicable only to one school service centre or certain school service centres.

1988, c. 84, s. 472; 1990, c. 78, s. 54; 1997, c. 96, s. 143; 2002, c. 75, s. 29; 2013, c. 14, s. 4; 2019, c. 24, s. 8; 2020, c. 1, s. 312.

**473.** The budgetary rules may also prescribe

(1) the financial contribution to be collected from a person not resident in Québec for services that are not free services under section 3.1, and the exceptions applicable to the collection of that contribution for certain categories of persons covered by that section;

(2) the maximum amount of the financial contribution that may be required for services to which the right to free access, as provided in section 3 does not apply, from a resident of Québec enrolled in vocational training or adult education;

(3) the terms and conditions of the computation of subsidies payable to school service centres for the application of the right of free access to vocational training or adult education services.

1988, c. 84, s. 473; 1990, c. 78, s. 54; 1997, c. 96, s. 144; 2017, c. 23, s. 16; 2020, c. 1, s. 312.

**473.1.** The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school service centres or to the Comité de gestion de la taxe scolaire de l'île de Montréal, in order to take into account special situations or to carry out certain projects or activities. The budgetary rules may also, subject to the conditions or in accordance with the criteria prescribed in them or determined by the Minister, stipulate that certain budgetary measures are intended for a transfer to the budget of educational institutions.

Such subsidies may

(1) be granted on the basis of general or special standards;

(2) be subject to general conditions applicable to every school service centre, or to special conditions applicable to one or some of them;

(3) be granted only to one or some of the school service centres or to the Comité de gestion de la taxe scolaire de l'île de Montréal.

For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l'Éducation, du Loisir et du Sport to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) does not apply to such an authorization.

1992, c. 23, s. 17; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2002, c. 75, s. 31; 2005, c. 28, s. 195; 2016, c. 26, s. 53; 2020, c. 1, s. 312.

**474.** The budgetary rules may also provide, subject to the conditions prescribed by the Minister, that a subsidy shall be granted to a school service centre or to the Comité de gestion de la taxe scolaire de l'île de Montréal where the property of the school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal is damaged.

The Minister is, in such a case, subrogated to the rights of the school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal up to the amount of the subsidy granted or that the Minister is called on to grant.

1988, c. 84, s. 474; 2002, c. 75, s. 31; 2020, c. 1, s. 145.

**475.** The Minister shall, in the budgetary rules referred to in section 472, provide for the payment of a fiscal balance subsidy to allow each school service centre to obtain the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.

The subsidy corresponds to the difference between that amount and the school tax proceeds for the year concerned established on the basis of the assessment roll referred to in section 303.3. It is paid in equal parts not later than 31 July and 31 October of the year concerned.

The school service centres shall send the Minister the information he considers necessary for computing the fiscal balance subsidy, on the date and in the form determined by the Minister.

### *Not in force*

The Minister shall also, in those budgetary rules, provide for the payment to the school service centres and to the Comité de gestion de la taxe scolaire de l'île de Montréal of compensation for loss of revenue incidental to the taxation in an amount corresponding to the last compensation that was paid to them under section 40 of the Act to establish a single school tax rate (2019, chapter 5), where applicable.

1988, c. 84, s. 475; 1990, c. 28, s. 18; 1992, c. 23, s. 18; 2019, c. 5, s. 24; 2020, c. 1, s. 312.

**475.0.1.** Where the sum of the school tax proceeds and the fiscal balance subsidy provided for in section 475 does not correspond to the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1, the difference between the sum and the amount is taken into account in establishing the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of a subsidy, in whole or in part.

The first paragraph does not apply to a school service centre on the island of Montréal where the sum of the school tax proceeds and the fiscal balance subsidy is greater than the amount for financing local needs for that school service centre.

2019, c. 5, s. 24; 2020, c. 1, s. 312.

**475.1.** A fiscal balance subsidy intended for a school service centre on the island of Montréal under section 475 is paid to the Comité de gestion de la taxe scolaire de l'île de Montréal.

### *Not in force*

The same applies to the compensation for loss of revenue incidental to the taxation.

2002, c. 75, s. 30; 2019, c. 5, s. 24; 2020, c. 1, s. 312.

**475.2.** The Minister shall also, in the budgetary rules referred to in section 472, provide for the allocation, to school service centres, of a subsidy allowing, in the Minister's opinion, the financing of two school activities, including transportation, for each student enrolled in preschool education services or in elementary or secondary school instructional services.

The allocation of the subsidy provided for in the first paragraph may take into account special conditions applicable to certain school service centres, in particular their geographic location.

2006, c. 54, s. 5; 2013, c. 16, s. 186; 2019, c. 9, s. 14; 2020, c. 1, s. 312.

**476.** The Minister may, on the terms and conditions he determines, grant on behalf of the Government a subsidy to any school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal for the payment, in whole or in part, out of the funds voted annually for such purpose by the Parliament, of the principal and interest of any loan contracted or to be contracted by the school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal.

The school service centre shall apply the proceeds of the loan referred to in the first paragraph to the capital expenditures and debt service for the capital expenditures referred to in section 472, to the repayment of loans contracted for the purposes of such capital expenditures and debt service or to the payment of the costs and expenses related to the loan.

The Minister may entrust to the Minister of Finance the management of any amount intended for the payment in principal of a loan contracted by the school service centre to establish a sinking fund for the purposes of paying, out of those amounts and on the maturity dates provided for the loan, the principal of the loan and, out of the proceeds or revenues of the fund, the loans contracted by any school service centre.

The third paragraph applies only to loans contracted before 1 April 1991.

1988, c. 84, s. 476; 1990, c. 66, s. 8; 2002, c. 75, s. 31; 2016, c. 7, s. 183; 2020, c. 1, s. 312.

**477.** The Minister may withhold or cancel all or part of the amount of any subsidy, other than a subsidy for the transportation of students, intended for a school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal if it refuses or neglects to comply with a provision governing the school service centre and the Comité. The same applies if a school service centre does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety.

In no case, however, may the Minister withhold or cancel a subsidy granted under section 476 related to the payment in principal and interest of any duly authorized loan of a school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal.

1988, c. 84, s. 477; 2002, c. 75, s. 31; 2016, c. 12, s. 34; 2020, c. 1, s. 312.

**477.1.** The Minister may entrust to the Minister of Finance the management of sums intended for the repayment of the principal of a loan in respect of which a subsidy has been granted under section 476, in order to constitute a sinking fund for the purpose of repaying, out of such sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund shall be used for the repayment of any duly authorized loan of any school service centre, or allocated for the repayment of any loan for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted on or after 1 April 1991.

1990, c. 66, s. 9; 2016, c. 7, s. 183; 2020, c. 1, s. 312.

**477.1.1.** On the recommendation of the Minister, the Government may, if it considers it advisable in the public interest and so as to foster effective and efficient management of the immovables belonging to school service centres, order that the ownership of an immovable belonging to a school service centre be transferred to another school service centre so that the latter school service centre may establish an educational institution.

Such a transfer shall take effect on the date determined by the Government.

2000, c. 11, s. 7; 2020, c. 1, s. 312.



**477.1.2.** The Government shall determine, by order in council, whether an indemnity is to be paid as consideration for the transfer and, where applicable, the amount of the indemnity and the other conditions of the transfer.

2000, c. 11, s. 7.

**477.1.3.** Before making a recommendation to the Government, the Minister must give the school service centres concerned an opportunity to present observations in writing and grant them at least 30 days to do so.

2000, c. 11, s. 7; 2020, c. 1, s. 312.

**477.1.4.** Notwithstanding section 40 and paragraph 1 of section 79, a deed of establishment that places all or part of the immovable to which the decision applies at the disposal of an educational institution shall cease to have effect

- (1) on 30 June, if the decision takes effect on 1 July following the decision; or
- (2) on the date of the day preceding the date determined by the Government under section 477.1.1.

2000, c. 11, s. 7.

**477.1.5.** Where the ownership of an immovable is transferred pursuant to section 477.1.1, a notice stating the facts that establish the transfer and containing a description of the immovable concerned shall be given to the registrar of the registration division in which the immovable is situated.

2000, c. 11, s. 7.

## DIVISION II.1

### COMITÉ D'AGRÈMENT DES PROGRAMMES DE FORMATION À L'ENSEIGNEMENT

1997, c. 96, s. 145; 2005, c. 44, s. 2; 2020, c. 1, s. 146.

§ 1. —

*Repealed, 2005, c. 44, s. 3.*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

1. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.2.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.3.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

2. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.4.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.5.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.6.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.7.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

§ 2. —

*Repealed, 2005, c. 44, s. 3.*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

1. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.8.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.9.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

2. —

*(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.10.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.11.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

**477.12.** *(Repealed).*

1997, c. 96, s. 145; 2005, c. 44, s. 3.

§ 3. —

*Heading repealed, 2020, c. 1, s. 147.*

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1997, c. 96, s. 145; 2020, c. 1, s. 147.

1. —

*Heading repealed, 2020, c. 1, s. 147.*

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1997, c. 96, s. 145; 2020, c. 1, s. 147.

**477.13.** A teacher training program accreditation committee is hereby established under the name “Comité d’agrément des programmes de formation à l’enseignement”.

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1997, c. 96, s. 145.

**477.14.** The committee shall be composed of 10 members, as follows:

- (1) the chair shall be, alternately, an education sector professional and a person from university education sector;
- (2) four preschool-, elementary- or secondary-level teachers;
- (3) a teaching sector professional;
- (4) three university-level teachers;
- (5) a representative of the university education sector with experience at the preschool, elementary or secondary level.

At least two members of the committee must represent the English-language education sector.

The chair is appointed by the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology.

The members referred to in subparagraphs 2 and 3 of the first paragraph are appointed by the Minister, after consultation with the interested bodies. The members referred to in subparagraphs 4 and 5 of the first paragraph are appointed by the Minister of Higher Education, Research, Science and Technology, after consultation with the interested bodies.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l’Éducation, du Loisir et du Sport, the other from among the managerial staff of the school service centres. An additional associate member, chosen from among the employees of the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie, may be appointed by the Minister of Higher Education, Research, Science and Technology.

Associate members are not entitled to vote.

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1997, c. 96, s. 145; 2005, c. 28, s. 195; 2013, c. 28, s. 160; 2020, c. 1, s. 148.

2. —

*Heading repealed, 2020, c. 1, s. 149.*

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1997, c. 96, s. 145; 2020, c. 1, s. 149.

**477.15.** The mission of the committee is to advise the Minister on any matter relating to the accreditation of teacher training programs for the preschool, elementary and secondary levels.

The committee shall, in the pursuit of its mission,

- (1) examine and approve training teacher programs for the preschool, elementary and secondary levels;
- (2) make recommendations to the Minister concerning teacher training programs required for the issue of teaching licences;
- (3) advise the Minister on the determination of the qualifications required of teachers at the preschool, elementary and secondary levels.

In addition, the committee shall advise the Minister of Higher Education, Research, Science and Technology on the financing of university-level teacher education programs.

Before approving a program or making a recommendation, the committee shall consult the administrative committee set up by the Minister of Higher Education, Research, Science and Technology to provide advice on university training programs.

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1997, c. 96, s. 145; 2013, c. 28, s. 161; 2020, c. 1, s. 150.

§ 4. —

*Repealed, 2005, c. 44, s. 4.*

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1997, c. 96, s. 145; 2005, c. 44, s. 4.

1. —

*(Repealed).*

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1997, c. 96, s. 145; 2005, c. 44, s. 4.

**477.16.** *(Repealed).*

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1997, c. 96, s. 145; 2005, c. 44, s. 4.

**477.17.** *(Repealed).*

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1997, c. 96, s. 145; 2005, c. 28, s. 195; 2005, c. 44, s. 4.

2. —

*(Repealed).*

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1997, c. 96, s. 145; 2005, c. 44, s. 4.

**477.18.** *(Repealed).*

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1997, c. 96, s. 145; 2005, c. 44, s. 4.

§ 4.1. —

*(Repealed).*

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2020, c. 1, s. 151.

1. —

*(Repealed).*

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2020, c. 1, s. 151.

**477.18.1.** *(Repealed).*

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2000, c. 24, s. 42; 2020, c. 1, s. 151.

**477.18.2.** *(Repealed).*

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2000, c. 24, s. 42; 2005, c. 28, s. 195; 2005, c. 20, s. 5; 2020, c. 1, s. 151.

2. —

*(Repealed).*

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2020, c. 1, s. 151.

**477.18.3.** *(Repealed).*

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2000, c. 24, s. 42; 2005, c. 20, s. 6; 2020, c. 1, s. 151.

§ 5. —

*Heading repealed, 2020, c. 1, s. 152.*

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1997, c. 96, s. 145; 2020, c. 1, s. 152.

**477.19.** Members of the committee shall be appointed for three years.

However, the Minister may appoint one-third of the first members designated by the Minister for one year and another third of the members designated by the Minister for two years.

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1997, c. 96, s. 145; 2005, c. 44, s. 5; 2020, c. 1, s. 153.

**477.20.** At the expiry of their terms, the members shall remain in office until reappointed or replaced.

The total duration of successive terms of a member and of any period in which the member remained in office between terms shall not exceed six years. At the end of such a six-year period, a member shall remain in office until replaced.

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1997, c. 96, s. 145.

**477.21.** Any vacancy during a term of office shall be filled, in the manner prescribed for the member's appointment, for the unexpired portion of the term.

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1997, c. 96, s. 145.

**477.22.** Members of the committee shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.

1997, c. 96, s. 145; 2005, c. 44, s. 6; 2020, c. 1, s. 154.

**477.23.** The chair shall preside at the meetings of the committee and manage its operations.

The Minister shall designate a member of the committee to replace the chair if the chair is absent or unable to act.

1997, c. 96, s. 145; 2005, c. 44, s. 7.

**477.24.** The quorum at meetings of the committee is the majority of its members.

1997, c. 96, s. 145; 2005, c. 44, s. 8; 2020, c. 1, s. 155.

**477.25.** The committee may hold its meetings anywhere in Québec.

1997, c. 96, s. 145; 2005, c. 44, s. 9; 2020, c. 1, s. 156.

**477.26.** The Minister shall place at the disposal of the committee the department personnel and physical resources it needs for the exercise of its mission.

1997, c. 96, s. 145; 2005, c. 44, s. 10; 2020, c. 1, s. 157.

§ 6. —

*Heading repealed, 2020, c. 1, s. 158.*

1997, c. 96, s. 145; 2020, c. 1, s. 158.

**477.27.** The committee may submit to the Minister, not later than 15 November each year, a report of its activities for the school year ending on the preceding 30 June.

1997, c. 96, s. 145; 2005, c. 44, s. 11; 2020, c. 1, s. 159.

**477.28.** The Minister shall table the report in the National Assembly within 30 days after receiving it if the Assembly is in session or, if it is not sitting, within 30 days of resumption.

1997, c. 96, s. 145; 2020, c. 1, s. 160.

### **DIVISION III**

#### **CONTROL MEASURES**

1988, c. 84, DIV. III; 2016, c. 26, s. 54.

**478.** The Minister may designate a person generally or specially to ascertain whether the provisions of this Act and the statutory instruments are being complied with.

The person designated may

(1) enter, at any reasonable time, the premises or immovables of a school service centre, including the premises or immovables that are placed at the disposal of the educational institutions of the school service centre, or of the Comité de gestion de la taxe scolaire de l'île de Montréal;

(2) examine and make copies of any register or document relating to the activities of a school service centre or of any of the school service centre's educational institutions or of the Comité de gestion de la taxe scolaire de l'île de Montréal;

(2.1) enter, at any reasonable time, any place where the person has reason to believe children required to attend school are receiving training or instruction not governed by this Act or the Act respecting private education (chapter E-9.1) and require the persons present to provide their names and contact information and the names and contact information of the children and their parents;

(2.2) take photographs or make recordings;

(3) require any information or document relating to the application of this Act.

Despite subparagraph 2.1 of the second paragraph, to enter a dwelling house, a designated person must obtain the occupant's authorization or, failing that, a search warrant in accordance with the Code of Penal Procedure (chapter C-25.1).

The owner or person in charge of a place being inspected and any other person present is required to assist a designated person in the exercise of his functions.

1988, c. 84, s. 478; 1997, c. 96, s. 146; 2002, c. 75, s. 31; 2017, c. 23, s. 17; 2020, c. 1, s. 312.

**478.0.1.** A person designated under section 478 may, in a request sent by registered mail or by personal service, require any person to communicate any information or document relating to the application of this Act to the designated person, by registered mail or by personal service, within a specified reasonable time.

2017, c. 23, s. 18.

**478.0.2.** The Minister may designate a person generally or specially to inquire into any matter relating to the application of this Act.

2017, c. 23, s. 18.

**478.1.** On request, the person designated by the Minister must identify himself or herself and show a certificate of capacity, signed by the Minister.

1997, c. 96, s. 146.

**478.2.** The person designated by the Minister may not be prosecuted for acts done in good faith in the exercise of official functions.

1997, c. 96, s. 146.

**478.3.** The Minister may designate a person to inquire into any matter relating to the quality of educational services or to the administration, organization or operation of any school service centre or of any of a school service centre's educational institutions or of the Comité de gestion de la taxe scolaire de l'île de Montréal.

The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety.

The person designated by the Minister shall be vested, for the purposes of an inquiry, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1997, c. 96, s. 146; 2002, c. 75, s. 31; 2016, c. 12, s. 35; 2020, c. 1, s. 312.

**478.4.** The Minister and the Deputy Minister have *ex officio* the right and power to make verifications or conduct inquiries.

1997, c. 96, s. 146; 2000, c. 24, s. 43.

**478.5.** The Minister may, during or after a verification or inquiry, recommend or order that a school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal comply with oversight or monitoring measures or apply the corrective measures the Minister specifies.

2016, c. 26, s. 55; 2020, c. 1, s. 312.

**479.** The Government may, during or after the verification or investigation, order all or part of the powers and functions of a school service centre or of the Comité de gestion de la taxe scolaire de l'île de Montréal suspended for a period not exceeding six months and appoint an administrator to exercise the functions and powers of the school service centre's board of directors or of the Comité de gestion de la taxe scolaire de l'île de Montréal.

The administrator appointed by the Government may, subject to the rights of third persons in good faith, annul any decision made by the school service centre or by the Comité de gestion de la taxe scolaire de l'île de Montréal under the powers which have been suspended.

The administrator appointed by the Government may not be prosecuted for acts performed in good faith in the exercise of his functions.

The Government may extend the suspension and the term of office of the administrator for a period not exceeding six months.

1988, c. 84, s. 479; 1990, c. 78, s. 54; 2002, c. 75, s. 31; 2016, c. 26, s. 56; 2020, c. 1, ss. 163 and 312.

## CHAPTER VIII

### OFFENCES AND PENALTIES

**480.** A member of the school service centre's board of directors, commissioner, director general, secretary general or any other person who, after ceasing to hold office at the school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal and after being notified by the Minister, the school service centre or the Comité, does not surrender any money, document or other object that he has in his possession and that belongs to the school service centre or the Comité, is guilty of an offence.

Service of the notice upon such person must be made at his domicile by a bailiff, who must then make a return of service to the Minister.

1988, c. 84, s. 480; 2002, c. 75, s. 31; 2020, c. 1, s. 161.

**481.** *(Repealed).*

1988, c. 84, s. 481; 1999, c. 40, s. 158; 2018, c. 5, s. 51.

**482.** *(Repealed).*

1988, c. 84, s. 482; 2018, c. 5, s. 51.

**483.** *(Repealed).*

1988, c. 84, s. 483; 2018, c. 5, s. 51.



**484.** *(Repealed).*

1988, c. 84, s. 484; 2018, c. 5, s. 51.

**485.** *(Repealed).*

1988, c. 84, s. 485; 1989, c. 36, s. 270; 2018, c. 5, s. 51.

**486.** *(Repealed).*

1988, c. 84, s. 486; 1990, c. 4, s. 509; 1999, c. 52, s. 13.

**487.** Every person who is guilty of an offence described in section 480 is liable to a fine of not less than \$100 nor more than \$1,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$300 nor more than \$3,000 and, for any subsequent conviction, to a fine of not less than \$200 nor more than \$2,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$600 nor more than \$6,000.

1988, c. 84, s. 487; 1990, c. 4, s. 510; 2018, c. 5, s. 52.

**488.** *(Repealed).*

1988, c. 84, s. 488; 1990, c. 4, s. 511; 2018, c. 5, s. 53.

**488.1.** Every person who contravenes section 18.0.1 is guilty of an offence and is liable to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$30,000 and, for any subsequent conviction, to a fine of not less than \$2,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$6,000 nor more than \$60,000.

2017, c. 23, s. 19.

**488.2.** Every person who hinders a person designated under section 478 or 478.0.2 in the exercise of his functions or misleads the designated person by misrepresentation is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$1,500 nor more than \$15,000 and, for any subsequent conviction, to a fine of not less than \$1,000 nor more than \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$3,000 nor more than \$30,000.

The same applies to every person who refuses to provide any information or document to a person designated under section 478 that he is authorized to require under this Act.

2017, c. 23, s. 19.

**489.** Every person who, by his act or omission, aids another person to commit an offence may be found guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably result in aiding to commit the offence.

1988, c. 84, s. 489.

**490.** Every person who, through encouragement or advice or by means of an order, leads another person to commit an offence may be found guilty of the offence, and of any other offence the other person commits as a result of his encouragement, advice or order, as if he had committed it himself, if he knew or should have known that his encouragement, advice or order would probably result in the commission of the offence.

1988, c. 84, s. 490.

**491.** The school service centre or the Comité de gestion de la taxe scolaire de l'île de Montréal may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under this chapter, except an offence under section 488.1 or 488.2.

1988, c. 84, s. 491; 1990, c. 4, s. 512; 1992, c. 61, s. 357; 1999, c. 52, s. 14; 2002, c. 75, s. 31; 2017, c. 23, s. 20; 2020, c. 1, s. 312.

**492.** The fine imposed for an offence referred to in section 491 belongs to the school service centre or the Comité de gestion de la taxe scolaire where it has taken charge of the prosecution.

1988, c. 84, s. 492; 1992, c. 61, s. 358; 2018, c. 5, s. 54; 2020, c. 1, s. 312.

## CHAPTER IX

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

## DIVISION I

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**493.** *(Repealed).*

1988, c. 84, s. 493; 2005, c. 20, s. 7.

## DIVISION II

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**494.** *(Repealed).*

1988, c. 84, s. 494; 2005, c. 20, s. 7.

**495.** *(Repealed).*

1988, c. 84, s. 495; 2005, c. 20, s. 7.

**496.** *(Repealed).*

1988, c. 84, s. 496; 1991, c. 27, s. 12; 2005, c. 20, s. 7.

**497.** *(Repealed).*

1988, c. 84, s. 497; 1989, c. 36, s. 271; 2005, c. 20, s. 7.

**498.** *(Repealed).*

1988, c. 84, s. 498; 1989, c. 36, s. 272; 1991, c. 27, s. 13; 2005, c. 20, s. 7.

**499.** *(Repealed).*

1988, c. 84, s. 499; 2005, c. 20, s. 7.

**500.** *(Repealed).*

1988, c. 84, s. 500; 2005, c. 20, s. 7.

**501.** *(Repealed).*

1988, c. 84, s. 501; 2005, c. 20, s. 7.

**502.** *(Repealed).*

1988, c. 84, s. 502; 1990, c. 8, s. 57; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

**DIVISION III**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**503.** *(Repealed).*

1988, c. 84, s. 503; 1990, c. 8, s. 58; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

**504.** *(Repealed).*

1988, c. 84, s. 504; 1990, c. 8, s. 59; 1990, c. 78, s. 54; 2005, c. 20, s. 7.

**DIVISION IV**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**505.** *(Repealed).*

1988, c. 84, s. 505; 2002, c. 75, s. 32.

**506.** *(Repealed).*

1988, c. 84, s. 506; 2005, c. 20, s. 7.

**507.** *(Repealed).*

1988, c. 84, s. 507; 2005, c. 20, s. 7.

**508.** *(Repealed).*

1988, c. 84, s. 508; 1990, c. 28, s. 19.

**CHAPTER X**

*Repealed, 2005, c. 20, s. 7.*

*1997, c. 47, s. 29; 2005, c. 20, s. 7.*

**DIVISION I**

*Repealed, 2005, c. 20, s. 7.*

*2005, c. 20, s. 7.*

**509. (Repealed).**

*1988, c. 84, s. 509; 1997, c. 47, s. 30; 1997, c. 47, Schedule (s. 2); 2005, c. 20, s. 7.*

**DIVISION II**

*Repealed, 2005, c. 20, s. 7.*

*1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**510. (Repealed).**

*1988, c. 84, s. 510; 1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**511. (Repealed).**

*1988, c. 84, s. 511; 1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**512. (Repealed).**

*1988, c. 84, s. 512; 1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**513. (Repealed).**

*1988, c. 84, s. 513; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514. (Repealed).**

*1988, c. 84, s. 514; 1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514.1. (Repealed).**

*1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514.2. (Repealed).**

*1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514.3. (Repealed).**

*1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514.4. (Repealed).**

*1997, c. 47, s. 31; 2005, c. 20, s. 7.*

**514.5.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 3); 2005, c. 20, s. 7.

**515.** *(Repealed).*

1988, c. 84, s. 515; 1997, c. 47, s. 31; 1997, c. 96, s. 156; 2005, c. 20, s. 7.

**DIVISION II.1**

*Repealed, 1997, c. 47, Schedule (s. 4).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.1.** *(Repealed).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.2.** *(Repealed).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.3.** *(Repealed).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.4.** *(Repealed).*

1990, c. 78, s. 17; 1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.5.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.6.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.7.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.8.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**515.9.** *(Repealed).*

1997, c. 47, s. 31; 1997, c. 47, Schedule (s. 4).

**DIVISION II.2**

*Repealed, 2005, c. 20, s. 7.*

1990, c. 78, s. 18; 2005, c. 20, s. 7.

§ 1. —

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 32; 2005, c. 20, s. 7.

**516.** *(Repealed).*

1988, c. 84, s. 516; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**517.** *(Repealed).*

1988, c. 84, s. 517; 1997, c. 47, s. 33; 2005, c. 20, s. 7.

**518.** *(Repealed).*

1988, c. 84, s. 518; 2005, c. 20, s. 7.

**518.1.** *(Repealed).*

1997, c. 47, s. 34; 1997, c. 47, Schedule (s. 5); 2005, c. 20, s. 7.

**519.** *(Repealed).*

1988, c. 84, s. 519; 1997, c. 47, s. 35; 2005, c. 20, s. 7.

**520.** *(Repealed).*

1988, c. 84, s. 520; 1997, c. 47, s. 36, s. 52; 1997, c. 96, s. 157; 1997, c. 47, Schedule (s. 6); 1999, c. 28, s. 2; 2000, c. 56, s. 162; 2002, c. 68, s. 52; 2005, c. 20, s. 7.

**521.** *(Repealed).*

1988, c. 84, s. 521; 1997, c. 47, s. 37; 1997, c. 96, s. 158; 2005, c. 20, s. 7.

**522.** *(Repealed).*

1988, c. 84, s. 522; 1997, c. 47, s. 38.

**523.** *(Repealed).*

1988, c. 84, s. 523; 1997, c. 47, s. 39, s. 52; 1997, c. 96, s. 159; 2005, c. 20, s. 7.

§ 2. —

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.1.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.2.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.3.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.4.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.5.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.6.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.7.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.8.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.9.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.10.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.11.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.12.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.13.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.14.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.15.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**523.16.** *(Repealed).*

1997, c. 47, s. 40; 2005, c. 20, s. 7.

**DIVISION III**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**524.** *(Repealed).*

1988, c. 84, s. 524; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 47, s. 41, s. 52; 1997, c. 96, s. 160; 2005, c. 20, s. 7.

**525.** *(Repealed).*

1988, c. 84, s. 525; 1989, c. 36, s. 273; 1997, c. 47, s. 42.

**526.** *(Repealed).*

1988, c. 84, s. 526; 2005, c. 20, s. 7.

**527.** *(Repealed).*

1988, c. 84, s. 527; 1997, c. 47, s. 43, s. 52; 2005, c. 20, s. 7.

**DIVISION IV**

*Repealed, 1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 8, s. 9).*

1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 8, s. 9).

**528.** *(Repealed).*

1988, c. 84, s. 528; 1997, c. 98, s. 20.

**529.** *(Repealed).*

1988, c. 84, s. 529; 1990, c. 78, s. 20; 1997, c. 47, s. 44; 1997, c. 98, s. 20.

**529.1.** *(Repealed).*

1997, c. 47, s. 44; 1997, c. 98, s. 20.

**529.2.** *(Repealed).*

1997, c. 47, s. 44; 1997, c. 98, s. 20.

**530.** *(Repealed).*

1988, c. 84, s. 530; 1990, c. 78, s. 54; 1997, c. 47, s. 45, s. 52; 1997, c. 98, s. 20.

**530.1.** *(Repealed).*

1997, c. 47, s. 46; 1997, c. 47, Schedule (s. 8).

**530.2.** *(Repealed).*

1997, c. 47, s. 46; 1997, c. 98, s. 20; 1997, c. 47, Schedule (s. 9).



**DIVISION IV.1**

*Repealed, 2005, c. 20, s. 7.*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.3.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.4.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.5.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.6.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.7.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.8.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.9.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.10.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.11.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.12.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**530.13.** *(Repealed).*

1997, c. 47, s. 46; 2005, c. 20, s. 7.

**DIVISION V**

*Repealed, 2005, c. 20, s. 7.*

2005, c. 20, s. 7.

**531.** *(Repealed).*

1988, c. 84, s. 531; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 20, s. 7.

**532.** *(Repealed).*

1988, c. 84, s. 532; 2005, c. 20, s. 7.

**533.** *(Repealed).*

1988, c. 84, s. 533; 1997, c. 47, s. 47; 1997, c. 96, s. 161; 1997, c. 47, Schedule (s. 10); 2005, c. 20, s. 7.

**534.** *(Repealed).*

1988, c. 84, s. 534; 1997, c. 47, s. 48, s. 52; 2005, c. 20, s. 7.

**535.** *(Repealed).*

1988, c. 84, s. 535; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**536.** *(Repealed).*

1988, c. 84, s. 536; 1997, c. 47, s. 49.

**537.** *(Repealed).*

1988, c. 84, s. 537; 2005, c. 20, s. 7.

**538.** *(Repealed).*

1988, c. 84, s. 538; 1997, c. 96, s. 162; 2005, c. 20, s. 7.

**539.** *(Repealed).*

1988, c. 84, s. 539; 1997, c. 47, s. 52; 2005, c. 20, s. 7.

**540.** *(Repealed).*

1988, c. 84, s. 540; 1997, c. 47, s. 50, s. 52; 2005, c. 20, s. 7.

**CHAPTER XI**

**CONCORDANCE PROVISIONS**

**ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION**

**541.** *(Amendment integrated into c. A-2.1, s. 6).*

1988, c. 84, s. 541.

**ACT RESPECTING THE CREE REGIONAL AUTHORITY**

**542.** *(Amendment integrated into c. A-6.1, Schedule).*

1988, c. 84, s. 542.

**ARCHIVES ACT**

**543.** *(Amendment integrated into c. A-21.1, Schedule).*

1988, c. 84, s. 543.

## EDUCATION

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### ACT RESPECTING THE NATIONAL ASSEMBLY

**544.** *(Amendment integrated into c. A-23.1, s. 57).*

1988, c. 84, s. 544.

### ACT RESPECTING INSURANCE

**545.** *(Amendment integrated into c. A-32, s. 93.247).*

1988, c. 84, s. 545.

### ACT RESPECTING THE BUREAU DE LA STATISTIQUE

**546.** *(Amendment integrated into c. B-8, s. 7).*

1988, c. 84, s. 546.

### CHARTER OF THE FRENCH LANGUAGE

**547.** *(Amendment integrated into c. C-11, s. 79).*

1988, c. 84, s. 547.

**548.** *(Amendment integrated into c. C-11, s. 88).*

1988, c. 84, s. 548.

**549.** *(Amendment integrated into c. C-11, s. 208.1).*

1988, c. 84, s. 549.

**550.** *(Amendment integrated into c. C-11, Schedule).*

1988, c. 84, s. 550.

### CITIES AND TOWNS ACT

**551.** *(Amendment integrated into c. C-19, s. 500).*

1988, c. 84, s. 551.

**552.** *(Omitted).*

1988, c. 84, s. 552.

### CODE OF CIVIL PROCEDURE

**553.** *(Amendment integrated into c. C-25, a. 629).*

1988, c. 84, s. 553.

**554.** *(Amendment integrated into c. C-25, a. 696).*

1988, c. 84, s. 554.

## EDUCATION

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### MUNICIPAL CODE OF QUÉBEC

**555.** *(Amendment integrated into c. C-27.1, a. 986).*

1988, c. 84, s. 555.

**556.** *(Amendment integrated into c. C-27.1, a. 1022).*

1988, c. 84, s. 556.

**557.** *(Amendment integrated into c. C-27.1, a. 1023).*

1988, c. 84, s. 557.

**558.** *(Amendment integrated into c. C-27.1, a. 1024).*

1988, c. 84, s. 558.

### GENERAL AND VOCATIONAL COLLEGES ACT

**559.** *(Amendment integrated into c. C-29, s. 6.1).*

1988, c. 84, s. 559.

**560.** *(Amendment integrated into c. C-29, s. 6.3).*

1988, c. 84, s. 560.

### ACT RESPECTING THE COMMISSION MUNICIPALE

**561.** *(Amendment integrated into c. C-35, s. 65).*

1988, c. 84, s. 561.

### ACT RESPECTING PUBLIC INQUIRY COMMISSIONS

**562.** *(Amendment integrated into c. C-37, s. 14).*

1988, c. 84, s. 562.

### ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**563.** *(Amendment integrated into c. C-37.1, s. 196).*

1988, c. 84, s. 563.

### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**564.** *(Amendment integrated into c. C-37.2, s. 290).*

1988, c. 84, s. 564.

**565.** *(Amendment integrated into c. C-37.2, s. 330).*

1988, c. 84, s. 565.

## EDUCATION

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### ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**566.** *(Amendment integrated into c. C-37.3, s. 216).*

1988, c. 84, s. 566.

### CHARTERED ACCOUNTANTS ACT

**567.** *(Amendment integrated into c. C-48, s. 28).*

1988, c. 84, s. 567.

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

**568.** *(Amendment integrated into c. C-60, s. 22).*

1988, c. 84, s. 568.

**569.** *(Amendment integrated into c. C-60, s. 23).*

1988, c. 84, s. 569.

**570.** *(Amendment integrated into c. C-60, s. 30).*

1988, c. 84, s. 570.

**571.** *(Amendment integrated into c. C-60, s. 31).*

1988, c. 84, s. 571.

**572.** *(Amendment integrated into c. C-60, s. 32).*

1988, c. 84, s. 572.

### ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

**573.** *(Amendment integrated into c. C-61.1, s. 151).*

1988, c. 84, s. 573.

### ACT RESPECTING SECURITY FUND CORPORATIONS

**574.** *(Amendment integrated into c. C-69.1, s. 36).*

1988, c. 84, s. 574.

**575.** *(Amendment integrated into c. C-69.1, s. 38).*

1988, c. 84, s. 575.

### ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

**576.** *(Amendment integrated into c. C-70, s. 66).*

1988, c. 84, s. 576.

## EDUCATION

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### FORESTRY CREDIT ACT

**577.** *(Amendment integrated into c. C-78, s. 46.2).*

1988, c. 84, s. 577.

### ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

**578.** *(Amendment integrated into c. C-78.1, s. 55).*

1988, c. 84, s. 578.

### ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

**579.** *(Amendment integrated into c. D-7, title of the Act).*

1988, c. 84, s. 579.

**580.** *(Amendment integrated into c. D-7, s. 15).*

1988, c. 84, s. 580.

**581.** *(Amendment integrated into c. D-7, s. 15.1).*

1988, c. 84, s. 581.

**582.** *(Amendment integrated into c. D-7, s. 16).*

1988, c. 84, s. 582.

**583.** *(Amendment integrated into c. D-7, s. 17).*

1988, c. 84, s. 583.

**584.** *(Amendment integrated into c. D-7, s. 20).*

1988, c. 84, s. 584.

**585.** *(Amendment integrated into c. D-7, s. 21).*

1988, c. 84, s. 585.

**586.** *(Amendment integrated into c. D-7, s. 23).*

1988, c. 84, s. 586.

**587.** *(Amendment integrated into c. D-7, s. 26).*

1988, c. 84, s. 587.

**588.** *(Omitted).*

1988, c. 84, s. 588.

**589.** *(Amendment integrated into c. D-7, s. 36).*

1988, c. 84, s. 589.

**590.** *(Amendment integrated into c. D-7, s. 42).*

1988, c. 84, s. 590.

**591.** *(Omitted).*

1988, c. 84, s. 591.

**592.** *(Omitted).*

1988, c. 84, s. 592.

ACT RESPECTING PRIVATE EDUCATION

**593.** *(Amendment integrated into c. E-9, s. 1).*

1988, c. 84, s. 593.

**594.** *(Amendment integrated into c. E-9, s. 14.1).*

1988, c. 84, s. 594.

**595.** *(Amendment integrated into c. E-9, s. 17.1).*

1988, c. 84, s. 595.

**596.** *(Amendment integrated into c. E-9, s. 21).*

1988, c. 84, s. 596.

**597.** *(Amendment integrated into c. E-9, s. 31).*

1988, c. 84, s. 597.

**598.** *(Amendment integrated into c. E-9, s. 34).*

1988, c. 84, s. 598.

**599.** *(Amendment integrated into c. E-9, s. 38).*

1988, c. 84, s. 599.

**600.** *(Amendment integrated into c. E-9, s. 42).*

1988, c. 84, s. 600.

**601.** *(Amendment integrated into c. E-9, s. 43).*

1988, c. 84, s. 601.

**602.** *(Amendment integrated into c. E-9, s. 44).*

1988, c. 84, s. 602.

**603.** *(Amendment integrated into c. E-9, s. 45).*

1988, c. 84, s. 603.

## EDUCATION

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**604.** *(Amendment integrated into c. E-9, s. 46).*

1988, c. 84, s. 604.

**605.** *(Amendment integrated into c. E-9, s. 48).*

1988, c. 84, s. 605.

**606.** *(Amendment integrated into c. E-9, s. 56).*

1988, c. 84, s. 606.

**607.** *(Amendment integrated into c. E-9, s. 59).*

1988, c. 84, s. 607.

**608.** *(Amendment integrated into c. E-9, s. 59.2).*

1988, c. 84, s. 608.

**609.** *(Amendment integrated into c. E-9, s. 59.3).*

1988, c. 84, s. 609.

## ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

**610.** *(Amendment integrated into c. E-20.1, s. 25).*

1988, c. 84, s. 610.

**611.** *(Amendment integrated into c. E-20.1, s. 26).*

1988, c. 84, s. 611.

## EXPROPRIATION ACT

**612.** *(Amendment integrated into c. E-24, s. 37).*

1988, c. 84, s. 612.

## ACT RESPECTING MUNICIPAL TAXATION

**613.** *(Amendment integrated into c. F-2.1, s. 1).*

1988, c. 84, s. 613.

**614.** *(Amendment integrated into c. F-2.1, s. 153).*

1988, c. 84, s. 614.

**615.** *(Amendment integrated into c. F-2.1, s. 177).*

1988, c. 84, s. 615.

**616.** *(Amendment integrated into c. F-2.1, s. 180).*

1988, c. 84, s. 616.



**617.** *(Amendment integrated into c. F-2.1, s. 495).*

1988, c. 84, s. 617.

**618.** *(Omitted).*

1988, c. 84, s. 618.

HYDRO-QUÉBEC ACT

**619.** *(Amendment integrated into c. H-5, s. 40).*

1988, c. 84, s. 619.

EDUCATION ACT

**620.** *(Amendment integrated into c. I-14, title of the Act).*

1988, c. 84, s. 620.

**621.** *(Amendment integrated into c. I-14, s. 568).*

1988, c. 84, s. 621.

**622.** *(Amendment integrated into c. I-14, s. 569).*

1988, c. 84, s. 622.

**623.** *(Amendment integrated into c. I-14, s. 571).*

1988, c. 84, s. 623.

**624.** *(Amendment integrated into c. I-14, s. 572).*

1988, c. 84, s. 624.

**625.** *(Amendment integrated into c. I-14, s. 573).*

1988, c. 84, s. 625.

**626.** *(Amendment integrated into c. I-14, s. 575).*

1988, c. 84, s. 626.

**627.** *(Amendment integrated into c. I-14, s. 579).*

1988, c. 84, s. 627.

**628.** *(Amendment integrated into c. I-14, s. 580).*

1988, c. 84, s. 628.

**629.** *(Amendment integrated into c. I-14, ss. 582.1-582.11).*

1988, c. 84, s. 629.

**630.** *(Amendment integrated into c. I-14, s. 585).*

1988, c. 84, s. 630.

**631.** *(Amendment integrated into c. I-14, s. 587).*

1988, c. 84, s. 631.

**632.** *(Amendment integrated into c. I-14, s. 590).*

1988, c. 84, s. 632.

**633.** *(Amendment integrated into c. I-14, s. 599).*

1988, c. 84, s. 633.

**634.** *(Amendment integrated into c. I-14, s. 603).*

1988, c. 84, s. 634.

**635.** *(Amendment integrated into c. I-14, s. 604).*

1988, c. 84, s. 635.

**636.** *(Amendment integrated into c. I-14, s. 605).*

1988, c. 84, s. 636.

**637.** *(Amendment integrated into c. I-14, s. 609).*

1988, c. 84, s. 637.

**638.** *(Amendment integrated into c. I-14, ss. 613.1-613.2).*

1988, c. 84, s. 638.

**639.** *(Amendment integrated into c. I-14, s. 614).*

1988, c. 84, s. 639.

**640.** *(Amendment integrated into c. I-14, s. 619).*

1988, c. 84, s. 640.

**641.** *(Amendment integrated into c. I-14, s. 620).*

1988, c. 84, s. 641.

**642.** *(Amendment integrated into c. I-14, s. 622).*

1988, c. 84, s. 642.

**643.** *(Amendment integrated into c. I-14, s. 622.1).*

1988, c. 84, s. 643.

**644.** *(Amendment integrated into c. I-14, s. 649).*

1988, c. 84, s. 644.

**645.** *(Amendment integrated into c. I-14, s. 653).*

1988, c. 84, s. 645.

**646.** *(Amendment integrated into c. I-14, s. 654).*

1988, c. 84, s. 646.

**647.** *(Amendment integrated into c. I-14, s. 657).*

1988, c. 84, s. 647.

**648.** *(Amendment integrated into c. I-14, s. 663).*

1988, c. 84, s. 648.

**649.** *(Amendment integrated into c. I-14, s. 664).*

1988, c. 84, s. 649.

**650.** *(Amendment integrated into c. I-14, s. 667).*

1988, c. 84, s. 650.

**651.** *(Amendment integrated into c. I-14, s. 669).*

1988, c. 84, s. 651.

**652.** *(Amendment integrated into c. I-14, s. 680).*

1988, c. 84, s. 652.

**653.** *(Amendment integrated into c. I-14, s. 686).*

1988, c. 84, s. 653.

**654.** *(Amendment integrated into c. I-14, s. 690).*

1988, c. 84, s. 654.

**655.** *(Amendment integrated into c. I-14, s. 720).*

1988, c. 84, s. 655.

**656.** *(Amendment integrated into c. I-14, s. 721).*

1988, c. 84, s. 656.

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

**657.** *(Amendment integrated into c. M-15, s. 2).*

1988, c. 84, s. 657.

**658.** *(Amendment integrated into c. M-15, s. 4).*

1988, c. 84, s. 658.

**659.** *(Omitted).*

1988, c. 84, s. 659.

## EDUCATION

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**660.** *(Amendment integrated into c. M-15, s. 8).*

1988, c. 84, s. 660.

**661.** *(Amendment integrated into c. M-15, s. 12.1).*

1988, c. 84, s. 661.

**662.** *(Amendment integrated into c. M-15, s. 17).*

1988, c. 84, s. 662.

**663.** *(Amendment integrated into c. M-15, s. 18).*

1988, c. 84, s. 663.

## ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**664.** *(Amendment integrated into c. M-30, s. 3.11).*

1988, c. 84, s. 664.

## PHOTOGRAPHIC PROOF OF DOCUMENTS ACT

**665.** *(Amendment integrated into c. P-22, s. 1).*

1988, c. 84, s. 665; 1987, c. 95, s. 402.

## ACT RESPECTING THE PROTECTION OF NON-SMOKERS IN PUBLIC PLACES

**666.** *(Amendment integrated into c. P-38.01, s. 6).*

1988, c. 84, s. 666.

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

**667.** *(Amendment integrated into c. R-8.2, s. 1).*

1988, c. 84, s. 667.

**668.** *(Amendment integrated into c. R-8.2, s. 30).*

1988, c. 84, s. 668.

## ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**669.** *(Amendment integrated into c. R-10, Schedule II).*

1988, c. 84, s. 669.

## ACT RESPECTING SUPPLEMENTAL PENSION PLANS

**670.** *(Amendment integrated into c. R-17, s. 75).*

1988, c. 84, s. 670.

ACT RESPECTING CHILD DAY CARE

**671.** *(Amendment integrated into c. S-4.1, s. 2).*

1988, c. 84, s. 671.

**672.** *(Amendment integrated into c. S-4.1, s. 13).*

1988, c. 84, s. 672.

**673.** *(Amendment integrated into c. S-4.1, s. 32).*

1988, c. 84, s. 673.

**674.** *(Amendment integrated into c. S-4.1, s. 35).*

1988, c. 84, s. 674.

**675.** *(Amendment integrated into c. S-4.1, s. 50).*

1988, c. 84, s. 675.

**676.** *(Amendment integrated into c. S-4.1, s. 73).*

1988, c. 84, s. 676.

**677.** *(Amendment integrated into c. S-4.1, ss. 22 and 38).*

1988, c. 84, s. 677.

**678.** *(Amendment integrated into c. S-4.1, ss. 1, 4, 7, 33, 41 and 44).*

1988, c. 84, s. 678.

ACT RESPECTING THE NASKAPI DEVELOPMENT CORPORATION

**679.** *(Amendment integrated into c. S-10.1, Schedule).*

1988, c. 84, s. 679.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL DU CENTRE DU QUÉBEC

**680.** *(Amendment integrated into c. S-15, s. 25).*

1988, c. 84, s. 680.

ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

**681.** *(Amendment integrated into c. S-17.1, s. 36).*

1988, c. 84, s. 681.

ACT RESPECTING THE MAKIVIK CORPORATION

**682.** *(Amendment integrated into c. S-18.1, Schedule).*

1988, c. 84, s. 682.

## EDUCATION

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### ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L'AMIANTE

**683.** *(Amendment integrated into c. S-18.2, s. 19).*

1988, c. 84, s. 683.

**684.** *(Omitted).*

1988, c. 84, s. 684.

**685.** *(Omitted).*

1988, c. 84, s. 685.

**686.** *(Omitted).*

1988, c. 84, s. 686.

**687.** *(Omitted).*

1988, c. 84, s. 687.

**688.** *(Omitted).*

1988, c. 84, s. 688.

**689.** *(Omitted).*

1988, c. 84, s. 689.

**690.** *(Omitted).*

1988, c. 84, s. 690.

**691.** *(Omitted).*

1988, c. 84, s. 691.

**692.** *(Omitted).*

1988, c. 84, s. 692.

### ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

**693.** *(Amendment integrated into c. A-23.001, s. 26).*

1988, c. 84, s. 693.

### ACT RESPECTING FARM FINANCING

**694.** *(Amendment integrated into c. F-1.2, s. 130).*

1988, c. 84, s. 694.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

**695.** *(Amendment integrated into c. S-29.01, s. 203).*

1988, c. 84, s. 695.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**696.** *(Amendment integrated into c. O-9, s. 285).*

1988, c. 84, s. 696.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES

**697.** *(Amendment integrated into c. M-21.1, s. 23).*

1988, c. 84, s. 697.

OTHER CONCORDANCE PROVISIONS

**698.** In the following legislation, any reference to the Education Act (chapter I-14) is a reference to the Education Act (chapter I-13.3) and to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14):

- (1) *(amendment integrated into c. C-26, s. 37);*
- (2) *(amendment integrated into c. P-21, s. 5);*
- (3) *(amendment integrated into c. T-11.1, s. 2).*

1988, c. 84, s. 698.

**699.** In the following legislation, any reference to the Education Act (chapter I-14) is a reference to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14):

- (1) *(amendment integrated into c. A-2.1, Schedule A);*
- (2) *(amendment integrated into c. C-35, s. 97);*
- (3) *(amendment integrated into c. R-8.2, s. 35).*

1988, c. 84, s. 699.

**700.** The words “school corporation” and “school corporations” are replaced by the words “school board” and “school boards”, respectively, in the following legislation:

- (1) *(amendment integrated into c. A-19.1, s. 5);*
- (2) *(amendment integrated into c. C-2, ss. 20 and 26);*
- (3) *(inoperative, 1983, c. 37, s. 194);*
- (4) *(amendment integrated into c. C-19, s. 415);*
- (5) *(amendment integrated into c. C-27, ss. 11 and 68);*

- (6) *(amendment integrated into c. C-27.1, a. 564);*
- (7) *(amendment integrated into c. E-9, s. 2);*
- (8) *(amendment integrated into c. E-24, s. 53.15);*
- (9) *(inoperative, 1988, c. 63, s. 1);*
- (10) *(amendment integrated into c. N-1.1, s. 30);*
- (11) *(amendment integrated into c. P-40.1, s. 188);*
- (12) *(amendment integrated into c. P-41.1, s. 1);*
- (13) *(amendment integrated into c. R-20.1, s. 1);*
- (14) *(amendment integrated into c. S-3.1, s. 31);*
- (15) *(amendment integrated into c. S-38, s. 40);*
- (16) *(amendment integrated into c. V-1.1, ss. 41 and 44).*

1988, c. 84, s. 700.

**701.** In the following legislation, the words “or school corporation”, “and school corporations” and “school” are replaced, adapted as required, by the words “corporation or school board”, “corporations and school boards” and “school boards”, respectively:

- (1) *(amendment integrated into c. A-32, s. 225);*
- (2) *(amendment integrated into c. B-1, s. 136);*
- (3) *(amendment integrated into c. C-4, s. 83);*
- (4) *(amendment integrated into c. C-25, aa. 35 and 36);*
- (5) *(amendment integrated into c. C-27, s. 40);*
- (6) *(amendment integrated into c. F-5, s. 27);*
- (7) *(amendment integrated into c. Q-2, s. 2).*

1988, c. 84, s. 701.

**702.** For the application of any other Act, or any regulation, ordinance, order in council, order, contract or other document,

(1) the expressions “corporation of commissioners” or “school commissioners” or the words “corporation” or “commissioners”, where the two latter words are used to mean the two former expressions, shall designate a school board other than a dissentient school board;

(2) the expressions “corporation of trustees” or “school trustees” or the words “corporation” or “trustees”, where the two latter words are used to mean the two former expressions, shall designate a dissentient school board;

(3) the expression “school municipality” or the word “municipality” where the latter is used to mean the former, shall designate a school board or the territory thereof, according to the context;



(4) the expression “school corporation” or the word “corporation”, where the latter is used to mean the former, shall designate a school board;

(5) the word “secretary-treasurer”, where it refers to a school board, shall designate the director general of a school board.

1988, c. 84, s. 702.

**703.** In any other Act, and in any regulation, ordinance, order in council, order, contract or other document, any reference to the Education Act (chapter I-14) or to any of the provisions thereof is a reference to this Act or to the corresponding provision of this Act.

Concerning the Cree School Board, the Kativik School Board and the Naskapi Education Committee contemplated in Parts X to XII of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a reference to the Education Act shall be deemed to be a reference to the Education Act for Cree, Inuit and Naskapi Native Persons.

1988, c. 84, s. 703; 1999, c. 40, s. 158.

**704.** In any Act other than this Act and the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), and in any regulation, ordinance, order in council or order, unless the context indicates a different meaning, “school board” means a school board governed by this Act and a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons.

1988, c. 84, s. 704; 1997, c. 47, s. 51.

**705.** In any Act, proclamation, regulation, order in council, order, ordinance, contract or other document, any reference to the Act respecting municipal and school debts and loans (chapter D-7) is a reference to the Act respecting municipal debts and loans (chapter D-7).

1988, c. 84, s. 705.

## CHAPTER XII

### TRANSITIONAL AND FINAL PROVISIONS

**706.** *(Repealed).*

1988, c. 84, s. 706; 1999, c. 40, s. 158; 2008, c. 29, s. 34; 2020, c. 1, s. 162.

**707.** In a school board contemplated in sections 146 and 498, the members referred to in section 706 shall exercise alone the functions and powers of the council of commissioners until the parents’ representatives of the minority of students contemplated in these sections have been appointed.

1988, c. 84, s. 707; 1990, c. 78, s. 54.

**708.** The commissioners of the Kativik School Board in office on 30 June 1989 are deemed to have been elected or appointed pursuant to the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14).

They shall remain in office until the third Wednesday in November 1990 or until they are replaced by persons appointed or elected pursuant to the said Act.

1988, c. 84, s. 708.

**709.** Every principal of a school and every member of an orientation committee, school committee or parents’ committee in office on 30 June 1989 is deemed to have been elected or appointed pursuant to this Act.

He shall remain in office until he is reelected, reappointed or replaced pursuant to this Act.

1988, c. 84, s. 709.

**710.** The members of the Conseil scolaire de l'île de Montréal and the chair and vice-chair of the Conseil in office on 30 June 1989 are deemed to have been designated or appointed pursuant to this Act.

They shall remain in office until the first meeting of the Conseil following the third Sunday of November 1990 or until they are replaced by persons designated or appointed pursuant to this Act.

1988, c. 84, s. 710; 2008, c. 29, s. 34.

**711.** Every school and adult education centre in existence on 30 June 1989 is deemed to have been established in conformity with this Act.

Every school shall retain the confessional recognition that it has on 30 June 1989 until the Catholic committee or Protestant committee revokes it *ex officio* or upon application therefor by the school board.

1988, c. 84, s. 711.

**712.** Teaching permits and teaching certificates or diplomas issued under the Regulation respecting teaching permits and teaching diplomas (R.R.Q., 1981, c. C-60, r. 7) are teaching licences within the meaning of this Act and are deemed to have been issued pursuant thereto.

1988, c. 84, s. 712.

**713.** Any deficit of a school board on 30 June 1980 or any expense arising from a court judgment, a judgment of the Bureau de révision de l'évaluation foncière or an arbitration award in respect of a cause of action existing before 30 June 1980 shall be made up by means of a special tax or a loan repaid by means of a special annual tax in accordance with the conditions determined by the Minister. Where required by the Minister, the special tax shall be levied and collected in the territory of the school board that incurred the deficit or expense.

Notwithstanding sections 308, 440 and 444, the special tax is not subject to the approval of the electors.

This section has effect from 30 June 1980.

1988, c. 84, s. 713.

**714.** Any bonded debt contracted by a school board before 1 July 1980 is taken out of the general fund of the school board and must be discharged by means of a special tax levied in the whole of the territory of the school board and, notwithstanding section 308, the special tax is not subject to the approval of the electors.

1988, c. 84, s. 714.

**715.** (*Repealed*).

1988, c. 84, s. 715; 1990, c. 8, s. 60; 2018, c. 5, s. 55.

**716.** A dissentient school board which, on 1 July 1989, must acquire jurisdiction over new levels of instruction and a school board for Catholics or for Protestants of which all or part of the territory includes that of the former, shall distribute between themselves the rights and obligations of the school board for Catholics or for Protestants.

The Minister shall rule on every dispute between the school boards involved, except disputes relating to the transfer or integration of employees belonging to certified associations within the meaning of the Labour Code (chapter C-27) or of employees who are provided a special remedy by government regulation. The

Minister shall ensure that his ruling does not deprive the dissentient school board of the property it requires to function.

In the case of the transfer of ownership of an immovable, a notice stating the facts which resulted in the transfer and containing a description of the immovable transferred shall be registered at the registry office.

1988, c. 84, s. 716; 1999, c. 40, s. 158; 2000, c. 42, s. 180.

**717.** The provisions of the Act respecting municipal and school debts and loans (chapter D-7) as they read before 1 July 1989 continue to apply to an issue of bonds made before 1 July 1989 by a school board or by the Conseil scolaire de l'île de Montréal to the extent that they were applicable before being amended.

1988, c. 84, s. 717.

**718.** Every regulation, by-law, resolution, order or ordinance of a school board or the Conseil scolaire de l'île de Montréal in force on 30 June 1989 remains in force, to the extent that it is consistent with this Act and as long as its object has not been carried out or until it is replaced or repealed.

Every act performed before 1 July 1989 by a school board or the Conseil scolaire de l'île de Montréal pursuant to a provision replaced or repealed by this Act retains its effects if it is still useful and is deemed, in that case, to have been performed pursuant to the corresponding provision of this Act.

1988, c. 84, s. 718; 1990, c. 8, s. 61.

**719.** For the school years 1989-90 to 1993-94, the Minister shall establish and submit to the Government, for approval, directives in respect of adult education services pertaining to the matters listed in the second paragraph of section 448 and, if he considers it expedient, to those listed in the third paragraph of the said section.

The Regulations Act (chapter R-18.1) does not apply to the directives or to their drafts. The directives come into force on 1 July following the date of their publication in the *Gazette officielle du Québec*.

For the purposes of the provisions of this Act, except section 458, during the school years 1989-90 to 1993-94, any reference to the basic school regulation for adult education is a reference to the directives established by the Minister under the first paragraph.

This section ceases to have effect upon the coming into force of the basic school regulation for adult education made under section 448.

1988, c. 84, s. 719; 1990, c. 78, s. 23, s. 53.

**720.** The Government and the Minister of Education may validly exercise, before 1 July 1989, their functions and powers under Chapter VII and section 719 so that the provisions of this Act may be given effect as early as 1 July 1989.

1988, c. 84, s. 720; 1990, c. 78, s. 54.

**721.** Every regulation and every decision made by the Government, the Minister of Education or the Minister of Transport under the Education Act (chapter I-14) as it read before 1 July 1989, or under section 30 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60) and applicable to the persons or bodies contemplated in this Act remains applicable thereto, to the extent that it is consistent with this Act, unless otherwise provided under this Act.

The words "School bussing or transportation" used in any regulation, decision or contract mean "student transportation".

1988, c. 84, s. 721.

**722.** This Act, except sections 620 to 656, does not apply to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The Cree School Board and the Kativik School Board are governed by the Education Act (chapter I-14) as it read on 8 June 1978 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. They are also governed by the regulations made under that Act to the extent that they are expressly applicable.

The Naskapi Education Committee is governed by the Education Act as it read on 22 June 1979 and as amended thereafter, to the extent that the amendments are expressly applicable thereto. It is also governed by the regulations made under that Act, to the extent that they are expressly applicable.

The Government may, however, by regulation, at the request of the Cree School Board, the Kativik School Board or the Naskapi Education Committee, render a provision or part of a provision of this Act applicable to such school board or committee, with the necessary adjustments of concordance, and indicate the provision of the Education Act applicable to Cree, Inuit and Naskapi Native Persons it replaces.

Such regulation may specify what provision or part of a provision of a regulation made under this Act applies, or ceases to apply, to the Cree School Board, the Kativik School Board or the Naskapi Education Committee.

The regulation shall be published in the *Gazette officielle du Québec* and comes into force on the date of its publication or on any later date indicated therein.

1988, c. 84, s. 722.

**723.** This Act replaces the Education Act (chapter I-14), except as regards the Cree School Board, the Kativik School Board and the Naskapi Education Committee.

1988, c. 84, s. 723.

**723.1.** For the purposes of the levy of school taxes for the years 2001-02 and 2002-03, Division IV.3 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) applies, with the necessary modifications, to the Conseil scolaire de l'île de Montréal. The Conseil is deemed to have adopted the resolution referred to in the second paragraph of section 253.27 of that Act.

The school tax shall be levied in accordance with section 310. However, the standardized assessment of taxable immovables shall be established by multiplying the adjusted values resulting from the application of the said Division IV.3 by the comparative factor established for the assessment roll under section 264 of the Act respecting municipal taxation.

2001, c. 30, s. 1.

**723.2.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.3.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.4.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**723.5.** *(Repealed).*

2013, c. 16, s. 187; 2018, c. 5, s. 57.

**724.** *(Repealed).*

1988, c. 84, s. 724; 1989, c. 36, s. 274.

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

1988, c. 84, s. 725; 1990, c. 8, s. 62; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 96, s. 163; 2005, c. 28, s. 195.

**726.** *(Repealed).*

1988, c. 84, s. 726; 1990, c. 78, s. 54; 1997, c. 47, s. 52; 2005, c. 20, s. 8.

**727.** *(This section ceased to have effect on 1 July 2008).*

1988, c. 84, s. 727; 1990, c. 78, s. 54; 1994, c. 11, s. 1; 1999, c. 28, s. 1; 2000, c. 24, s. 44; 2005, c. 20, s. 9; 2005, c. 20, s. 19.

**728.** *(Omitted).*

1988, c. 84, s. 728; 1990, c. 8, s. 63.

## EDUCATION

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### SCHEDULE I

*(Repealed).*

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2018, c. 5, s. 59; 2019, c. 5, s. 25.

### REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 84 of the statutes of 1988, in force on 1 March 1989, is repealed, except sections 685 to 692 and 728, effective from the coming into force of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 110, 113 to 122, 125 to 130, 132, 133, the first, second, third and fourth paragraphs of section 134, sections 135, 136, 138, 140 to 204, 208, 209, 211 to 261, 264 to 353, 356 to 401, 403 to 508, 541 to 684, 693 to 715, 717 to 719, 721 to 727 of chapter 84 of the statutes of 1988, in force on 1 March 1990, are repealed effective from the coming into force of the updating to 1 March 1990 of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 111, 112, 205 to 207, 516 to 521, 523, 524, 526, 527, 531 to 535 and 537 to 540 of chapter 84 of the statutes of 1988, in force on 1 April 1998, are repealed effective from the coming into force of the updating to 1 April 1998 of chapter I-13.3 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 262, 263 and 402 of chapter 84 of the statutes of 1988, in force on 1 April 1999, are repealed effective from the coming into force of the updating to 1 April 1999 of chapter I-13.3 of the Revised Statutes.

