

chapter I-14

THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

1988, c. 84, s. 620.

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PART I

DECLARATORY AND INTERPRETATIVE

DIVISION I

INTERPRETATIVE

1. In this Act, or in any regulations respecting education, the following words, terms and expressions shall have the following meanings:

(1) the word “Minister” means the Minister of Education, Recreation and Sports;

(2) the words “school municipality” mean any territory erected into a municipality for the carrying on of schools under the control of commissioners; or, for the taxation purposes of a regional board, the territory of the aggregate of school boards that are members of that regional board;

(3) the words “school board” mean, indifferently, “school boards” or “regional school boards” ;

(3.1) the words “confessional school board” mean the Commission des écoles catholiques de Montréal, the Protestant School Board of Greater Montréal, the Commission des écoles catholiques de Québec and the School Board of Greater Québec;

(4) the expression “regional school board” or “regional board” means any board constituted under sections 423 and following;

(5) *(subparagraph repealed)*;

(6) *(subparagraph repealed)*;

(7) the word “district” means the judicial district in which the municipality is situated;

(8) the word “county” means any territory erected into an electoral district. If two or more counties are united to constitute an electoral district, the word “county” designates each of such counties severally;

(9) the word “parish” means any territory erected into a parish by civil authority;

(10) the word “township” means any territory erected into a township by order in council;

(11) the words “school”, “public school”, or “school under control” mean every school under the control of commissioners;

the words “subsidized school” mean any private school receiving a grant from the Government out of the funds voted for education;

the words “elementary school”, “intermediate school”, “secondary school” and “high school” mean a school of one of such grades whose course of studies is determined by the competent authority;

(12) the words “officers of education” mean every person holding a teacher’s diploma or certificate and teaching in a school under the control of commissioners, or who has the direction, administration or supervision thereof; school inspectors, and professors and teachers of normal schools, but they do not include members of the clergy or of religious communities or professors in universities;

(13) the words “teacher” or “professor” include female teachers and all persons, lay or religious, teaching in virtue of this Act;

(14) the words “landed property”, “land” and “immovable” means an immovable within the meaning of the Act respecting municipal taxation (chapter F-2.1);

(15) the words “taxable property” mean an immovable taxable under the Act respecting municipal taxation;

(16) the words “school tax” or “tax” mean all contributions that may be levied in virtue of this Act;

(17) the words “school assessment” mean the tax which is levied on the taxable property of a school municipality;

(18) the words “monthly fees” mean the contribution which may be exacted in respect of each child who attends certain public schools;

(19) *(subparagraph repealed)*;

(20) the word “ratepayer” means any person who, in virtue of any provision of this Act, is liable for the payment of school taxes;

(21) the word “owner” means an owner within the meaning of the Act respecting municipal taxation, except where another person is deemed to be the owner under that Act, in which case that person is the owner for the purposes of this Act;

(22) the word “absent” applies to all persons residing outside the school municipality; nevertheless, any person having a business establishment within the municipality shall be deemed present in such municipality;

(23) the word “guardian” means, as the case may be:

(a) the guardian appointed to a seizure;

(b) any person who has the care or control of one or more children of school age;

(24) the words “religious majority” or “religious minority” mean the Roman Catholic or Protestant majority or minority, as the case may be;

(25) the words “school year” mean the 12 months from 1 July of one year to and including 30 June of the next year;

(26) the word “month” means a calendar month;

(27) the words “following day” do not mean or include holidays, except when an act may be done upon a holiday;

(28) the expression “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a local municipality by the factor established for that roll by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act respecting municipal taxation;

(29) the words “senior staff” mean the senior staff of the school board and the principal and vice-principal of the school;

(30) the words “educational project” mean a procedure by which a school defines its specific objectives, drafts and carries out a plan of action and revises the plan periodically with the participation of the pupils, the parents, and the staff of the school and of the school board.

The domicile of a person within the meaning of this Act is at the same place as under the Civil Code for the exercise of his civil rights.

R. S. 1964, c. 235, s. 1 (*part*); 1971, c. 50, s. 125; 1971, c. 67, s. 4; 1977, c. 5, s. 14; 1979, c. 72, s. 338; 1979, c. 80, s. 1; 1982, c. 58, s. 29; 1985, c. 8, s. 1; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1996, c. 2, s. 703; 1999, c. 40, s. 159; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 195, s. 196; 2009, c. 26, s. 109.

2. The Government may, on the recommendation of the Minister and upon the petition of a school board governed in whole or in part by a special Act, order that the provisions of such special Act be replaced in whole or in part by those of this Act, or strike from such special Act any provision for which this Act contains no corresponding provision. Such changes shall have the same force and effect as if made by statute.

Such petition cannot be submitted to the Government unless a notice summarizing its object has been published at least one month beforehand in the *Gazette officielle du Québec*; a public notice must be given within the same time in accordance with sections 281 and following.

The Minister shall cause the order in council to be published in the *Gazette officielle du Québec* with a notice stating the date of its coming into force. The Québec Official Publisher shall insert in the volume of the statutes for each year a table giving the date of the coming into force of the orders passed by the Government under this section and the legislative provisions that they repeal.

1971, c. 67, s. 5; 1999, c. 40, s. 159.

DIVISION II

DECLARATORY

§ 1. — *Appointments by the Government*

3. The Government may, whenever it deems it necessary, annul the administrative acts and appointments made by it and make new ones in place thereof.

R. S. 1964, c. 235, s. 2.

§ 2. — *Oaths*

1999, c. 40, s. 159.

4. All oaths required by this Act or by the regulations respecting education may be administered or received by the Minister, by the Deputy Minister of Education, Recreation and Sports, by any school inspector, by any justice of the peace or by any commissioner for oaths, notary, mayor or municipal councillor, or by the secretary-treasurer of a school municipality.

R. S. 1964, c. 235, s. 3; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1999, c. 40, s. 159; 2005, c. 28, s. 195.

5. No one may exercise any office with respect to the official examinations authorized by law or by the regulations until he has taken the oath in accordance with form 24.

R. S. 1964, c. 235, s. 4; 1971, c. 67, s. 6; 1999, c. 40, s. 159.

§ 3. — *Forms*

6. The forms inserted in this Act shall form part thereof, and be sufficient for all cases for which they are intended. Any other form to the like effect may also be employed.

R. S. 1964, c. 235, s. 5.

§ 4. — *Quorum*

7. The quorum of any school board, board, committee or other body constituted under this Act shall, unless otherwise provided, be an absolute majority of all the members thereof qualified to vote.

R. S. 1964, c. 235, s. 6; 1971, c. 67, s. 7; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

8. The members present at any meeting regularly held, at which there is a quorum, may exercise all the powers of the body of which they are members.

R. S. 1964, c. 235, s. 7; 1999, c. 40, s. 159.

§ 5. — *Default or Insufficiency of Notice and Computation of Time*

1999, c. 40, s. 159.

9. No person who has had knowledge of a matter for which a notice is required may take advantage of any default, error in form or insufficiency of such notice.

R. S. 1964, c. 235, s. 8.

10. Any time fixed in a notice shall run from the day on which such notice was notified, such day and the one given in the notice not being counted.

R. S. 1964, c. 235, s. 9; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

PART II

MINISTER AND DEPUTY MINISTERS—SCHOOL VISITORS—SCHOOL INSPECTORS—SCHOOL, PRINCIPAL AND VICE-PRINCIPAL

1979, c. 80, s. 2.

DIVISION I

MINISTER AND DEPUTY MINISTERS

11. The powers assigned by this Act to the Minister and to the Government shall be subject to the Act respecting the Conseil supérieur de l'éducation (chapter C-60).

R. S. 1964, c. 235, s. 10.

12. The Government may, by order, authorize the Deputy Minister of Education, Recreation and Sports, an assistant deputy minister or another officer to exercise all the powers of the Minister under this Act or any duty which it assigns to him, but, in the case of an officer, only to the extent determined by government regulation.

An order or a regulation made pursuant to this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any other later date fixed therein.

R. S. 1964, c. 235, s. 11; 1971, c. 67, s. 8; 1981, c. 27, s. 1; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2000, c. 24, s. 56; 2005, c. 28, s. 195.

13. The Minister may withhold the grant of any municipality or educational institution which has not forwarded to him the returns prescribed by this Act, which has adopted or allowed the use of any unauthorized text-books, or which has refused or neglected to comply with any provision of law or of the regulations respecting education.

R. S. 1964, c. 235, s. 12.

14. The Minister may hold or delegate his power to hold inquiries, the cost whereof, in case of non-payment, he may recover from the losing party. If the inquiry be held upon the application of one or more ratepayers, the Minister may exact from the applicant the deposit of a sum sufficient to cover the costs.

For the purposes of such inquiries, the Minister, or the person so delegated, may summon, swear and hear witnesses and the parties to the case, and compel them to produce all books, papers and documents connected with such inquiry.

The Minister, or the person so delegated, shall possess, in addition, the powers conferred upon him by section 14 of the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

The Government may also, by order, whenever it deems it necessary in the public interest, make applicable to the Minister, or the person so delegated, and to the inquiries it may hold, all or any of the provisions of sections 15, 16, 17, 18 and 19 of the said Act respecting public inquiry commissions.

When an inquiry deals with any matter relating to the administration or operation of a school board or regional board, the Government may order that the powers of such school board or regional board be suspended and appoint an administrator who shall exercise them until the date it indicates.

R. S. 1964, c. 235, s. 13; 1971, c. 67, s. 9; 1992, c. 61, s. 359.

15. The Minister shall make regulations, subject to the approval of the Government, to determine what constitutes each one of the schools mentioned in paragraph 11 of section 1, and also what constitutes an infant school.

R. S. 1964, c. 235, s. 15.

15.1. The Minister shall each year, after consultation with the school boards, the regional boards and the confessional school boards, make and submit to the approval of the Conseil du trésor budgetary rules to determine the amount of expenses allowable for grants to be paid to school boards, to regional boards, to confessional school boards and to the Conseil scolaire de l'Île de Montréal. These budgetary rules shall be made in such a manner as to provide for an equitable, non-discriminatory distribution of grants.

The Minister must, in the budgetary rules contemplated in the first paragraph, provide for the payment of equalization grants to school boards, regional boards, confessional school boards or the Conseil scolaire de l'Île de Montréal. These equalization grants shall be paid according to the difference between the standardized assessment of taxable property per student of a school board, of a regional board, of a confessional school board or of the Conseil scolaire de l'Île de Montréal, as the case may be, and that per student of the aggregate of the school boards, of the regional boards, of the confessional school boards or of the Conseil scolaire de l'Île de Montréal, as the case may be, taking into account the size of the revenue from property taxes collected within the limits fixed by section 354.1, 558.1 or 567.12.

1979, c. 72, s. 339; 1985, c. 8, s. 2; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

16. The Government may make regulations:

(1) for the organization, administration and discipline of public schools and schools under the control of the Ministère de l'Éducation, du Loisir et du Sport and for the organization and administration of school boards and regional boards;

(2) for the division of Québec into inspection districts, and for establishing the boundaries of such districts;

(3) for determining the composition of the committees contemplated in section 50 and the terms and conditions for the establishment, operation and financing of such committees and of the committees contemplated in section 52;

(4) for the examination of candidates for the office of school inspector;

(5) for determining a school calendar for the pupils;

- (6) for defining what constitutes a pedagogical or educational position;
- (7) for the establishment of the pedagogical system in the schools placed under the control of commissioners;
- (8) for determining, in all school boards or in particular school boards, the conditions of employment, the recourses and the rights of appeal of members of the personnel who are not members of a certified association.

The regulation respecting the basis of school organization may

- (1) determine the nature, objectives and organizational framework of education services and the rules governing the evaluation of learning achievement and the certification of studies;
- (2) prescribe a date, between the beginning of the school year and 1 January, for the determination of the age of admissibility to education services;
- (3) allow the Minister to authorize, upon a substantiated request, that an exception be made to a prescription of the regulations where its application is likely to cause prejudice to a pupil;
- (4) allow the Minister to establish the manner in which the rules of certification of studies are applied and to exempt a category of pupils determined by him from the application of those rules;
- (5) allow the Minister to effect the gradual implementation of the prescriptions of the regulation concerning the ratio of required subjects to elective subjects and concerning the rules of certification of studies;
- (6) allow a school board, on conditions prescribed therein, to exempt a pupil from a subject other than Catholic or Protestant moral and religious values instruction or moral values instruction.

Every regulation made under this section shall be published in the *Gazette officielle du Québec*; it shall come into force on the date of its publication or on any later date fixed therein.

R. S. 1964, c. 235, s. 16 (*part*); 1969, c. 67, s. 1; 1971, c. 67, s. 10; 1977, c. 5, s. 14; 1979, c. 80, s. 3; 1982, c. 58, s. 30; 1986, c. 101, s. 1; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

17. The Minister shall approve the text-books, maps, globes, models or other articles for use in the schools, and when he thinks fit may withdraw such approval.

R. S. 1964, c. 235, s. 17.

18. (1) Upon receipt of a complaint in writing and under oath, accusing a teacher of bad conduct, immorality, drunkenness or grave neglect of duty, the Minister shall cause the substance of the complaint to be served by a bailiff upon the teacher in person, with an order enjoining him to declare, within 15 days, whether he admits or denies the charge.

The Minister may also, if he deems it expedient or necessary, order the school board employing such teacher to relieve him temporarily of his duties.

The teacher shall make his statement either by means of a letter signed by him and sent by registered mail to the Minister, or by appearing before the Minister or the person appointed by him.

(2) The complaint and the documents connected therewith shall be submitted by the Minister to a special or permanent committee appointed by him, to hear such complaints and decide thereupon.

(3) If the teacher has denied the charge brought against him, the committee shall conduct an inquiry to establish whether the complaint is justified or not.

(4) If the committee decides that an investigation should be held in the locality or in the immediate neighborhood of the locality of the persons interested or of the witnesses, it may appoint one or more commissioners to take evidence.

The Minister shall sign the document certifying the appointment of such commissioners.

(5) The committees and commissioners shall have the powers mentioned in sections 9, 10, 11, 12 and 13 of the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

(6) When the investigation is completed, the committee shall transmit its report to the Minister. If the Minister decides that the charge is not proved, he shall dismiss it. If the teacher admits the charge or if the Minister finds that the charge is proved, he shall revoke the diploma of such teacher, and cause his name to be struck from the book containing the names of teachers.

Nevertheless the Minister may, owing to extenuating circumstances and the teacher's previous record, defer his decision upon such conditions as he may determine. If such conditions are not complied with, the Minister may revoke the teacher's diploma and cause his name to be struck from the book containing the names of teachers.

(7) The Minister may revive the diploma of any teacher whose conduct has been irreproachable for two years after the revocation of such diploma.

(8) A diploma may be revoked a second time for the causes mentioned in subsection 1 of this section and in accordance with the same procedure. Such second revocation shall be final, and no such teacher may teach thereafter.

(9) The Minister shall notify the school board of the revocation of the diploma of a teacher in its employ. He shall also forward to the school board concerned any decision taken by him respecting a teacher who has been relieved of his duties under subsection 1 of this section.

R. S. 1964, c. 235, s. 18; 1975, c. 83, s. 84; 1992, c. 61, s. 360; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

19. The Minister may also, for any cause mentioned in section 18, after observing, insofar as applicable, the formalities prescribed in the said section, hold or cause to be held an inquiry into the conduct of any school inspector, and, after such inquiry, shall, if need be, forward all the documents to the Government, recommending the cancellation of his commission.

The Government may then cancel such commission, and no inspector so dismissed may afterwards hold such office.

R. S. 1964, c. 235, s. 19.

DIVISION II

SCHOOL VISITORS

20. The Minister shall be a visitor of every school in Québec.

R. S. 1964, c. 235, s. 20.

21. Any public school may be visited by the persons hereinafter mentioned, as often as they deem necessary; but each such person shall visit only the schools of his own religious belief.

R. S. 1964, c. 235, s. 21; 1996, c. 2, s. 704.

22. The following persons shall be school visitors for the whole of Québec:

(a) the members of the Conseil de l'enseignement supérieur and of its committees and commissions;

(b) members of the National Assembly;

(c) the Deputy Minister of Education, Recreation and Sports and the associate deputy ministers.

R. S. 1964, c. 235, s. 22; 1969, c. 66, s. 8; 1977, c. 5, s. 14; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2023, c. 32, s. 71.

23. Roman Catholic priests and Protestant ministers may visit the schools of any school municipality or part of a school municipality in which they exercise their ministry.

R. S. 1964, c. 235, s. 23.

24. School visitors shall be entitled to have communication of all regulations and other documents relative to each school, and to obtain any information concerning it.

R. S. 1964, c. 235, s. 24.

DIVISION III

SCHOOL INSPECTORS

25. The Government may appoint public school inspectors, selected from the persons who are qualified under section 27, whose salary shall be determined according to the provisions of the Public Service Act (chapter F-3.1.1).

R. S. 1964, c. 235, s. 25; 1965 (1st sess.), c. 14, s. 81; 1978, c. 15, s. 140; 1983, c. 55, s. 161.

26. Every public school inspector shall reside within his inspection district, at the discretion of the Minister.

In the performance of his duties, each school inspector shall comply with the instructions given to him by the Minister, and conform to the regulations in force.

He may hold no office under the control of the commissioners of any municipality in his inspection district.

R. S. 1964, c. 235, s. 26; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

27. To be appointed school inspector, it shall be necessary:

- (1) to be at least in one's thirtieth year;
- (2) to have obtained a superior teaching certificate, a diploma A or a class I diploma;
- (3) to have taught school for at least five years;
- (4) not to have discontinued teaching for more than five years;
- (5) to have successfully passed an examination in accordance with the regulations.

R. S. 1964, c. 235, s. 27.

28. The inspectors of Roman Catholic schools for the inspection districts of Saguenay and the Îles-de-la-Madeleine, and the inspectors of Protestant schools for the inspection districts of Gaspé, Saguenay and the Îles-de-la-Madeleine, may be exempted from the above prescribed formalities.

R. S. 1964, c. 235, s. 28.

29. The principal duties of a public school inspector shall be:

- (1) to visit the public schools of each school municipality in his inspection district;
- (2) to examine the registers of the commissioners and the attendance roll of the schools of each school municipality under his control;
- (3) to ascertain whether the provisions of the school law and regulations are carried out and obeyed;
- (4) to conform to the provisions of the school law and regulations which apply to him.

R. S. 1964, c. 235, s. 29; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

30. Any school inspector may oblige secretary-treasurers and teachers under his control, under a penalty of \$8 for every refusal or neglect, to exhibit to him all the documents in their charge relating to their offices.

R. S. 1964, c. 235, s. 30.

31. Upon the order of the Minister, any school inspector may visit the schools in an inspection district other than his own.

R. S. 1964, c. 235, s. 31.

32. Whenever an inspector is appointed by the Minister to make an inspection, inquiry or investigation, unless such inspection, inquiry or investigation takes place at the time of his ordinary visit to the schools of the municipality, his travelling and other disbursements may be paid him upon the recommendation of the Minister.

The payment of any other remuneration shall be subject to the approval of the Government.

R. S. 1964, c. 235, s. 32.

DIVISION IV

SCHOOL, PRINCIPAL AND VICE-PRINCIPAL

1979, c. 80, s. 4.

32.1. A school is an institutional entity under the authority of a principal, or of a person in charge if there is no principal, designed to provide education to pupils in an organized manner, in whose activities the pupils, teachers, other members of the staff and parents participate.

1979, c. 80, s. 4.

32.2. A school is established by the school board in accordance with the conditions determined by the board, subject to the regulations made under subparagraph 1 of the first paragraph of section 16.

1979, c. 80, s. 4.

32.3. Under the authority of the director general of the school board, the principal or the person in charge of a school is responsible for defining its orientation and activities, seeing that it runs smoothly and attains the objectives set for it, and shall apply the policies, regulations and instructions concerning the school, and give an accounting of his administration.

The principal of the school shall also participate in defining the objectives and policies of the school board and preparing the programs of educational activities, and the regulations respecting their implementation in the schools of the school board.

1979, c. 80, s. 4.

32.4. In accordance with the policies and regulations of the school board, and taking into account the functions of the orientation committee, the principal or the person in charge of the school has chiefly the following rights, powers and functions:

- (1) to ensure that the school has a specific orientation or an educational project;
- (2) to implement measures in accordance with the objectives determined for the school;
- (3) to ensure the application of the pedagogical system established under subparagraph 7 of the first paragraph of section 16;
- (4) to choose the textbooks and teaching materials;
- (5) to ensure the verification of pupil's attendance;
- (6) to acquaint the school committee with the services offered by the school;
- (7) to see that the parents are regularly informed of their children's progress and of the educational services offered by the school;
- (8) to submit the school's budget to the school board, administer it and give the board an accounting thereof;
- (9) to regulate the use of school premises if there is no orientation committee;
- (10) to make by-laws governing the internal management of the school;
- (11) to promote the establishment of an orientation committee;
- (12) to exercise any other rights, powers and obligations delegated to him under section 187, and any functions assigned to him by the fifth paragraph of section 191;
- (13) to see to the implementation and operation of school day care provided to the children in the kindergarten and elementary grades.

1979, c. 80, s. 4; 1979, c. 85, s. 77.

32.5. The vice-principal shall exercise his functions under the authority of the principal of the school.

1979, c. 80, s. 4.

PART III

SCHOOL MUNICIPALITIES — SCHOOL BOARDS — COMMISSIONERS — NOTICES — SECRETARY-TREASURERS OF COMMISSIONERS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION I

SCHOOL MUNICIPALITIES, WARDS, SCHOOL AND PARENTS' COMMITTEES AND ORIENTATION COMMITTEE

1979, c. 80, s. 5.

§ 1. — *School Municipalities*

33. Each school municipality in Québec shall contain one or more public schools under the control of commissioners, who shall admit to the grades and educational services provided in such schools every child domiciled in the municipality, from the beginning of the school year during which he attains the age of 5 years on or before the date prescribed by regulation under subparagraph 7 of the first paragraph of section 16 until the end of the school year in which he attains the age of 16 years.

R. S. 1964, c. 235, s. 43; 1979, c. 80, s. 6; 1986, c. 101, s. 2; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

34. Every school board shall admit to its schools any child of school age placed in accordance with the Youth Protection Act (chapter P-34), Part IV.1 of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), within the limits of the territory under the jurisdiction of such school board, on the same basis as any other child domiciled therein. Nevertheless, the Minister, for reasons which he deems sufficient, may relieve any school board wholly or in part from such obligation.

R. S. 1964, c. 235, s. 44; 1971, c. 48, s. 160; 1979, c. 80, s. 7; 1992, c. 21, s. 176; 1994, c. 23, s. 18.

35. The inhabitants of each school municipality, unless it be otherwise specially provided, shall be, for the purposes of this Act, under the jurisdiction of commissioners elected or appointed for such municipality.

R. S. 1964, c. 235, s. 45; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

36. The Government, on the recommendation of the Minister, may erect, divide, annex or unite school municipalities or alter their boundaries.

No division, annexation, union or alteration of boundaries shall be effected except upon a resolution of the commissioners of each school municipality concerned, or upon the application of the majority of the electors qualified to vote under section 82 on the preceding 1 July, and domiciled in the territory the division, annexation or union of which is applied for. A resolution for such purpose shall not come into force until thirty days after its publication.

However, in the case of territory not organized for school purposes, the erection of a new municipality or any change contemplated in this section may be granted whenever a petition to that effect has been signed by owners of landed property situated in the said territory, in such number as is deemed sufficient by the Minister to justify the erection or change applied for.

Notwithstanding the above provisions, the Government, upon the recommendation of the Minister, may annex to a neighbouring school municipality or erect as a separate school municipality any territory not organized as a school municipality. He may also, in the electoral districts of Abitibi-Est, Abitibi-Ouest and Témiscamingue, change the boundaries of an existing school municipality by the annexation of territory to

another school municipality. In the cases contemplated in this paragraph, notice of the order must be given by the Minister in the *Gazette officielle du Québec* in the manner prescribed by section 40.

Nevertheless, the Government may, under this section, rectify errors or omissions, with respect to form and designation, made at the time of the erection of a school municipality or of the annexation of territory to an already-existing school municipality.

R. S. 1964, c. 235, s. 46; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

37. The provisions of the following sections respecting the erection of a school municipality shall apply, with the necessary modifications, to the union of school municipalities effected under section 36.

R. S. 1964, c. 235, s. 47.

38. Whenever the commissioners of a school municipality, by whatever law governed, have allowed one year or more to elapse without having any school in operation in their own municipality, the Government, on the recommendation of the Minister, for reasons deemed advantageous and after having published a notice to that effect in two consecutive issues of the *Gazette officielle du Québec*, may annex the whole or part of the territory of such municipality, as regards Catholics or Protestants, to the territory of one or more neighbouring school municipalities.

In the case of a territory governed by two or more school boards, the Government, on the recommendation of the Minister, for the same reasons and following the same procedure, may also, whenever it deems proper to do so, erect such territory as one or more separate school municipalities for Catholics or Protestants, as the case may be.

Such annexation or erection shall take effect on 1 July following the date of the relevant order in council.

R. S. 1964, c. 235, s. 48; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

39. Any erection of school municipalities, division of same or alteration of the boundaries thereof may apply only to the Roman Catholics or the Protestants within such territory. In such case, the notice to be given by the Minister in the *Gazette officielle du Québec*, as stated in section 40, shall mention the fact.

In such a case, a person other than a Catholic or a Protestant who is not contemplated in sections 487 and following, and domiciled or a ratepayer in a territory common to a school municipality for Catholics and a school municipality for Protestants may enrol his children in the schools of either school board, at his option, which is bound to accept them.

R. S. 1964, c. 235, s. 49; 1971, c. 67, s. 13; 1973, c. 31, s. 77; 1979, c. 72, s. 490; 1987, c. 7, s. 1; 1989, c. 36, s. 226.

39.1. (*Repealed*).

1985, c. 8, s. 3; 1986, c. 10, s. 1.

40. When the application for the erection of a municipality, the division of same or the alteration of the boundaries thereof is addressed to him, the Minister shall so inform the school boards concerned, requiring them without delay to make their objections, if any, and, fifteen days after having given such information, he shall, if the erection, division or alteration prayed for seems to him to be expedient, publish a notice respecting such application in two consecutive numbers of the *Gazette officielle du Québec*; but no such alteration, division or erection of a school municipality shall apply to the dissentient minority in any municipality affected thereby unless the commissioners of the dissentient school board have consented thereto.

The Government, on the application of any school board and on the recommendation of the Minister, may, after a notice and for reasons deemed advantageous, change the name of any school municipality. The said change shall take effect eight days after the publication of such notice in the *Gazette officielle du Québec*.

R. S. 1964, c. 235, s. 50; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

41. The erection, alteration of the boundaries or division of school municipalities cannot be granted until fifteen days after the last publication of the notice mentioned in section 40.

Notice thereof shall be published in the *Gazette officielle du Québec*. It shall take effect on 1 July, unless the Government has fixed another date, except for the purposes of the elections provided for in sections 47.3 and 47.4.

R. S. 1964, c. 235, s. 51; 1971, c. 67, s. 14; 1986, c. 10, s. 2.

42. The ratepayers whose properties are detached from one municipality to form a new municipality or to be annexed to another shall pay all special taxes that have been imposed in the municipality in which such properties were situated before the application made by them to be detached from the said municipality.

R. S. 1964, c. 235, s. 52.

43. When a municipality is divided owing to the formation of a new municipality or the annexation of part of its territory to an existing municipality, the debts or assets, as the case may be, shall be divided proportionately to the standardized assessment of the landed property.

The same rule shall apply when the religious minority declares itself dissentient.

R. S. 1964, c. 235, s. 53; 1979, c. 72, s. 340; 1999, c. 40, s. 159.

44. From and after 1 July following the date of the order in council ordering an annexation or a union or on a date fixed by the Government, the assets and liabilities of each school board ceasing to exist shall become the assets and liabilities:

(a) of the annexing school board or boards, in the case of the annexation of one or more school municipalities to one or more others;

(b) of the new school board or boards, in the case of a union of school municipalities.

R. S. 1964, c. 235, s. 54; 1971, c. 67, s. 15.

45. For any school municipality formed by a union which has taken effect since 1 June 1968 or any school municipality enlarged by an annexation which has taken effect since that date, the Minister may require the new school board or the annexing school board, as the case may be, to indicate the share of the liabilities of a school board party to a union or annexation which remains exclusively at the charge of its territory, after deducting any assets to its credit.

The same provision shall apply to the contractual commitments for which the school board party to a union or an annexation has not provided an appropriation of moneys required to pay the cost thereof before its union or annexation.

When the Minister so requires, the new school board or the annexing school board, as the case may be, shall impose and collect in the territory or territories affected by such obligation or debt an additional special tax over and above the school tax, for the term and on the conditions approved or determined by the Minister.

Such additional special tax shall be imposed and recovered at the same time, in the same manner and with the same rights and rank as the school tax.

1965 (1st sess.), c. 67, s. 1; 1971, c. 67, s. 16; 1979, c. 72, s. 341; 1992, c. 57, s. 596.

46. In case of total amalgamation or annexation of school municipalities, the commissioners of such school municipalities become members of the Council of Commissioners of the new school municipality. They shall remain in office until the date of the next election of commissioners.

R. S. 1964, c. 235, s. 55; 1965 (1st sess.), c. 67, s. 2; 1986, c. 10, s. 3.

47. Where a school municipality annexes part of the territory of another school municipality which constitutes a ward, the commissioner representing the ward becomes a member of the Council of Commissioners of the annexing school municipality. He shall remain in office until the date of the next election of commissioners.

R. S. 1964, c. 235, s. 56; 1986, c. 10, s. 3.

47.1. Where a school municipality annexes part of the territory of another school municipality which does not constitute a ward, it shall integrate the territory into its wards.

Notwithstanding the first paragraph, where the commissioner of a ward is domiciled in the part of the territory that is annexed to another school municipality, he shall be a member of the Council of Commissioners of the school municipality in which the greater number of electors of the divided ward are domiciled. He shall remain in office until the date of the next election of commissioners.

1986, c. 10, s. 3.

47.2. Where a whole school municipality is divided in view of the erection of new school municipalities, each of the commissioners of the divided school board becomes a member of the Council of Commissioners of the school municipality into which his ward has been integrated. He shall remain in office until the date of the next election of commissioners.

1986, c. 10, s. 3.

47.3. In the cases provided for in sections 46, 47 and 47.2, the commissioners shall, within thirty days before the change takes effect, elect their chairman and vice-chairman and the members of their executive committee. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 169.

In the case provided for in section 46, the executive committee, until its members are replaced within the time prescribed in section 169, shall be formed in the manner provided in the first and second paragraphs of section 430.

1986, c. 10, s. 3.

47.4. In the case provided for in section 46, the secretaries-general of the amalgamated or annexed school municipalities shall jointly and, in the case provided for in section 47.2, the secretary-general of the divided school municipality shall proceed, within thirty days from the date on which the change takes effect, to the election of the chairman and the representative of the parents' committee of each school board resulting from the amalgamation, annexation or division. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1.

1986, c. 10, s. 3; 1987, c. 7, s. 2.

47.5. In the cases provided for in sections 46, 47, 47.1 and 47.2, the commissioners shall, for the purposes of the next election held in accordance with the Act respecting school elections (chapter E-2.3), divide their territory into electoral divisions in the manner provided for in sections 5 to 11 of the said Act.

1986, c. 10, s. 3; 1987, c. 7, s. 3; 1989, c. 36, s. 227.

§ 2. —

Repealed, 1989, c. 36, s. 228.

1989, c. 36, s. 228.

48. *(Repealed).*

R. S. 1964, c. 235, s. 64; 1971, c. 67, s. 18; 1979, c. 80, s. 8; 1986, c. 10, s. 4; 1987, c. 7, s. 4; 1989, c. 36, s. 228.

49. *(Repealed).*

R. S. 1964, c. 235, s. 65; 1971, c. 67, s. 18; 1989, c. 36, s. 228.

§ 3. — *School committees and parents' committees*

50. Before 20 May each year, the principal or the person responsible for each school administered by a school board or a regional board shall call a general meeting of the parents of the children who are registered at such school for the following year, to establish a school committee therein.

Not later than that date, the members of the school committee shall hold their first meeting and choose one delegate to the parents' committee contemplated in section 52 for each of the elementary and secondary levels, where that is the case.

The principal or the person in charge of the school and one representative elected by the teachers of the school for that purpose are members of the school committee but they are not entitled to vote on it or be appointed chairman or delegate to the parents' committee.

The commissioners of the school board or of the regional board which administers that school cannot, however, be members of that school committee.

No parent may continue to act as a member of the school committee or as a delegate to the parents' committee if his child does not attend school during the school year for which he was registered at that school.

R. S. 1964, c. 235, s. 66; 1971, c. 67, s. 18; 1979, c. 28, s. 1; 1979, c. 80, s. 9; 1986, c. 101, s. 3; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

50.1. Between 1 and 15 October each year, the chairman of a school committee must call a general meeting of the parents of the children who attend the school to elect at least two other members to sit on the school committee until the holding of the next general meeting of the parents provided for in section 50.

1979, c. 28, s. 1.

51. Every school committee shall have the following functions:

(a) to stimulate by appropriate means participation by parents and the community generally in the improvement of educational services in the school;

(b) to study measures likely to promote more personal educational services in the school;

(c) to make to the administrators of the school any recommendation to ensure the best possible operation of the school;

(d) to study any subject on which the school board, the principal or the person in charge of the school, or the orientation committee consults or must consult it and, when so requested, to issue an opinion.

R. S. 1964, c. 235, s. 67; 1971, c. 67, s. 18; 1979, c. 80, s. 10.

51.1. Each year, before the beginning of the school year, the school committee must determine on which of the following subjects it must be consulted:

- (1) the specific orientations of the school;
- (2) the educational project and its content;
- (3) the methods of application of the pedagogical system;
- (4) the choice of textbooks and teaching materials for the subjects it specifies;
- (5) the choice of educational activities that require a change in the pupils' regular schedule or that require the pupils to leave the school;
- (6) the rules regarding the pupils' conduct;
- (7) the determination of the criteria for hiring the principal and vice-principal of the school;
- (8) methods for integrating children with learning difficulties or difficulties of adaptation into the school milieu;
- (9) safety measures for the pupils;
- (10) the choice of the activities not included in the curricula.

In the case of the permanent closing of a school, the school committee must be consulted.

1979, c. 80, s. 11; 2000, c. 24, s. 57.

51.2. The general meeting of the parents held in accordance with section 50 may determine terms and conditions of operation of the school committee other than those provided by regulations made under subparagraph 3 of the first paragraph of section 16.

1979, c. 80, s. 11.

52. A parents' committee is established for each school board or regional board; it consists of the delegates from each school committee.

Every parents' committee shall have the following functions:

- (a) to ensure such cooperation as is necessary for the proper operation of the school committees;
- (b) to express to the school board such needs as are identified by the school committees and direct recommendations of a general scope to it;
- (c) to promote participation by parents in all activities of the school board and to designate especially for such purpose, from among them, if need be, the members required for the various committees established by the school board;
- (d) to recommend to the school board any measure that may improve the administration and management of the schools;
- (e) to study any subject on which the school board consults it or should consult it and, when so requested, to issue an opinion.

R. S. 1964, c. 235, s. 68; 1971, c. 67, s. 18; 1979, c. 28, s. 2; 1979, c. 80, s. 12.

52.1. Before 1 June each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the dissentient school board shall call the members of the parents' committee to elect the chairman of that committee.

Before the third Sunday in November each year, the secretary-general of the school board or of the regional board or the secretary-treasurer of the dissentient school board shall again convene the members of the parents' committee for the election of a representative referred to in section 73 for each of the secondary and elementary levels, as the case may be. The representative is elected by a majority vote of the members present.

To be a representative of the parents' committee, a person must

- (a) be the delegate of a school committee;
- (b) have been domiciled in the territory of the school board for at least six months.

Section 21 of the Act respecting school elections (chapter E-2.3) applies, with the necessary modifications, to the representative of the parents' committee.

1979, c. 28, s. 3; 1985, c. 8, s. 4; 1986, c. 10, s. 5; 1989, c. 36, s. 229; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

52.2. The representative of the parents' committee so elected remains in office until third Sunday in November of the year following that of his election.

Where the office of a representative of the parents' committee becomes vacant for one of the causes indicated in section 191 of the Act respecting school elections (chapter E-2.3), the parents' committee must, within the ensuing thirty days, elect a person to replace him. The term of the latter ceases at the time when the term of the person he replaces would have expired.

1979, c. 28, s. 3; 1986, c. 10, s. 6; 1989, c. 36, s. 230.

52.3. Each year, before the beginning of the school year, the parents' committee must determine on which of the following subjects it is to be consulted:

- (1) the specific objectives of the school board;
- (2) the criteria and method for the distribution of pupils in the schools;
- (3) the criteria for the choice of textbooks and teaching materials;
- (4) the rate of introduction of new curricula;
- (5) the policy regarding the integration of children with learning difficulties or difficulties of adaptation into the school milieu;
- (6) the criteria and mechanics for passing from the elementary level to the secondary level;
- (7) the policy respecting a school's remaining open or being permanently closed;
- (8) the policy respecting the activities not included in the curricula;
- (9) the educational activities for parents offered by the school board or regional board.

1979, c. 80, s. 13.

53. The composition of the school committees and the terms and conditions of the establishment, operation and financing of such committees and of the parents' committees shall be determined by regulation of the Government.

R. S. 1964, c. 235, s. 69; 1971, c. 67, s. 18.

54. For the purposes of sections 50 to 54.10, the word "parent" means the father, mother or, failing them, the guardian of a child who attends school.

R. S. 1964, c. 235, s. 70; 1971, c. 67, s. 18; 1979, c. 28, s. 4; 1979, c. 80, s. 14.

§ 4. — *Orientation Committee*

1979, c. 80, s. 15.

54.1. The school board shall establish for each school a body called the "orientation committee", when requested to do so by a person designated by the school committee, a teacher in the school elected for that purpose and the principal or the person in charge of the school.

The principal or the person in charge of the school is the chairman thereof.

1979, c. 80, s. 15.

54.2. The orientation committee is composed of the following persons:

- (1) the principal or the person in charge of the school;
- (2) three parents appointed by the school committee;
- (3) two members of the teaching staff of the school elected by the teachers of the school;
- (4) one person elected by the non-teaching staff of the school from among the members of the staff;
- (5) two pupils of the school who are receiving instruction in the second cycle of the secondary level and are elected by the pupils of the school;
- (6) one commissioner or parent appointed by the school board.

The term of the members of the committee is one year.

1979, c. 80, s. 15; 1980, c. 11, s. 57.

54.3. The members of the orientation committee must be elected or appointed before 1 July each year, except the persons contemplated in subparagraph 5 of the first paragraph of section 54.2, who must be elected between the following 15 and 30 September.

1979, c. 80, s. 15.

54.4. A person ceases to be a member of an orientation committee when he no longer has the qualifications required for his appointment.

Any vacancy is filled for the remainder of the term according to the method of appointment prescribed in the first paragraph of section 54.2.

1979, c. 80, s. 15.

54.5. In accordance with the policies and regulations of the school board, the functions of the orientation committee are

- (1) to determine the specific orientations of the school and draw up a report on them;
- (2) to participate in the preparation of the school's educational project, follow the carrying out of that project, evaluate it and draw up a report on it;
- (3) to promote the giving of information, consultation and coordination among all the parties concerned in the school.

1979, c. 80, s. 15.

54.6. The orientation committee is also entrusted with making

- (1) by-laws respecting the conduct of the pupils of the school, subject to paragraph 6 of section 189;
- (2) by-laws for the use of school premises, subject to paragraphs 1 and 4 of section 213 and subparagraph *c* of the third paragraph of section 504;
- (3) recommendations to the school board on the introduction of new curricula;
- (4) recommendations, at the request of the school board, with a view to preventing disputes that could arise within the school;
- (5) recommendations, at the request of the school board, on the criteria for the dismissal of pupils from the school;
- (6) by-laws for its internal management;
- (7) recommendations to the school board on the implementation of day care provided to the children in the kindergarten and elementary grades.

The by-laws of the orientation committee contemplated in subparagraphs 1 and 2 of the first paragraph will come into force on approval by the commissioners.

1979, c. 80, s. 15; 1979, c. 85, s. 78; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

54.7. The orientation committee shall meet at least twice a year.

1979, c. 80, s. 15.

54.8. The orientation committee shall prepare its annual budget, submit it to the school board for approval and see to its administration.

At the end of each school year, it shall give an accounting of its administration to the school board.

1979, c. 80, s. 15.

54.9. The rules for financing the orientation committee are determined in the annual budgetary rules contemplated in section 15.1.

1979, c. 80, s. 15.

54.10. Notwithstanding section 54.6, at the request of the persons contemplated in section 54.1, the school board may change the functions prescribed in section 54.6.

1979, c. 80, s. 15.

DIVISION II

DISSENTIENTS

55. In any school municipality, any number of property-owners, tenants or ratepayers professing a religious belief different from that of the majority of the ratepayers of such municipality may give to the chairman of the commissioners or to their secretary, a notice in writing informing him of their intention to withdraw from the control of the commissioners in order to form a dissentient school board under the administration of commissioners. (*Form 6*).

R. S. 1964, c. 235, s. 71; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

55.1. Before sending the notice provided for in section 55, the persons wishing to form a dissentient school board shall request the commissioners to recognize that they profess a religious belief different from that of the majority of the ratepayers of the municipality.

1985, c. 8, s. 5; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

55.2. Where the commissioners do not recognize that the persons wishing to make a declaration of dissent profess a religious belief different from that of the majority of the ratepayers of the municipality, they shall without delay make an enumeration of the electors who are natural persons and who are domiciled in the territory of the school board.

The enumerators shall ask each elector if he is Catholic, Protestant or of another religious confession.

As soon as the results of the enumeration are known, the commissioners shall inform the persons wishing to make a declaration of dissent of the results.

1985, c. 8, s. 5.

55.3. The notice of dissent may be sent when the commissioners have recognized that the persons wishing to make a declaration of dissent profess a religious belief different from that of the majority of the ratepayers of the municipality or, as the case may be, when the results of the census indicate such a fact.

1985, c. 8, s. 5.

56. The notice of dissent shall be made in triplicate, and shall, before 1 May, be notified to the chairman of the commissioners or to their secretary and to the Minister, and shall be signed by all the ratepayers who wish to be dissentients.

One copy of such notice shall be deposited and kept in the archives of the dissentient school board. (*Form 6*).

R. S. 1964, c. 235, s. 72; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

57. Except in the case provided for in section 63, the dissent shall take effect, for election purposes, thirty days before the third Sunday in November and, for all other purposes, on the next 1 July.

R. S. 1964, c. 235, s. 73; 1985, c. 8, s. 6; 1986, c. 10, s. 7.

58. When a notice of dissent is notified in conformity with section 56, the same conditions as before the notification of such notice shall be maintained until the date of election of the first commissioners of the dissentient school board.

The election of the first commissioners shall be held on the third Sunday in November. The persons elected shall remain in office until the date fixed for the election of commissioners.

R. S. 1964, c. 235, s. 74; 1985, c. 8, s. 7; 1986, c. 10, s. 8; 1989, c. 36, s. 231; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

59. As soon as such commissioners are elected, every ratepayer of the municipality belonging to the religious denomination of the dissentients, and who has either given the notice mentioned in sections 55 and 56, or who thereafter gives a notice in writing to the chairman of the commissioners and to the Minister that he withdraws from the control of the commissioners, shall be deemed to be a dissentient, and shall, for school purposes, be under the control of the dissentient school board.

So soon as the ratepayers who have signed one of the notices mentioned in the first paragraph of this section shall amount to two-thirds of the ratepayers of the municipality professing a religion different from that of the majority of the inhabitants thereof, then all the ratepayers of the municipality of the religious denomination of such dissentients, who have not given such notice, and who do not send their children to a school under the control of the commissioners, shall also be deemed dissentients.

This section shall apply to cases where commissioners of the dissentient school board are elected under the provisions of sections 61, 65 or 68.

R. S. 1964, c. 235, s. 75; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

60. When, in any municipality, the ratepayers who belong to the religious denomination of the dissentients become the majority, they may organize themselves as a school board.

For such purpose, they shall give a notice in triplicate, like the notice of dissent, which shall be notified to the chairman of the commissioners or to their secretary and to the Minister, on or before 1 May. (*Form 8*).

The existing conditions shall be maintained up to the month of November following, and at that date an election shall be held in the usual way for the election of school commissioners, either for all the ratepayers if the former majority which has become the minority has not declared itself dissentient in accordance with section 61, or for the religious majority if the minority has declared itself dissentient.

Commissioners shall remain in office until the date fixed for the election of commissioners.

R. S. 1964, c. 235, s. 76; 1971, c. 67, s. 19; 1986, c. 10, s. 9; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

61. When the dissentients have declared their intention to organize themselves as a school board, in accordance with section 60, the former majority, which has become the minority, may at once declare itself dissentient, by giving notice to the Minister and to the chairman of the dissentient school board or to its secretary. (*Form 7*).

The notice of dissent must, in such case, in order to have effect the same year, be notified on or before 15 May.

On the third Sunday of November following, the new dissentients shall elect their commissioners. The persons elected shall remain in office until the date fixed for the election of commissioners.

If the notice of dissent be not notified before 15 May, the minority shall be governed by the commissioners until it declares itself dissentient, as prescribed by sections 55 and following.

R. S. 1964, c. 235, s. 77; 1985, c. 8, s. 8; 1986, c. 10, s. 10; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

62. Dissentients shall not be liable for any taxes or school rates imposed by the commissioners, except for the assessments for the then current year or for the payment of debts previously incurred, provided always

that such assessments are imposed within six months from the date of the receipt of the notification of the dissent.

R. S. 1964, c. 235, s. 78; 1979, c. 72, s. 342; I.N. 2016-01-01 (NCCP).

63. In newly-organized municipalities, if the declaration of dissent be notified to the chairman of the commissioners or to their secretary within thirty days after the organization of the school board, the dissentients shall not be liable for any taxes imposed by the commissioners. The elected commissioners of the dissentient school board shall remain in office until the date fixed for the election of commissioners.

Within 30 days following the notification of the declaration of dissent, the dissentients shall elect their commissioners as prescribed by the Act respecting school elections (chapter E-2.3).

R. S. 1964, c. 235, s. 79; 1971, c. 67, s. 20; 1986, c. 10, s. 11; 1989, c. 36, s. 232; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

64. The dissentients in any municipality who, as such, form a dissentient school board, may, upon their application, with the approval of the Minister, unite with a neighbouring school municipality of their religious belief, either completely or only for the purpose of sending their children to school.

In the case of a complete union, the school funds of the dissentient municipality which applied for the union shall be remitted to the school municipality to which it has been united, and the territory comprised in such municipality shall form part of the municipality to which it has been united for all school purposes.

If the union be only for the purpose of sending the children of dissentients to the schools of a neighbouring school municipality, the commissioners of the dissentient school board who have applied for the union shall continue to collect the school taxes from the ratepayers bound to pay the same, but shall remit the amount to the school board to which they are united, within sixty days after the taxes have become due.

In both cases above-mentioned, there shall be but one rate of taxation for school purposes for the two municipalities.

Such union may be cancelled by the Minister upon the petition of either school municipality after twelve months' notice to that effect published in two consecutive numbers of the *Gazette officielle du Québec*.

R. S. 1964, c. 235, s. 80; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

65. Any number of the property-owners, tenants and ratepayers of a township or parish, divided into two or more school municipalities professing a religion different from that of the majority of the said township or parish, may dissent and maintain one or more dissentient schools in the said township or parish, by giving notice in writing to the chairman or to the secretary of the commissioners of their respective municipalities, as prescribed by sections 55 and following.

Within 30 days following the notification of the declaration of dissent, the dissentients shall elect their commissioners as prescribed by the Act respecting school elections (chapter E-2.3). The commissioners elected shall remain in office until the date fixed for the election of commissioners.

The commissioners shall maintain under their immediate control, or subsidize, a school of their own religious belief situated in the said township or parish.

R. S. 1964, c. 235, s. 81; 1989, c. 36, s. 233; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

66. Whenever the commissioners of a dissentient school board shall have been a year without schools, either in their own municipality or jointly with other commissioners of their own religious belief in an adjoining municipality, or when it is shown that they are taking no steps toward obtaining and maintaining schools of their religious belief, the Minister, after giving three consecutive notices in the *Gazette officielle du*

Québec to that effect, may, three months after the publication of the first of the said notices, recommend the Government to abolish such dissentient school board.

R. S. 1964, c. 235, s. 82; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

67. When the abolition of a dissentient school board is granted, a notice to that effect shall be published by the Minister in the *Gazette officielle du Québec*, and, after the publication of the notice, the ratepayers who were up to that time under the control of the dissentient school board shall then be subject to all taxes and assessments levied by the commissioners, and shall also pay to the latter a sum equal to their share of all school taxes and assessments levied by the commissioners while such commissioners of the dissentient school board neglected to keep one or more schools in operation.

The publication of the notice in the *Gazette officielle du Québec* shall be at the expense of the school board that has applied for the dissolution of the dissentient school board.

R. S. 1964, c. 235, s. 83; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

68. One year after the publication in the *Gazette officielle du Québec* of the notice of the dissolution of such dissentient school board, any number of property-owners, tenants or ratepayers professing a religious faith other than that of the majority of the residents of such municipality, may again form a new dissentient school board, as provided by sections 55 and following.

R. S. 1964, c. 235, s. 84; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

69. Whenever there is no dissentient school in a municipality, any resident head of a family professing a religious belief other than that of the majority of the residents in the said municipality, and having children of school age, may declare, in writing, to the chairman of the commissioners or to their secretary, observing the formalities prescribed by section 55 and following, that he intends to support a school in a neighbouring municipality, provided that his children attend such school.

R. S. 1964, c. 235, s. 85.

70. From 1 July following the notification of the declaration mentioned in section 69, such head of a family shall pay his taxes to the commissioners by whom the school to which he contributes is maintained; but the reports of the school board, under whose control such school is, shall make special mention of children belonging to such neighbouring municipality, and such children shall not be taken into account in apportioning the school grants between the school board and the dissentient school board.

R. S. 1964, c. 235, s. 86; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

71. Subject to the provisions of section 62, any dissentient may cease to be such upon giving notice simultaneously to the chairman or secretary of the school board and to the chairman or secretary of the dissentient school board, and to the Minister, before 1 April, that he professes the religion of the majority, and that he therefore desires to be under the control of the commissioners of such municipality.

R. S. 1964, c. 235, s. 88; 1989, c. 36, s. 234; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

72. The receipt by the chairman of the school board and by the chairman of the dissentient school board, or by their secretaries, of the notice provided for in section 71, shall place the person who gave such notice under the jurisdiction of the school board from 1 July; that person must, if he is a ratepayer, pay his school taxes to that school board.

R. S. 1964, c. 235, s. 89; 1989, c. 36, s. 235; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION III

SCHOOL BOARDS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

73. The commissioners and the representative or representatives of the parents' committee in each municipality are a legal person having perpetual succession, which may sue and be sued and do all the acts which a legal person may do with regard to the purposes for which it was constituted.

For a dissentient school board, the name of the legal person shall include the words "The dissentient school board for the municipality of, in the county ofor in the counties of (*if a municipality is situate partly in several counties*)".

For commissioners, the name by which their school municipality is designated and the name by which the legal person having authority over it is designated shall be assigned by the Government, on the recommendation of the Minister and upon the petition of the commissioners; the name of the legal person shall include the words "The (*insert the name assigned by the Government*) School Board". The Government may, upon the petition of the commissioners and on the recommendation of the Minister, change its name. Every order of the Government passed under this paragraph shall be published forthwith in the *Gazette officielle du Québec*; the change of name shall take effect eight days after the publication of the order.

R. S. 1964, c. 235, s. 90; 1971, c. 67, s. 22; 1979, c. 28, s. 5; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

74. Each school board is subject to the authority of a council of commissioners composed of all the commissioners elected or appointed in accordance with the Act respecting school elections (chapter E-2.3), and of the commissioner or commissioners representing the parents' committee.

An executive committee, consisting of five commissioners including the chairman of the school board, appointed annually by the Council of Commissioners at the session contemplated in section 169, is also constituted for each school board; however, the executive committee consists of three commissioners including the chairman of the school board if the Council of Commissioners comprises only nine commissioners. Every representative of the parents' committee is also a member of the executive committee but he does not have the right to vote.

Moreover, the director-general and the assistant director-general contemplated in section 191 shall be members of the executive committee but shall not be entitled to vote.

R. S. 1964, c. 235, s. 91; 1966-67, c. 61, s. 2; 1971, c. 67, s. 22; 1979, c. 28, s. 6; 1989, c. 36, s. 236; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

74.1. Unless otherwise provided in this Act, the representative of a parents' committee has the same rights, powers and obligations as commissioners.

However, he cannot vote on any motion submitted to the commissioners or participate in the appointment of members to the executive committee, or of commissioners to membership on the Council of Commissioners of the regional board.

Furthermore, no representative of the parents' committee of any school board which is a member of a regional board may be appointed to or be a member of that regional board in conformity with section 432, 433, 434 and 435.

1979, c. 28, s. 7; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

75. No school board shall be extinguished for want of commissioners but, if there are no longer any commissioners or if there is no longer a sufficient number of them to constitute a quorum, the powers of the

school board shall be exercised by the Minister who may delegate them to an administrator appointed by him, until the school board is reorganized.

R. S. 1964, c. 235, s. 92; 1971, c. 67, s. 22; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

76. Subject to sections 178, 185, 186 and 187 applicable to commissioners, all administrative acts of commissioners shall be done in virtue of resolutions adopted at regular or special sessions of their school board.

R. S. 1964, c. 235, s. 93; 1971, c. 67, s. 23; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

77. Any powers conferred or any obligation imposed upon any commissioners of a school board shall also apply to commissioners of a dissentient school board in reference to the school municipalities under their control unless otherwise provided in this Act or unless the context indicates that the power or obligation relates only to commissioners of a school board.

R. S. 1964, c. 235, s. 94; 1971, c. 67, s. 24; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION IV

COMMISSIONERS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 1. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

78. *(Repealed).*

R. S. 1964, c. 235, s. 95; 1971, c. 67, s. 25; 1979, c. 28, s. 8; 1986, c. 95, s. 161; 1987, c. 7, s. 5; 1989, c. 36, s. 237.

79. *(Repealed).*

R. S. 1964, c. 235, s. 96; 1989, c. 36, s. 237.

80. *(Repealed).*

R. S. 1964, c. 235, s. 97; 1987, c. 57, s. 801; 1989, c. 36, s. 237.

81. *(Repealed).*

R. S. 1964, c. 235, s. 98; 1971, c. 67, s. 26; 1986, c. 95, s. 162; 1989, c. 36, s. 237.

§ 2. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

82. *(Repealed).*

R. S. 1964, c. 235, s. 99; 1965 (1st sess.), c. 67, s. 3; 1971, c. 67, s. 27; 1985, c. 8, s. 9; 1986, c. 10, s. 12; 1987, c. 7, s. 6; 1989, c. 36, s. 237.

83. *(Repealed).*

R. S. 1964, c. 235, s. 100; 1989, c. 36, s. 237.

84. *(Repealed).*

R. S. 1964, c. 235, s. 101; 1989, c. 36, s. 237.

85. *(Repealed).*

R. S. 1964, c. 235, s. 102; 1989, c. 36, s. 237.

§ 2.1. —

Repealed, 1989, c. 36, s. 237.

1979, c. 28, s. 9; 1989, c. 36, s. 237.

85.1. *(Repealed).*

1979, c. 28, s. 9; 1986, c. 95, s. 163; 1989, c. 36, s. 237.

85.2. *(Repealed).*

1979, c. 28, s. 9; 1989, c. 36, s. 237.

§ 3. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

86. *(Repealed).*

R. S. 1964, c. 235, s. 105; 1986, c. 10, s. 13; 1987, c. 7, s. 7; 1989, c. 36, s. 237.

87. *(Repealed).*

R. S. 1964, c. 235, s. 106; 1971, c. 67, s. 29; 1989, c. 36, s. 237.

88. *(Repealed).*

R. S. 1964, c. 235, s. 107; 1986, c. 10, s. 14; 1987, c. 7, s. 8; 1989, c. 36, s. 237.

89. *(Repealed).*

R. S. 1964, c. 235, s. 108; 1965 (1st sess.), c. 17, s. 2; 1986, c. 10, s. 15; 1987, c. 7, s. 9; 1989, c. 36, s. 237.

§ 4. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

90. *(Repealed).*

R. S. 1964, c. 235, s. 109; 1987, c. 7, s. 10; 1989, c. 36, s. 237.

91. *(Repealed).*

R. S. 1964, c. 235, s. 110; 1987, c. 7, s. 11; 1989, c. 36, s. 237.

92. *(Repealed).*

R. S. 1964, c. 235, s. 111; 1989, c. 36, s. 237.

93. *(Repealed).*

R. S. 1964, c. 235, s. 112; 1987, c. 7, s. 12; 1989, c. 36, s. 237.

94. *(Repealed).*

R. S. 1964, c. 235, s. 113; 1989, c. 36, s. 237.

§ 5. —

Repealed, 1987, c. 7, s. 13.

1987, c. 7, s. 13.

95. *(Repealed).*

R. S. 1964, c. 235, s. 114; 1965 (1st sess.), c. 17, s. 2; 1986, c. 10, s. 16; 1987, c. 7, s. 13.

96. *(Repealed).*

R. S. 1964, c. 235, s. 115; 1987, c. 7, s. 13.

97. *(Repealed).*

R. S. 1964, c. 235, s. 116; 1987, c. 7, s. 13.

98. *(Repealed).*

R. S. 1964, c. 235, s. 117; 1965 (1st sess.), c. 80, a. 1; 1987, c. 7, s. 13.

99. *(Repealed).*

R. S. 1964, c. 235, s. 118; 1987, c. 7, s. 13.

100. *(Repealed).*

R. S. 1964, c. 235, s. 119; 1965 (1st sess.), c. 17, s. 2; 1987, c. 7, s. 13.

101. *(Repealed).*

R. S. 1964, c. 235, s. 120; 1987, c. 7, s. 13.

§ 6. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

102. *(Repealed).*

R. S. 1964, c. 235, s. 121; 1989, c. 36, s. 237.

103. *(Repealed).*

R. S. 1964, c. 235, s. 122; 1989, c. 36, s. 237.

104. *(Repealed).*

R. S. 1964, c. 235, s. 123; 1989, c. 36, s. 237.

105. *(Repealed).*

R. S. 1964, c. 235, s. 124; 1989, c. 36, s. 237.

106. *(Repealed).*

R. S. 1964, c. 235, s. 125; 1989, c. 36, s. 237.

107. *(Repealed).*

R. S. 1964, c. 235, s. 126; 1989, c. 36, s. 237.

§ 7. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

108. *(Repealed).*

R. S. 1964, c. 235, s. 127; 1986, c. 10, s. 17; 1989, c. 36, s. 237.

109. *(Repealed).*

R. S. 1964, c. 235, s. 128; 1989, c. 36, s. 237.

§ 8. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

110. *(Repealed).*

R. S. 1964, c. 235, s. 129; 1986, c. 10, s. 18; 1987, c. 7, s. 14; 1989, c. 36, s. 237.

111. *(Repealed).*

R. S. 1964, c. 235, s. 130; 1971, c. 67, s. 30; 1986, c. 10, s. 19; 1989, c. 36, s. 237.

112. *(Repealed).*

R. S. 1964, c. 235, s. 131; 1971, c. 67, s. 31; 1989, c. 36, s. 237.

113. *(Repealed).*

R. S. 1964, c. 235, s. 132; 1971, c. 67, s. 32; 1989, c. 36, s. 237.

114. *(Repealed).*

R. S. 1964, c. 235, s. 133; 1971, c. 67, s. 33; 1989, c. 36, s. 237.

§ 9. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

115. *(Repealed).*

R. S. 1964, c. 235, s. 134; 1989, c. 36, s. 237.

116. *(Repealed).*

R. S. 1964, c. 235, s. 136; 1989, c. 36, s. 237.

117. *(Repealed).*

R. S. 1964, c. 235, s. 137; 1971, c. 67, s. 35; 1989, c. 36, s. 237.

118. *(Repealed).*

R. S. 1964, c. 235, s. 138; 1989, c. 36, s. 237.

119. *(Repealed).*

R. S. 1964, c. 235, s. 139; 1989, c. 36, s. 237.

120. *(Repealed).*

R. S. 1964, c. 235, s. 140; 1971, c. 67, s. 36; 1989, c. 36, s. 237.

121. *(Repealed).*

R. S. 1964, c. 235, s. 141; 1989, c. 36, s. 237.

122. *(Repealed).*

R. S. 1964, c. 235, s. 142; 1989, c. 36, s. 237.

123. *(Repealed).*

R. S. 1964, c. 235, s. 143; 1989, c. 36, s. 237.

124. *(Repealed).*

R. S. 1964, c. 235, s. 144; 1989, c. 36, s. 237.

125. *(Repealed).*

R. S. 1964, c. 235, s. 145; 1989, c. 36, s. 237.

126. *(Repealed).*

R. S. 1964, c. 235, s. 146; 1989, c. 36, s. 237.

127. *(Repealed).*

R. S. 1964, c. 235, s. 147; 1989, c. 36, s. 237.

128. *(Repealed).*

R. S. 1964, c. 235, s. 148; 1989, c. 36, s. 237.

129. *(Repealed).*

R. S. 1964, c. 235, s. 149; 1989, c. 36, s. 237.

130. *(Repealed).*

R. S. 1964, c. 235, s. 150; 1989, c. 36, s. 237.

131. *(Repealed).*

R. S. 1964, c. 235, s. 151; 1989, c. 36, s. 237.

132. *(Repealed).*

R. S. 1964, c. 235, s. 152; 1989, c. 36, s. 237.

133. *(Repealed).*

R. S. 1964, c. 235, s. 153; 1989, c. 36, s. 237.

134. *(Repealed).*

R. S. 1964, c. 235, s. 154; 1989, c. 36, s. 237.

135. *(Repealed).*

R. S. 1964, c. 235, s. 155; 1989, c. 36, s. 237.

136. *(Repealed).*

R. S. 1964, c. 235, s. 156; 1971, c. 68, s. 1; 1989, c. 36, s. 237.

137. *(Repealed).*

R. S. 1964, c. 235, s. 157; 1989, c. 36, s. 237.

138. *(Repealed).*

R. S. 1964, c. 235, s. 158; 1989, c. 36, s. 237.

139. *(Repealed).*

R. S. 1964, c. 235, s. 159; 1989, c. 36, s. 237.

140. *(Repealed).*

R. S. 1964, c. 235, s. 160; 1989, c. 36, s. 237.

141. *(Repealed).*

R. S. 1964, c. 235, s. 161; 1989, c. 36, s. 237.

142. *(Repealed).*

R. S. 1964, c. 235, s. 162; 1989, c. 36, s. 237.

143. *(Repealed).*

R. S. 1964, c. 235, s. 163; 1969, c. 21, s. 35; 1989, c. 36, s. 237.

§ 10. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

144. *(Repealed).*

R. S. 1964, c. 235, s. 164; 1986, c. 10, s. 20; 1989, c. 36, s. 237.

145. *(Repealed).*

R. S. 1964, c. 235, s. 165; 1971, c. 67, s. 37; 1989, c. 36, s. 237.

146. *(Repealed).*

R. S. 1964, c. 235, s. 166; 1966-67, c. 61, s. 3; 1971, c. 67, s. 38; 1986, c. 10, s. 21.

147. *(Repealed).*

R. S. 1964, c. 235, s. 167; 1986, c. 10, s. 22; 1989, c. 36, s. 237.

§ 11. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

148. *(Repealed).*

R. S. 1964, c. 235, s. 168; 1989, c. 36, s. 237.

149. *(Repealed).*

R. S. 1964, c. 235, s. 169; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1989, c. 36, s. 237.

150. *(Repealed).*

R. S. 1964, c. 235, s. 170; 1989, c. 36, s. 237.

151. *(Repealed).*

R. S. 1964, c. 235, s. 171; 1989, c. 36, s. 237.

152. *(Repealed).*

R. S. 1964, c. 235, s. 172; 1989, c. 36, s. 237.

153. *(Repealed).*

R. S. 1964, c. 235, s. 173; 1989, c. 36, s. 237.

154. *(Repealed).*

R. S. 1964, c. 235, s. 174; 1989, c. 36, s. 237.

155. *(Repealed).*

R. S. 1964, c. 235, s. 175; 1989, c. 36, s. 237.

156. *(Repealed).*

R. S. 1964, c. 235, s. 176; 1965 (1st sess.), c. 80, a. 1; 1989, c. 36, s. 237.

157. *(Repealed).*

R. S. 1964, c. 235, s. 177; 1989, c. 36, s. 237.

158. *(Repealed).*

R. S. 1964, c. 235, s. 178; 1989, c. 36, s. 237.

159. *(Repealed).*

R. S. 1964, c. 235, s. 179; 1989, c. 36, s. 237.

160. *(Repealed).*

R. S. 1964, c. 235, s. 180; 1989, c. 36, s. 237.

161. *(Repealed).*

R. S. 1964, c. 235, s. 181; 1989, c. 36, s. 237.

162. *(Repealed).*

R. S. 1964, c. 235, s. 182; 1989, c. 36, s. 237.

163. *(Repealed).*

R. S. 1964, c. 235, s. 183; 1989, c. 36, s. 237.

§ 12. —

Repealed, 1989, c. 36, s. 237.

1989, c. 36, s. 237.

164. *(Repealed).*

R. S. 1964, c. 235, s. 184; 1971, c. 67, s. 39; 1989, c. 36, s. 237.

165. *(Repealed).*

R. S. 1964, c. 235, s. 185; 1989, c. 36, s. 237.

166. *(Repealed).*

R. S. 1964, c. 235, s. 186; 1989, c. 36, s. 237.

167. *(Repealed).*

R. S. 1964, c. 235, s. 187; 1982, c. 17, s. 56; 1986, c. 95, s. 164.

168. *(Repealed).*

R. S. 1964, c. 235, s. 188; 1989, c. 36, s. 237.

§ 13. — *Meetings of School Boards*

169. The commissioners shall each year proceed to the election of the chairman, the vice-chairman and the members of the executive committee of the school board within thirty days after the third Sunday in November. The persons elected shall remain in office until the election or appointment of their successors.

The commissioners of a dissentient school board shall elect their chairman within the same time. The chairman shall remain in office until the election or appointment of his successor.

R. S. 1964, c. 235, s. 189; 1986, c. 10, s. 23; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

170. Until the appointment of the chairman the session at which such appointment is to be made shall be presided over by one of the commissioners.

R. S. 1964, c. 235, s. 190; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

171. Where the election of the chairman, the vice-chairman or a member of the executive committee is not held in the time prescribed in section 169 or 172.1, the Minister may appoint him.

R. S. 1964, c. 235, s. 191; 1986, c. 10, s. 24.

172. If the chairman is absent or unable to act, he shall be replaced by the vice-chairman. If the vice-chairman is also absent or unable to act, he shall be replaced by another commissioner designated for that purpose by the Council of Commissioners.

If the chairman is absent or unable to act, the commissioners of a dissentient school board shall appoint one of their number as temporary chairman.

The vice-chairman or commissioner who replaces the chairman shall have the same powers and obligations as the chairman.

R. S. 1964, c. 235, s. 192; 1971, c. 67, s. 40; 1986, c. 10, s. 25; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

172.1. If the chairman, the vice-chairman or a member of the executive committee resigns, he shall be replaced within thirty days after his resignation.

Where an office contemplated in the first paragraph becomes vacant for one of the reasons mentioned in section 191 of the Act respecting school elections (chapter E-2.3), the vacancy shall be filled within thirty days after the appointment or election of the person's successor.

1986, c. 10, s. 26; 1989, c. 36, s. 238.

173. The commissioners must fix, by resolution, the date and hour for their regular meetings.

The chairman may call a special meeting of the school board and the secretary-treasurer also may call such meeting in his own authority. In either case, the meeting shall be called by a notice in writing given by the secretary-treasurer, at least two days before that fixed for such meeting.

Any subject or matter may be dealt with at a regular meeting, even though not mentioned in the notice calling the meeting.

At a special meeting, only the subjects and matters mentioned in the notice calling the meeting may be dealt with, unless all the members are present at such special meeting and consent thereto.

Before proceeding at a special meeting, it must be ascertained and entered in the minutes of the meeting that the notice calling the same was notified as required by law to the members of the board who are not present at the opening of the meeting.

If it appears that the notice calling the meeting has not been notified to the absent members, the special meeting shall be terminated forthwith on pain of absolute nullity of all proceedings that may be taken thereat.

R. S. 1964, c. 235, s. 193; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

174. Any regular or special meeting may be adjourned by the school board 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.

R. S. 1964, c. 235, s. 194.

175. The omission of the necessary formalities for the calling of a meeting of commissioners cannot be pleaded when all the members present in the municipality have actually attended.

R. S. 1964, c. 235, s. 195; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

176. The school inspector, two commissioners, one commissioner of a dissentient school board or five electors, may, by written notice, call upon the chairman or, in his default, the secretary-treasurer of the commissioners to call such meeting.

The chairman or secretary-treasurer so notified shall thereupon call such meeting under penalty of a fine of \$10.

Should the chairman or the secretary-treasurer fail to call such meeting within three days after the receipt of such notice, any person who has given such notice may convene a meeting of the commissioners by a letter sent by registered mail addressed to each of them and mailed eight days at least before the date fixed.

R. S. 1964, c. 235, s. 196; 1975, c. 83, s. 84; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

177. Meetings of school boards shall be public; but the board may refer to a committee, whose meetings shall be private, any complaints made against teachers or pupils, applications for employment by teachers or any other subject of a personal nature.

No person, except a commissioner, may take part in the deliberations of the council of commissioners without permission from the chairman.

R. S. 1964, c. 235, s. 197; 1989, c. 36, s. 239; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

178. Subject to sections 7 and 8, the Council of Commissioners shall fix, by by-law, the rules which shall govern the meetings of the executive committee.

1971, c. 67, s. 41; 1979, c. 80, s. 16.

179. Any school board must, by resolution to that effect, fix a place for its meetings in its school municipality or in the adjacent territory of a local municipality; but in no case shall such meetings be held in a hotel or other place where alcoholic beverages are sold.

R. S. 1964, c. 235, s. 198; 1996, c. 2, s. 705.

180. Meetings of school boards may be held on holidays.

R. S. 1964, c. 235, s. 199; I.N. 2016-01-01 (NCCP).

181. At meetings of school boards all questions shall be decided by the majority of votes of the members present. Motions need not be seconded. The chairman shall vote upon each question, and in case of a tie shall always give a casting vote.

Notwithstanding the first paragraph, the decision to engage or to terminate the engagement of the director general shall be passed by a two-thirds majority of the votes of all the members of the school board who are entitled to vote.

R. S. 1964, c. 235, s. 200; 1982, c. 58, s. 31.

181.1. Where the majority of commissioners actually attending a meeting of a school board consent to it, a commissioner may take part in the meeting, participate in the deliberations and vote by telephone or any other means of communication.

Such consent may be given only where

- (1) the commissioners actually attending the meeting, including the chairman, form a quorum;
- (2) the means of communication to be used will allow all participants in the meeting to hear one another.

The minutes of the meeting shall mention

- (1) the fact that the meeting was held with the aid of such means of communication;
- (2) the names of all the commissioners actually attending the meeting, with an indication of those who consented to proceed in such manner;
- (3) the name of the commissioner having taken part in the meeting by such means of communication.

The commissioner who takes part in a meeting by such means of communication, participates in the deliberations and votes is deemed to have actually attended the meeting.

1986, c. 101, s. 4.

181.2. Section 181.1, applies with the necessary modifications to meetings of the executive committee.

1986, c. 101, s. 4.

182. The minutes of each meeting shall be entered in the register of proceedings of the school board 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 chairman and countersigned by the secretary-treasurer. (*Form 10.*)

The commissioners, by resolution, may excuse the secretary-treasurer 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 sitting at which they are approved.

R. S. 1964, c. 235, s. 201; 1965 (1st sess.), c. 67, s. 5; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

183. Whenever a by-law or a resolution of the commissioners is amended or repealed, mention shall be made thereof in the margin of the Minutes of Proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal.

R. S. 1964, c. 235, s. 202; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 14. — *Powers of the Council of Commissioners and of the executive committee*

184. The Council of Commissioners shall have the rights, powers and obligations conferred by this Act upon commissioners.

1971, c. 67, s. 42.

185. The Council of Commissioners may, by by-laws, delegate some of its rights, powers and obligations to the executive committee.

1971, c. 67, s. 42; 1971, c. 68, s. 2; 1979, c. 80, s. 17.

185.1. The council of commissioners must, by by-law, establish a code of ethics and professional conduct which is applicable to the commissioners.

The code shall set out the duties and obligations of the commissioners, and may prescribe standards that vary according to the various classes of commissioners or that apply only to certain classes of commissioners. The code must, among other things,

- (1) include preventive measures, in particular rules for the disclosure of interests;
- (2) deal with the identification of situations of conflict of interest;
- (3) regulate or prohibit practices relating to remuneration;
- (4) include the duties and obligations of commissioners 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.

The school board 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 commissioners revoked or suspended during the year.

1997, c. 6, s. 3.

185.2. 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 appropriate penalties, may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

1997, c. 6, s. 3.

185.3. 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 185.1 is liable to the State for the value of the benefit derived.

1997, c. 6, s. 3.

186. The day-to-day administration of the school board shall be under the jurisdiction of the executive committee which shall also exercise the other powers conferred upon it by the by-laws contemplated in section 185.

1971, c. 67, s. 42.

187. The Council of Commissioners may, by by-laws, delegate some of its rights, powers and obligations to the director-general, assistant director-general and senior staff contemplated in section 191.

The rights, powers and obligations so delegated to the assistant director-general and senior staff are exercised under the director-general.

1971, c. 67, s. 42; 1979, c. 80, s. 18.

188. The Council of Commissioners shall hold at least four meetings each year; the executive committee shall hold at least two meetings each month.

1971, c. 67, s. 42.

§ 15. — *Powers and Duties of Commissioners respecting the Management of Schools*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

189. It shall be the duty of school boards:

- (1) to engage teachers duly qualified to teach in the schools under their control;
- (2) *(paragraph repealed)*;
- (3) to take the measures necessary to have the courses and educational services from the kindergarten level to the secondary five level inclusively, adopted or recognized for Catholic or Protestant or other public schools, as the case may be, given to all the children domiciled in the territory under their jurisdiction, if they wish to enroll in such courses, in conformity with the Charter of the French language (chapter C-11). For that purpose, the commissioners must provide such courses and educational services in their schools or avail themselves of sections 423 to 447 or of section 450;
- (4) to ensure that the courses of study given in their schools comply with the curricula and regulations prescribed or approved for Catholic, Protestant or other public schools, as the case may be;
- (5) to require that only authorized books and teaching material be used in the schools under their control;
- (6) to make regulations for the management of their schools;
- (7) to ensure the development and operation of schools in their territory;
- (8) to make and carry out such regulations respecting health in schools as are not contrary to those made by the Government under the Public Health Act (Revised Statutes of Québec, 1964, chapter 161);
- (9) to ensure the administration of the human resources of the school board;
- (10) to comply, as regards the register kept by their secretary-treasurer, with all instructions, whether special or general, given them by the Minister;
- (11) to cause a statistical report to be prepared each year on the forms supplied for the purpose, and send it to the Minister before the date fixed by him;
- (12) to keep a register in which shall be entered the minutes of their meetings, which shall be signed by the chairman and by the secretary-treasurer, in accordance with the provisions of section 182; (*Form 10*);
- (13) to keep books of account in the manner and form indicated by the Minister;
- (14) to cause to be prepared each year a financial statement on the forms supplied for the purpose, and send it to the Minister before the date fixed by him;
- (15) to settle all disputes arising in relation to the schools in their municipality between the parents or children and the teachers;

(16) to dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed;

(17) to pay their teachers at the time provided in the contract of engagement or in the collective agreement governing them, or failing such a provision, at the end of each month of teaching;

(18) to ensure the application of the pedagogical systems and curricula, to adapt the optional content of those curricula and enrich them in accordance with their needs and priorities;

(19) to ensure that the schools provide the children under their jurisdiction and the adults domiciled in their territory with educational and cultural services in accordance with the law and the regulations and that those services are accessible to those children and adults;

(20) to ensure that the schools under their jurisdiction provide education of a high quality and to promote the carrying out of an educational project by each of their schools;

(21) to participate, in the fields in which they have jurisdiction, in the realization of community projects in their territory;

(22) to give an accounting to the population of their territory of the quality of the services offered, the administration of the schools and the use of resources;

(23) to inform the population of their territory of the educational and cultural services that they offer;

(24) to produce and send to the Minister, by the date he fixes, an annual report containing

(a) an assessment of the activities of the school board for the school year;

(b) the auditor's report on the financial operations of the school board;

(c) a report on the development of the educational and cultural activities of the schools of the school board;

(25) to consult the school committee or parents' committee, as the case may be, with regard to the subjects on which that committee is to be consulted.

R. S. 1964, c. 235, s. 203; 1966-67, c. 62, s. 1; 1969, c. 67, s. 2; 1969, c. 9, s. 2; 1971, c. 67, s. 43; 1974, c. 6, s. 109; 1977, c. 5, s. 218; 1979, c. 80, s. 19, s. 54; 1982, c. 58, s. 32; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

190. Commissioners shall cancel the engagement of persons holding pedagogical or educational positions in accordance with the collective agreement governing the parties.

However, failing an agreement or if the agreement does not provide for cancellation of engagement, the following provisions apply:

(1) the commissioners shall, after mature deliberation at a meeting called for that purpose, cancel the engagement of persons holding pedagogical or educational positions on account of incapacity, negligence in the performance of their duties, insubordination misconduct or immorality;

(2) any person who holds a pedagogical or educational position and is dismissed under the preceding paragraph may submit his grievance to arbitration, in accordance with sections 100 to 102 of the Labour Code (chapter C-27). In such case, the arbitrator seized of the grievance shall determine whether the procedure prescribed for the dismissal has been followed and whether the reasons alleged by the school board in support of such dismissal constitute one of the causes of cancellation contemplated in the preceding paragraph. The arbitrator may set aside the decision of the school board if the procedure prescribed has not been followed or,

if the reasons for the dismissal are not well founded, order that the person concerned be reinstated in his duties and determine, if need be, the amount of the compensation to which he is entitled.

1969, c. 67, s. 3; 1977, c. 41, s. 73; 1982, c. 45, s. 14; 1983, c. 22, s. 101; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

191. The Council of Commissioners shall appoint a director-general, and under his direction, an assistant director-general and a secretary-general.

It shall also appoint under the director-general the senior and management staff and all other staff required for administration.

If the director-general is absent or unable to act, the assistant director-general shall exercise his functions and powers.

The director-general and the assistant director-general may be designated from among the persons holding senior positions, excluding that of secretary-general, and may perform all or some of the duties of senior officers.

Subject to the by-laws made under subparagraph 1 of section 16, the Council of Commissioners shall establish, by by-law, the functions of the senior and management staff.

The functions of the vice-principal are established with the participation of the principal of the school.

R. S. 1964, c. 235, s. 204; 1971, c. 67, s. 44; 1979, c. 80, s. 20.

192. The rights, powers and obligations conferred by this Act or by any other Act upon the secretary-treasurer shall be exercised by the director-general. Nevertheless, the Council of Commissioners may, by by-law, apportion some of the rights, powers and obligations among the director-general, the assistant director-general and the persons holding senior positions.

Sections 300 to 302, 304 and 306 to 316 shall not apply to school boards or to regional boards.

1971, c. 67, s. 44; 1979, c. 80, s. 21; 1999, c. 40, s. 159.

193. The commissioners of a dissentient school board may appoint the necessary administrative staff.

1971, c. 67, s. 44; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 16. — Powers of School Boards respecting the Payment of Representation Expenses to Commissioners

1989, c. 36, s. 279; 1990, c. 35, s. 16.

194. Notwithstanding any power granted under special Acts, the remuneration that a school board may pay to its commissioners and the other benefits and advantages that it may grant to them for all services rendered by them in any capacity to the school board and to indemnify them for a part of their expenses shall be fixed by the school board, but must not exceed the maximum amount determined by the Government, which may also determine the proportion of such remuneration paid as an indemnity for a part of their expenses. That remuneration and the other benefits and advantages may be fixed so that they vary according to the functions that a commissioner fills for the school board.

A school board may also authorize payment of expenses actually incurred on its behalf by a commissioner who is one of its members, and of travel and lodging expenses he has incurred for the purpose of attending its meetings, provided it has authorized such expenses, and, in the case of travel expenses, as long as they are paid according to the rate determined by the school board.

R. S. 1964, c. 235, s. 205; 1971, c. 67, s. 45; 1973, c. 41, s. 1; 1979, c. 80, s. 22; 1987, c. 57, s. 802; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

194.1. Sections 304 to 312 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply to the members of the council of commissioners in the same manner as to the members of the council of a municipality. For the purposes of those sections, a council of commissioners is deemed to be a council of a municipality and a school board is deemed to be a municipality.

However, section 304 of the said Act does not apply to a member of a council of commissioners having a personal interest, direct or indirect, in an enterprise or a contract which conflicts with the interest of the school board, if he discloses his interest, including what is pertinently described in section 305 of the said Act, in writing to the council of which he is a member and if he abstains from taking part in the debate and voting on any decision on the subject in which he has an interest.

1989, c. 36, s. 240.

§ 17. — *Powers of School Boards respecting School Bussing*

1981, c. 26, s. 7.

195. A school board may, with prior authorization of the Minister, exercise the powers granted to a regional board by sections 431 to 431.8.

R. S. 1964, c. 235, s. 206; 1966-67, c. 62, s. 2; 1972, c. 55, s. 98; 1981, c. 26, s. 7; 1997, c. 96, s. 187.

196. Sections 440 and 440.1 apply to a school board referred to in section 195.

R. S. 1964, c. 235, s. 207; 1972, c. 55, s. 99; 1981, c. 26, s. 7.

§ 18. — *Duties and Powers of Commissioners respecting Free Text-books*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

197. Commissioners shall make text-books available free of charge to all children attending the schools under their control.

The textbooks remain the property of the school board. The commissioners may make regulations respecting the choice, use, supervision and preservation of works, manuals, textbooks and teaching materials. Each child shall take reasonable care of them and return them at the end of the school year, failing which the school board may claim the cost thereof.

For the purposes of this section, exercise books or exercise text-books in which the children write or draw shall not be considered as text-books.

R. S. 1964, c. 235, s. 208; 1979, c. 80, s. 23; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 19. — *Powers of Commissioners respecting the Establishment of School Savings Banks*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

198. The commissioners may, if they think fit, establish savings banks, called “school savings banks”, within their municipalities.

The Minister may make regulations necessary for the administration of such funds, and such regulations shall come into force fifteen days after publication thereof in the *Gazette officielle du Québec*.

R. S. 1964, c. 235, s. 210; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 20. — *Contributions for Patriotic, National or School Purposes*

199. Any school commission may contribute, out of its funds not otherwise appropriated, and up to six per cent of its gross revenue, to funds opened by legal persons or other persons for public subscription for patriotic, national or school purposes, to be used within Québec or elsewhere.

The amount of the contribution shall be fixed by resolution of the school commission.

R. S. 1964, c. 235, s. 211; 1999, c. 40, s. 159.

§ 21. — *Duties of Commissioners respecting Teachers*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

200. The engagement of a teacher shall be for a school year, or to complete a year already begun, or for more than one school year in special cases approved by the Minister.

R. S. 1964, c. 235, s. 212.

201. The engagement of any person other than a teacher who holds a pedagogical or educational position must be made for at least one year, or to terminate a school year already begun.

1969, c. 67, s. 4.

202. The engagement shall be in writing in virtue of a resolution adopted by the school board.

The deed of engagement may be drawn up according to form 17.

In the deed of engagement the school board shall be represented by its chairman or in his absence by the secretary-treasurer.

R. S. 1964, c. 235, s. 213.

203. Engagements of teachers shall be made in triplicate.

Within fifteen days from the execution of the deed, a copy shall be sent to the Minister, another given to the teacher, and the third deposited in the archives of the school board.

R. S. 1964, c. 235, s. 214.

204. The fact that a teacher is a minor shall not affect the validity of his engagement, and he may sue and be sued for any purpose connected with such engagement, as if he had attained his majority.

R. S. 1964, c. 235, s. 215.

205. In all school municipalities, the commissioners shall pay to each of their male or female teachers, an annual salary of not less than \$1,500.

R. S. 1964, c. 235, s. 216; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

206. Except in the cases specified in the regulations, commissioners shall employ as teachers only those persons who are provided with diplomas awarded or recognized by the Minister.

R. S. 1964, c. 235, s. 217; 1969, c. 67, s. 5; 1986, c. 10, s. 27; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

207. No person may hold an engagement in a public school unless he produces, every year:

(1) a physician's certificate stating that he suffers from no infirmity or disease which renders him unfit to occupy the employment he holds;

(2) a certificate from a phthisiologist attesting that a clinical and radiological pulmonary examination shows that such person is free from tubercular disease.

Such examination must be made within two months following the engagement or appointment. In the case of re-engagement, the radiological examination shall not be required unless the commissioners exact it.

If it be proved by a medical certificate that a person holding an employment in a public school is suffering from tubercular disease, such person must immediately cease to perform his duties.

R. S. 1964, c. 235, s. 218; 1969, c. 67, s. 6; 1978, c. 7, s. 92.

208. Commissioners may decide not to reengage for the following year a person holding a pedagogical or educational position in accordance with the collective agreement governing the parties.

However, failing a collective agreement or if the collective agreement does not provide for the non-reengagement, the following provisions apply:

(1) commissioners, after having decided by resolution at a regularly held meeting not to reengage for the following year a person holding a pedagogical or educational position, shall, at least thirty days before the date of expiration of the engagement of such person or, in the case of an engagement terminating at the end of a school year, before 1 June preceding the end of such school year, notify him in writing of their intention to terminate the said engagement, but need not in such notice assign any cause therefor;

(2) they shall, however, upon the written and personal request of such person delivered at least fifteen days before the date of expiration of his engagement or, in the case of an engagement terminating at the end of a school year, before 15 June preceding the end of such school year, give him in writing within the fifteen days following the expiry of such fifteen days, or in the case of an engagement terminating at the end of a school year, before 30 June, the reasons for their decision, but no right of action shall result from reasons so given in good faith;

(3) such person, if he is of the opinion that the procedure provided in this paragraph for the non-renewal of his contract has not been followed, may submit a grievance to arbitration. If he contests the reasons given by the commissioners, he may also submit a grievance to arbitration, but he may do so only if he has been in the employ of a school board, a school administered by a government department, or another educational institution designated by the Minister, in which such person has held a pedagogical or educational position for three periods of eight months or more, each of which was contained in a separate year of engagement comprised in a continuous period of not more than five years. An individual contract of employment may stipulate, for the purposes of the application of this paragraph, that periods of absence be deemed periods of employment in a pedagogical or educational position;

(4) the grievance must be submitted to arbitration not later than on the date of the termination of the contract of engagement of such person in accordance with sections 100 to 102 of the Labour Code (chapter C-27);

(5) the arbitrator seized of the grievance shall determine whether the procedure prescribed for the non-reengagement has been followed and, if necessary, whether the reasons on which the decision of the commissioners is based are well founded. If such procedure has not been followed or if, as the case may be, the reasons on which the decision of the commissioners is based are not well founded, the arbitrator may set aside the decision of the commissioners, order that the person concerned be reinstated in his duties and determine if need be the amount of the compensation to which such person is entitled.

R. S. 1964, c. 235, s. 219; 1965 (1st sess.), c. 67, s. 7; 1969, c. 67, s. 7; 1977, c. 41, s. 73; 1982, c. 45, s. 15; 1983, c. 22, s. 102; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

209. (1) The persons holding pedagogical or educational positions who are contemplated in section 208 and who have not received the notification mentioned therein or who have not been reengaged in accordance with the provisions of the collective agreement shall remain engaged for the following year upon the same terms, unless one of the causes specified in section 190 or in the collective agreement may be invoked against them. They shall remain engaged under the same conditions of employment if they continue to hold the same pedagogical or educational positions; they shall not be so engaged under other conditions unless they are assigned to another pedagogical or educational position and have been notified of such change of assignment and conditions in accordance with the provisions of the collective agreement or, failing such agreement or if it does not provide therefor, of the individual contract governing such persons.

(2) Except in the cases provided for in sections 190 and 208 and in subsection 1 of this section, no commissioners need employ a person whom they deem unsuitable to hold a pedagogical or educational position.

R. S. 1964, c. 235, s. 220; 1969, c. 67, s. 8; 1982, c. 45, s. 16; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

210. All notices given collectively or simultaneously to persons holding pedagogical or educational positions by commissioners, and all agreements made with them, with a view to evading any provisions of the school law or regulations, shall be without effect. But the commissioners may, by one resolution, declare that the services of one or more of such persons are not required for the following school year.

R. S. 1964, c. 235, s. 221; 1969, c. 67, s. 8; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

211. Every person holding a pedagogical or educational position who does not intend to continue his engagement for the following year must give the commissioners notice in writing of his intention at least sixty days before the date of the expiration of his engagement.

R. S. 1964, c. 235, s. 222; 1969, c. 67, s. 8; 1990, c. 4, s. 513; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

212. The commissioners may, at any time during the school year, transfer to another class, school or pedagogical or educational position a person who holds such a position, provided that his or her salary is not reduced.

R. S. 1964, c. 235, s. 223; 1969, c. 67, s. 8; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 22. — *Duties of Commissioners respecting School Property and Loans*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

213. It shall be the duty of the school boards in each municipality:

- (1) to administer the property belonging to their school board;
- (2) to acquire and hold for the school board all property, moneys or income, and to apply the same for the purposes for which they are intended;
- (3) to select and acquire the land necessary for school sites; to build, repair and keep in order all school-houses and their dependencies; to purchase or repair school furniture; to lease or accept the gratuitous use of houses or other buildings, fulfilling the conditions required by the regulations in force for the purpose of keeping school therein;
- (4) to keep in good order the property belonging to their school board and determine the use thereof;
- (5) to encourage the use of their immovables by the community bodies of their territory.

But if it necessitates a loan, no acquisition, leasing, construction or repair mentioned in paragraph 2 or 3 may be carried out unless the school board has previously obtained the authorization of the Minister.

R. S. 1964, c. 235, s. 224; 1966-67, c. 61, s. 4; 1979, c. 80, s. 24; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

214. *(Repealed).*

R. S. 1964, c. 235, s. 225; 1972, c. 42, s. 64; 1979, c. 80, s. 25.

215. Commissioners may, in accordance with the law, enter into agreements for school or community purposes with any person or institution.

R. S. 1964, c. 235, s. 226; 1971, c. 67, s. 46; 1979, c. 80, s. 26; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

216. No school board shall, without the approval of the Minister, hypothecate, sell, lease, exchange or alienate the property belonging to it, if the market value of such property exceeds \$1,000 or, as the case may be, if the term of the lease exceeds one year or if the annual rent exceeds \$1,200.

All sales of school property authorized by this section shall be made after a call for tenders made by a public notice, unless the Minister has permitted such sale to be made by private agreement for a fixed sum, in such manner and after such notices as he may deem proper.

R. S. 1964, c. 235, s. 228; 1966-67, c. 61, s. 5; 1981, c. 27, s. 2; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

217. Notwithstanding any inconsistent provision of any general or special Act or special charter, every school board may, with the authorization of the Minister and according to such modalities, terms and conditions as he may determine, borrow money through any mode recognized by law.

The school board shall, at the request of the Minister, provide him, either directly or through the intermediary of the financial institutions with which it does business, with any information concerning its financial situation.

R. S. 1964, c. 235, s. 229; 1981, c. 27, s. 3; 1982, c. 58, s. 33; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

218. *(Repealed).*

R. S. 1964, c. 235, s. 230; 1971, c. 67, s. 48; 1981, c. 27, s. 4.

219. *(Repealed).*

1971, c. 67, s. 49; 1981, c. 27, s. 5.

220. (1) No issue of bonds may be made, nor loan contracted, unless, by the resolution authorizing the same, there be imposed, upon the taxable property held for the payment of such bonds or such loan, an annual tax sufficient for the payment of the interest each year, and at least 1% of the amount of the loan, besides the interest, to create a sinking fund for the extinction of the debt.

(2) The Minister of Municipal Affairs, Regions and Land Occupancy may, however, upon the recommendation of the Minister of Education, Recreation and Sports, authorize a school board to defer the payment of the tax levied for the sinking fund, for the first two years.

(3) It shall be the duty of the secretary-treasurer to make, every year until the payment of the loan or the redemption of the bonds, a special collection roll, apportioning, upon the taxable immovable property liable for the payment of such loan or such bonds, the amount of the tax imposed on each one for the payment of the interest and the annual payment into the sinking fund.

(4) The moneys intended for the sinking fund shall be used yearly, or, in the case of a loan the whole of which is payable at a fixed date, entrusted yearly to the Minister of Finance, in conformity with the provisions of division XI of the Act respecting municipal debts and loans (chapter D-7).

(5) Whenever, according to law, it is obligatory to deposit such moneys, and the deposit is not made as prescribed, the Minister of Revenue, as well as any trustee, bondholder, ratepayer or other interested party, may by an action at law compel the municipality to make such deposit, and, in case a judgment to that effect is obtained against the school board, the provisions of the law concerning the execution of judgments against municipalities, and contained in sections 400 to 422, shall apply.

(6) With the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, upon recommendation of the Minister of Education, Recreation and Sports, every school board may issue bonds or debentures for shorter terms than the term established for the loan by the resolution, and may create a sinking fund at a rate based upon the term of the loan, provided that each issue, after the first, be only for the balance due upon the loan.

Whenever a school board borrows the amounts necessary to defray the printing and selling costs of a subsequent bond issue contemplated in the preceding paragraph, it shall not be necessary to give the public notices prescribed in section 293.

(7) This section does not apply to any issue of bonds made or to any loan contracted after 30 June 1980.

R. S. 1964, c. 235, s. 231; 1971, c. 67, s. 50; 1979, c. 72, s. 343; 1981, c. 27, s. 6; 1988, c. 84, s. 705; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1999, c. 40, s. 159; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 195, s. 196; 2009, c. 26, s. 109; 2010, c. 31, s. 90; 2016, c. 7, s. 183.

221. (Repealed).

R. S. 1964, c. 235, s. 232; 1981, c. 27, s. 7.

222. Every bond or debenture, before delivery thereof, shall bear the seal of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire and a certificate of the Minister of Municipal Affairs, Regions and Land Occupancy, or of any person specially authorized by the latter, establishing that the resolution authorizing the issue of such bond or debenture has been approved by the Government or the Minister of Municipal Affairs, Regions and Land Occupancy, as the case may be, and that such bond or debenture is issued in conformity with such resolution.

Every bond or debenture issued in virtue of a resolution approved by the Government or the Minister of Municipal Affairs, Regions and Land Occupancy, as the case may be, and bearing such seal and such certificate shall be valid, and its validity shall not be contested for any reason whatsoever.

This section does not apply to any loan contracted after 7 March 1982.

R. S. 1964, c. 235, s. 233; 1977, c. 5, s. 14; 1981, c. 27, s. 8; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

223. (Repealed).

R. S. 1964, c. 235, s. 234; 1981, c. 27, s. 9.

224. The principal and interest of the bonds or debentures issued by a school board or regional school board shall be chargeable to the general fund of such board.

If the bonds or debentures are issued by a regional school board, the school boards which are members thereof are liable for payment of such bonds or debenture, in principal and interest, in proportion to the standardized assessment of each of them at the time of maturity.

The second paragraph of this section does not apply to an issue of bonds or debentures made on or after 1 July 1980.

R. S. 1964, c. 235, s. 235; 1965 (1st sess.), c. 67, s. 8; 1979, c. 72, s. 344.

225. The Minister of Education, Recreation and Sports may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to any school board in order to provide, in whole or in part, out of the funds voted annually for such purposes by Parliament, for the payment in principal and interest of any loan contracted or to be contracted by the school board.

He may deposit in the hands of the Minister of Finance, to be managed by him, all amounts intended for the payment in principal and interest of the debentures issued by the school board, in order to constitute a sinking fund for the purposes of paying, out of such amounts, at the maturities under the terms of the loan, the principal of the debentures, and, out of the proceeds or revenue of the fund, the loans of any school board.

Section 13 does not apply to a subsidy contemplated in the first paragraph.

R. S. 1964, c. 235, s. 236; 1965 (1st sess.), c. 67, s. 9; 1979, c. 72, s. 345; 1981, c. 27, s. 10; 1982, c. 32, s. 112; 1982, c. 58, s. 34; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

§ 23. — Duties of Commissioners respecting School Taxes

1989, c. 36, s. 279; 1990, c. 35, s. 16.

226. The commissioners must levy taxes for the payment of expenses not otherwise provided for by Government subsidies or grants and other revenue. These taxes shall be imposed on all taxable property of the whole school municipality in accordance with Part IV.

The rate of school assessments shall be uniform upon all taxable property in the school municipality.

The assessment shall be based on the standardized assessment of the taxable property.

The assessment is payable by the owner of the taxable property. If not paid, that assessment becomes a special charge carrying a legal hypothec.

R. S. 1964, c. 235, s. 237; 1971, c. 50, s. 126; 1979, c. 72, s. 346; 1985, c. 8, s. 26; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1992, c. 57, s. 597.

227. Every person, being a ratepayer in a municipality in which there is a school board and also a dissentient school board, or in a municipality erected for either of the two religious denominations, who has children of from five to sixteen years of age not belonging to the religious belief which he professes, shall pay his taxes to both boards in proportion to the number of such children of the religious faith of each.

R. S. 1964, c. 235, s. 238; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

228. *(Repealed).*

R. S. 1964, c. 235, s. 239; 1971, c. 67, s. 51; 1971, c. 50, s. 127; 1979, c. 72, s. 347.

229. *(Repealed).*

R. S. 1964, c. 235, s. 240; 1979, c. 72, s. 347.

230. *(Repealed).*

R. S. 1964, c. 235, s. 241; 1979, c. 72, s. 347.

231. The commissioners may also, every year, with the authorization or upon the order of the Minister, exempt from school contributions any ratepayer living more than eight kilometres from the nearest school of his religious belief, provided he does not send children to such school. This provision shall not apply to the owners of unoccupied lots.

R. S. 1964, c. 235, s. 244; 1977, c. 60, s. 34; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 24. — *Powers of Commissioners respecting Retirement Funds*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

232. The commissioners, by resolution, may establish, in conformity with the Supplemental Pension Plans Act (chapter R-15.1), a retirement plan for their employees who are not subject to the Act respecting the Teachers Pension Plan (chapter R-11), including disability or death benefits.

Such resolution or any resolution amending it shall not come into force until it is approved by the Minister of Education, Recreation and Sports and registered by Retraite Québec.

R. S. 1964, c. 235, s. 245; 1965 (1st sess.), c. 67, s. 10; 1989, c. 38, s. 319; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2015, c. 20, s. 61.

§ 25. — *Powers of Commissioners respecting Group Insurance*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

233. The commissioners, by resolution, may take out for the benefit of their permanent teachers, officers and employees and their dependants, a contract of group insurance respecting death, accidents, disability, sickness and maternity, as well as medical, surgical and hospital expenses.

The resolution adopted for such purpose shall determine the apportionment of the premium between the commissioners on the one hand and the permanent teachers, officers and employees on the other, as well as the nature and amount of the benefits.

Such resolution, or any resolution amending it, shall come into force only after approval by the Autorité des marchés financiers, the Commission municipale du Québec and the Minister.

R. S. 1964, c. 235, s. 248; 1977, c. 5, s. 14; 1982, c. 52, s. 203; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2002, c. 45, s. 542; 2004, c. 37, s. 90.

§ 26. — *Duties and Powers of Commissioners respecting Free Education*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

234. Commissioners shall not exact a monthly or other fee for children who are under their jurisdiction or whom they are compelled to admit to their schools under section 34, or for the children they admit to their schools under any agreement with another school board.

They may, however, exact a monthly fee for any child not under their jurisdiction who attends their schools when no agreement to such effect has been made with the commissioners of the municipality where the child is domiciled. Such monthly fee shall be payable by the father, mother, tutor or guardian of the child.

R. S. 1964, c. 235, s. 249; 1979, c. 80, s. 27; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 27. — *Duties of Commissioners respecting School-Houses and School-Lots*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

235. Notwithstanding any legislative provision incompatible with this section, the work of building, rebuilding or enlarging schools cannot be validly authorized by commissioners, under sanction of absolute nullity, unless the plans and specifications for such work have been previously approved or furnished by the Minister.

R. S. 1964, c. 235, s. 250; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

236. *(Repealed).*

R. S. 1964, c. 235, s. 251; 1971, c. 67, s. 52; 1979, c. 72, s. 348.

237. A school board may, with the authorization of the Minister, expropriate any immovable necessary for its purposes. Nevertheless, without the authorization of the Government, it shall not expropriate property exempt from school taxes.

R. S. 1964, c. 235, s. 252; 1971, c. 67, s. 53 (*part*); 1979, c. 72, s. 349.

238. When a school municipality is divided by the formation of a new municipality or by the annexation of a part of its territory to a neighbouring municipality, the municipality in which the school is situated shall retain the ownership thereof. When the religious minority in a municipality declare themselves dissentient, the majority shall retain the ownership of the school. In both cases, the provisions of section 43 shall apply.

R. S. 1964, c. 235, s. 254.

239. In the cases referred to in section 238, any contestation respecting the value of the school and the site upon which it is built shall be decided by both of the experts appointed one by each of the school boards interested.

If such two experts cannot agree, they shall submit the dispute to a third expert chosen by them.

R. S. 1964, c. 235, s. 255.

240. Upon failure by one of the school boards to appoint its expert within 30 days after having been put in default so to do, or upon failure by the two experts appointed to agree upon the choice of a third expert, a judge of the Court of Québec, exercising his functions in the judicial district in which the school is situated, shall, on an application by one of the school boards interested, appoint the expert.

R. S. 1964, c. 235, s. 256; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

241. Notice must be given to the interested parties of the time and place at which such application will be presented.

R. S. 1964, c. 235, s. 257; I.N. 2016-01-01 (NCCP).

242. The grounds for recusing an expert shall be those set forth in articles 202 and 237 of the Code of Civil Procedure (chapter C-25.01).

R. S. 1964, c. 235, s. 258; 1965 (1st sess.), c. 80, a. 1; I.N. 2016-01-01 (NCCP).

243. The experts, before proceeding to act, must, on pain of absolute nullity, sign the declaration as required by article 235 of the Code of Civil Procedure (chapter C-25.01) regarding the carrying out of their mission, and attach the declaration to their report.

R. S. 1964, c. 235, s. 259; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

244. Any expert who neglects or refuses to take such oath or to act, is absent or unable to act on account of death or any other cause or is disqualified, shall be replaced in the same manner in which he was appointed.

R. S. 1964, c. 235, s. 260; 1999, c. 40, s. 159.

245. The experts shall give eight days' notice to the parties of the time and place that they have fixed for proceeding with the valuation.

R. S. 1964, c. 235, s. 261.

246. The experts appointed in virtue of the preceding sections shall have all necessary powers to summon, swear and examine witnesses. Their award shall be final and shall fix the value of the school-house and the land, as well as the amount of the costs of the valuation, and designate the party who shall pay the same.

R. S. 1964, c. 235, s. 262.

247. When the experts have given their award, the school board concerned shall, without delay, apportion between the proper persons the amount to be paid, collect the money as soon as possible by suit or seizure as in the case of the collection of taxes, and render an account to the persons interested.

R. S. 1964, c. 235, s. 263.

§ 28. — Duties of Commissioners respecting Schools for Girls and Boys

1989, c. 36, s. 279; 1990, c. 35, s. 16.

248. Commissioners may establish in their municipality girls' schools distinct from those for boys.

R. S. 1964, c. 235, s. 264; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

249. A religious community placing its school under the management of commissioners shall be entitled to all the advantages granted by this Act to public schools.

R. S. 1964, c. 235, s. 265; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 29. — Duties of Commissioners respecting the Census of Children

1979, c. 80, s. 28; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

250. The school board must, when requested to do so by the Minister, make a census of the children 16 years of age and under domiciled in the municipality or a part thereof.

The census shall indicate for each child,

- (1) his name, age, sex and domiciliary address;
- (2) his father's name, if he is living;
- (3) his mother's name, if she is living;
- (4) his tutor's or guardian's name, if he has a tutor or a guardian;
- (5) if he attends school in the municipality;
- (6) if he attends school outside the municipality;
- (7) if he takes night courses or special courses during part of the year; or

(8) if he does not attend school; and, in the case of a child of from six to 15 years, inclusive, the reason he does not attend school.

If the school board does not make such a census when so requested, the Minister shall have it made at the expense of the school municipality.

R. S. 1964, c. 235, s. 266; 1965 (1st sess.), c. 67, s. 11; 1979, c. 80, s. 29.

251. *(Repealed).*

R. S. 1964, c. 235, s. 267; 1979, c. 80, s. 30.

252. Commissioners may entrust any person with the making of the census of the children of the school municipality or a part thereof, and may provide for his remuneration.

R. S. 1964, c. 235, s. 268; 1979, c. 80, s. 31; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

253. The school board has 90 days to make the census and send the results to the Minister. However, the Minister may allow an extension.

R. S. 1964, c. 235, s. 269; 1965 (1st sess.), c. 67, s. 12; 1979, c. 80, s. 32.

254. Every head of a family, tutor or guardian who refuses to give to the person entrusted by the school board with making the census the information contemplated in section 250, or who makes a false declaration, is liable to a fine of not less than \$5 nor more than \$25.

R. S. 1964, c. 235, s. 270; 1979, c. 80, s. 33; 2020, c. 11, s. 254.

§ 30. — *Duties of Commissioners respecting Medical Examinations for Pupils*

1979, c. 80, s. 34; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

255. Commissioners are authorized to provide for the medical examination of their pupils and to make the disbursements occasioned by such examination.

R. S. 1964, c. 235, s. 271; 1979, c. 80, s. 34; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 31. — *Powers of Commissioners for Purposes of Insuring their Buildings and Movable Property*

1979, c. 80, s. 35; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

255.1. Commissioners may have the buildings and immovable property belonging to their school board insured.

1979, c. 80, s. 35; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 32. — *Powers and Duties of Commissioners respecting School Day Care*

1979, c. 85, s. 79; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

255.2. Commissioners may, on a regular basis, on school days outside teaching periods, provide school day care to children attending classes and receiving educational services in the kindergarten and elementary grades in their schools.

They may, for that purpose, require a contribution from the person having parental authority.

For these purposes, they may employ personnel and make agreements.

1979, c. 85, s. 79; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1997, c. 58, s. 177; 2005, c. 47, s. 142.

DIVISION V

COMPULSORY SCHOOL ATTENDANCE TO THE AGE OF FIFTEEN YEARS

256. Every child must attend school every day, in each year, on which the public schools are open in accordance with the regulations made by the proper authority, from the beginning of the school year following the day on which he attains the age of six years until the end of the school year in which he attains the age of fifteen years.

R. S. 1964, c. 235, s. 272.

257. Such obligation is complied with by:

(1) any child who attends a school under the control of a school board or any other school organized under the laws of Québec;

(2) any child who receives effective instruction at home.

R. S. 1964, c. 235, s. 273.

258. Such obligation shall not affect:

(1) any child who is prevented from attending school by illness or by reason of a physical or mental handicap;

(2) any child who has been expelled from public school according to law and the school regulations;

(3) any child under ten years of age residing at a distance of more than three kilometres, by the shortest road, from the nearest public school to which he is entitled to be admitted, and any child who resides more than five kilometres, by the shortest road, from the nearest public school to which he is entitled to be admitted, if, in either case, the school board makes no provision for transporting children to school free of charge.

R. S. 1964, c. 235, s. 274; 1977, c. 60, s. 35; 1978, c. 7, s. 93.

259. The school board may, on the written request of the father, mother, tutor or guardian of a child, release the child from the obligation to attend school for one or more periods not exceeding in all six weeks per school year, when the services of the child are required for farm work or for urgent and necessary work at home or for the maintenance of the child or his relatives.

Release is granted by means of a certificate stating the reasons therefor.

R. S. 1964, c. 235, s. 275; 1979, c. 80, s. 36.

260. During the hours when public schools are open, no one shall, on pain of a fine not exceeding \$20, employ any child before the end of the school year in which such child attains the age of fifteen years, unless a release has been granted under section 259.

R. S. 1964, c. 235, s. 276.

261. The father, mother, tutor or guardian of every child obliged to attend school under this division shall see that such child complies with such obligation every school day.

R. S. 1964, c. 235, s. 277.

262. Every school board shall take the measures necessary to ensure that this division is respected in the school municipality.

R. S. 1964, c. 235, s. 278; 1979, c. 80, s. 37.

263. *(Repealed).*

R. S. 1964, c. 235, s. 279; 1979, c. 80, s. 38.

264. *(Repealed).*

R. S. 1964, c. 235, s. 280; 1979, c. 80, s. 38.

265. *(Repealed).*

R. S. 1964, c. 235, s. 281; 1979, c. 80, s. 38.

266. *(Repealed).*

R. S. 1964, c. 235, s. 282; 1979, c. 80, s. 38.

267. *(Repealed).*

R. S. 1964, c. 235, s. 283; 1979, c. 80, s. 38.

268. *(Repealed).*

R. S. 1964, c. 235, s. 284; 1979, c. 80, s. 38.

269. *(Repealed).*

R. S. 1964, c. 235, s. 285; 1979, c. 80, s. 38.

270. *(Repealed).*

R. S. 1964, c. 235, s. 286; 1979, c. 80, s. 38.

271. *(Repealed).*

R. S. 1964, c. 235, s. 287; 1979, c. 80, s. 38.

272. The school board shall investigate all cases of offences against this division of which it has knowledge or which are brought to its attention.

R. S. 1964, c. 235, s. 288; 1979, c. 80, s. 39.

273. The school board shall make use of persuasion and, if that does not succeed, it shall give a special notice to the father, mother, tutor or guardian of the child who is absent from school though obliged to attend.

R. S. 1964, c. 235, s. 289; 1979, c. 80, s. 40.

274. Any father, mother, tutor or guardian of a child obliged to attend school, who has received the notice contemplated by section 273 and does not see that his child goes to school every school-day, shall be liable to a fine of not more than \$20 for each day during which the offence is continued.

The court or judge may, instead of imposing a fine, require any person who is convicted of the offence contemplated in this section to sign a bond, with one or more sureties, to pay a sum not exceeding \$100 if the child therein mentioned does not attend school in accordance with the requirements of this division.

R. S. 1964, c. 235, s. 290; 1990, c. 4, s. 514.

275. The school board may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings for an offence under section 274.

R. S. 1964, c. 235, s. 291; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 67, s. 13; 1977, c. 20, s. 138; 1979, c. 80, s. 41; 1988, c. 21, s. 99; 1990, c. 4, s. 515; 1992, c. 61, s. 361.

276. In all proceedings for offences against the provisions of this division, the child's age shall be presumed to be such as the child's appearance indicates.

R. S. 1964, c. 235, s. 292; 1999, c. 40, s. 159.

277. No proceedings shall be taken by reason of the absence of a child from school on a day regarded as a holiday by the church or religious congregation to which he belongs.

R. S. 1964, c. 235, s. 293.

278. The teacher must inform the principal or the person in charge of the school of the name of every pupil who is absent.

The principal or the person in charge of the school shall report the absence to the school board.

R. S. 1964, c. 235, s. 294; 1979, c. 80, s. 42.

279. (*Repealed*).

R. S. 1964, c. 235, s. 295; 1979, c. 80, s. 43.

280. The fines belong to the prosecuting school board and shall be paid into its local fund, except where the penal proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions.

R. S. 1964, c. 235, s. 296; 1992, c. 61, s. 362; 2005, c. 34, s. 86.

DIVISION VI

PUBLIC NOTICES—SPECIAL NOTICES—NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF COMMISSIONERS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 1. — *Public Notices*

281. The publication of a public notice for school purposes shall be made by one insertion in one or more newspapers distributed in the territory of the school board.

The same rule shall apply when such notice must appear in two newspapers published in different languages.

R. S. 1964, c. 235, s. 300; 1971, c. 67, s. 56.

282. Every public notice may be drawn up either in the English language or in the French language, or in both such languages, as the school board by resolution orders, but no notice shall be inserted both in English and in French in a newspaper published in one of such languages only.

R. S. 1964, c. 235, s. 301.

283. Every public notice calling any public meeting or given for any other object shall be given and published seven clear days before the day appointed for such meeting or other object, except in cases otherwise provided for by this Act.

R. S. 1964, c. 235, s. 302.

284. Time shall run from the day of the first insertion of the notice in the paper, and, if the notice be published in several papers on different days, time shall run from the first insertion in the newspaper which last published the same.

R. S. 1964, c. 235, s. 303; 1971, c. 67, s. 57; 1999, c. 40, s. 159.

285. Except in cases otherwise provided for, public notices shall be binding upon property-owners or ratepayers domiciled out of the municipality, in the same manner as upon residents.

R. S. 1964, c. 235, s. 304.

§ 2. — *Special Notices*

286. Every special notice shall be drawn up in writing in the language of the person to whom it is addressed, unless such person speaks a language other than English or French.

R. S. 1964, c. 235, s. 305.

287. The special notice addressed to any person who speaks neither English nor French or who speaks both languages, may be given to him in either language.

R. S. 1964, c. 235, s. 306.

288. A special notice shall be notified by leaving a copy of the notice with the individual to whom it is addressed in person, or with a reasonable person at his domicile or at his place of work, or by sending a copy of the notice to the address of the person to whom the notice must be sent.

R. S. 1964, c. 235, s. 307; 1975, c. 83, s. 84; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

289. Every special notice addressed to an absent property-owner or ratepayer who has appointed an agent residing in the municipality shall be notified to such agent.

If no agent residing in the municipality has been appointed by such absent ratepayer, every such notice shall be notified by sending a copy of the notice by registered mail to the address of the absent property-owner or ratepayer.

R. S. 1964, c. 235, s. 308; 1975, c. 83, s. 84; I.N. 2016-01-01 (NCCP).

290. No one need give a special notice to any absent ratepayer who has not appointed an agent, unless such ratepayer has filed his address in writing in the office of the secretary-treasurer of the school board.

R. S. 1964, c. 235, s. 309.

291. A special notice may be notified between seven hours and 19 hours, every day in the year, and even on holidays.

It may not be notified at a place of work except on working days, other than Saturdays, 26 December and 2 January, between nine hours and 16 hours.

R. S. 1964, c. 235, s. 310; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

292. If the doors of the domicile or place of work where notification of a special notice in writing should be made be closed, or if there be no reasonable person therein, notification shall be effected by affixing a copy of the notice to one of the doors of such domicile or place of work.

R. S. 1964, c. 235, s. 311; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

§ 3. — *Notices respecting certain Acts of Commissioners*

1989, c. 36, s. 279; 1990, c. 35, s. 16.

293. (1) The secretary-treasurer of a school board shall, under penalty of a fine of \$10, publish, in accordance with sections 281 and following, during the fifteen days following their adoption, the resolutions adopted in the following cases:

(a) when the commissioners fix the location of a school-house, decide to acquire a site for a school-house, or to build, enlarge or repair a school-house or its dependencies, or to hypothecate, sell, exchange or otherwise alienate any immovable property of a market value exceeding \$1,000;

(b) when the commissioners make, amend or repeal a regulation under section 178, 185, 187 or 192.

(2) No resolution passed under paragraphs *a* and *b* of subsection 1 comes into force before fifteen days after the publication of the notice contemplated in subsection 1.

(3) When the secretary-treasurer of the school board must give notice of a resolution, he is authorized to do so without publishing the entire text of such resolution provided that he calls upon the ratepayers to take cognizance of it at his office and that he publishes at least a summary of it.

R. S. 1964, c. 235, s. 312; 1966-67, c. 61, s. 6; 1971, c. 67, s. 58; 1979, c. 72, s. 350; 1979, c. 80, s. 44; 1981, c. 27, s. 11; 1989, c. 36, s. 241.

DIVISION VII

COMMISSIONERS OF DISSENTIENT SCHOOLS BOARDS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

294. Commissioners of a dissentient school board shall form a legal person for the purposes of the dissentient schools of their municipality. They shall be subject to the same duties and exercise the same powers as commissioners, for the administration of the school municipality under their control, unless otherwise provided by this Act or unless the context indicates that the powers or obligation relates to school boards only.

R. S. 1964, c. 235, s. 313; 1971, c. 67, s. 59; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

295. Commissioners of a dissentient school board shall alone have the right to impose and collect the taxes to be levied upon the dissentient inhabitants.

R. S. 1964, c. 235, s. 314; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

296. Whenever the commissioners in two adjoining municipalities are unable to support a school in each municipality, they may unite, and establish and maintain, under their joint management, a school situated as near both municipalities as possible, so as to be accessible to both.

In such case, the commissioners shall jointly report their decision to the Minister, who shall remit the share of the public school grant to the secretary-treasurer of the municipality indicated in the report as the person who should receive it.

R. S. 1964, c. 235, s. 315; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

297. The commissioners of a dissentient school board shall have the right to obtain a copy of the collection roll in force, of the list of children capable of attending school, and of all other documents in the hands of the commissioners or of their secretary-treasurer, which concern them.

R. S. 1964, c. 235, s. 316; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

298. If there is no collection roll, or if the assessment imposed does not appear to them a proper one, the commissioners of a dissentient school board may, during the two months following their election, or their appointment, impose a new assessment upon the dissentient inhabitants according to the procedure prescribed by sections 354 and following.

R. S. 1964, c. 235, s. 317; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION VIII

SECRETARY-TREASURER OF COMMISSIONERS

1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 1. — *General Provisions*

299. Every dissentient school board shall appoint a secretary-treasurer.

R. S. 1964, c. 235, s. 319; 1966-67, c. 61, s. 7; 1971, c. 67, s. 61; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

300. In every newly-formed municipality, the secretary-treasurer shall be appointed within thirty days after the election or the appointment of the members of the school board.

R. S. 1964, c. 235, s. 320.

301. Every secretary-treasurer, before acting as such, shall make an oath faithfully to discharge the duties of his office. (*Form 1.*)

R. S. 1964, c. 235, s. 321; 1971, c. 67, s. 62; 1999, c. 40, s. 159.

302. The secretary-treasurer may reside outside the municipality, but he must have his office in the place where the sittings of the school board are held, or in any other place fixed by resolution of the school board, provided the same be not in a hotel, tavern, inn, or in any other place where alcoholic beverages are sold.

R. S. 1964, c. 235, s. 322.

303. The school board shall also fix by resolution the days and hours during which the office of the secretary-treasurer shall be open to the public.

R. S. 1964, c. 235, s. 323.

304. The school board may appoint and dismiss at pleasure an officer called the assistant secretary-treasurer, whose remuneration it shall fix by resolution.

Such officer shall have the same rights and powers and shall be subject to the same obligations as the secretary-treasurer. He shall perform the duties of his office under the supervision of the latter.

The provisions of this Act relating to the security and oath of the secretary-treasurer shall apply, with the necessary modifications, to the assistant secretary-treasurer.

R. S. 1964, c. 235, s. 324.

305. Neither the secretary-treasurer nor the assistant secretary-treasurer may be either a member of the school board or a teacher employed by it.

R. S. 1964, c. 235, s. 325.

§ 2. — *Secretary-Treasurer's Security*

306. Every secretary-treasurer shall give security to the commissioners by way of a pledge or an insurance policy.

The amount of any such security is fixed by the school board; but must in no case be less than \$2,000 for the school boards whose territories are wholly comprised in that of one or more local municipalities governed by the Municipal Code of Québec (chapter C-27.1), and \$5,000 for other school boards and regional school boards.

Such security must be given by the secretary-treasurer within 30 days after his appointment.

Nevertheless, the lack of security shall in nowise prevent the secretary-treasurer from performing the duties of his office; but the members of the school board who permit the secretary-treasurer to act as such without security shall be solidarily liable with him towards the school board for the due performance of his duties and for the payment of all moneys for which he may be accountable in the exercise of his office, whether of principal, interest, costs, fines or damages.

The liability referred to in this section is that to which the sureties of the secretary-treasurer oblige themselves, solidarily with him.

R. S. 1964, c. 235, s. 326; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 706; 1999, c. 40, s. 159.

307. The security by pledge consists in the deposit of a sum of money or of bonds approved by the school board and to the amount required. Such deposit must be made Bureau général de dépôts pour le Québec and cannot be withdrawn without the authorization of the Minister of Education, Recreation and Sports. The secretary-treasurer or any surety for him may make this deposit.

The Bureau général de dépôts pour le Québec upon receiving such deposit shall forthwith transmit to the Minister of Education, Recreation and Sports a duplicate of the receipt given therefor.

R. S. 1964, c. 235, s. 327; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1999, c. 40, s. 159; 2005, c. 28, s. 195; 2016, c. 7, s. 183.

308. In the case of security by pledge, all interest arising from the moneys or bonds deposited as security shall belong and be paid to the person who has given such security, so long as there is no violation thereof.

The moneys and bonds given as security shall not, while such security lasts, be liable to seizure.

R. S. 1964, c. 235, s. 328; 1999, c. 40, s. 159.

309. The security by insurance policy or contract shall be made in favor of the school board, by an insurer authorized under the Insurers Act (chapter A-32.1), and accepted by resolution of the said school board.

R. S. 1964, c. 235, s. 329; 1999, c. 40, s. 159; 2018, c. 23, s. 767.

310. The premiums on the insurance policy shall be borne by the school municipality.

R. S. 1964, c. 235, s. 330; 1999, c. 40, s. 159.

311. If the pledge is by insurance policy, the secretary-treasurer shall forthwith transmit to the Minister of Education, Recreation and Sports the insurance policy and also a copy of a resolution of the school board

accepting such policy as security. The amount, number and date of the policy shall be stated in such resolution and the latter must be preceded by the heading of the minutes of the meeting.

R. S. 1964, c. 235, s. 331; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1999, c. 40, s. 159; 2005, c. 28, s. 195.

312. On or before 31 August of each year, the secretary-treasurer shall transmit to the Minister of Education, Recreation and Sports the renewal receipt of the insurance policy or the new policy replacing it, as the case may be.

R. S. 1964, c. 235, s. 332; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1999, c. 40, s. 159; 2005, c. 28, s. 195.

313. Every school board which, thirty days after the receipt of a notice by letter from the Minister informing it that the secretary-treasurer employed by it has not complied with the provisions of sections 306 and 312, continues to maintain such secretary-treasurer in office, shall, in addition to the responsibility enacted with respect to members of the school board by section 306, be liable to a fine of not less than \$10 nor more than \$20, and such fine may be imposed for each day the board so continues to employ such secretary-treasurer.

R. S. 1964, c. 235, s. 333; 1990, c. 4, s. 516.

314. The secretary-treasurer shall not be presumed to have complied with the provisions of sections 306 and 312, until the insurance policy or the receipt for the renewal of the insurance policy which must be transmitted to the Minister has been accepted by the latter, or, in the case of security by pledge, when the Minister of Finance has transmitted the duplicate receipt mentioned in section 307.

R. S. 1964, c. 235, s. 334; 1999, c. 40, s. 159.

315. *(Repealed).*

R. S. 1964, c. 235, s. 335 (part); 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 100; 1990, c. 4, s. 517; 1992, c. 61, s. 363.

§ 3. — *Secretary-Treasurer's Sureties*

316. No surety of a secretary-treasurer may be a member of the school board whereof such secretary-treasurer is or was the employee, before being discharged from all obligations arising out of the security bond.

R. S. 1964, c. 235, s. 336.

§ 4. — *General Duties of Secretary-Treasurer*

317. The secretary-treasurer, in consideration of the remuneration which he receives, shall perform all the duties imposed upon him by this Act.

R. S. 1964, c. 235, s. 337.

318. The secretary-treasurer shall be the custodian of the registers, books, plans, maps, and other documents produced, filed and kept in his office.

He cannot divest himself of the custody of any documents contained in the archives of the school board, except with the permission of such board or under the order of a court of competent jurisdiction, or of the Minister.

R. S. 1964, c. 235, s. 338.

319. The secretary-treasurer shall attend all meetings of his school board, and, in accordance with section 182, shall draw up minutes of all the acts and proceedings thereof, in the book kept for that purpose.

R. S. 1964, c. 235, s. 339.

320. Copies and extracts, certified by the secretary-treasurer, from all books, registers, archives and other documents, shall be authentic.

R. S. 1964, c. 235, s. 340.

321. The secretary-treasurer shall collect all the moneys payable to the school board and shall deposit them, in the name and to the credit of the school board, in a chartered bank or in a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3) having an office in the municipality; and, if there be no such bank or credit union, he shall keep them as depositary, unless the school board orders otherwise.

R. S. 1964, c. 235, s. 341; 1988, c. 64, s. 587; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2000, c. 29, s. 661.

322. The secretary-treasurer shall pay, out of the funds of the school board, all sums of money due by it; but he shall not make any payments except when authorized by resolution of the school board.

If, however, the sum to be paid does not exceed \$50, the authorization of the chairman shall be sufficient.

Every such payment, in the case of moneys deposited in a bank, shall be made by cheque signed by the chairman and countersigned by the secretary-treasurer.

The facsimile of the signature of the chairman and of the secretary-treasurer of a school board may be engraved, lithographed or printed on the debentures issued by the school board and such facsimile shall have the same effect as if the signatures themselves were affixed thereto.

The facsimile of the signatures of the chairman and of the secretary-treasurer of a school board may be engraved, lithographed or printed on the coupons of bonds and on cheques issued by the school board and such facsimile shall have the same effect as if the signatures themselves were affixed thereto.

R. S. 1964, c. 235, s. 342; 1966-67, c. 61, s. 8; 1971, c. 67, s. 63; 1982, c. 58, s. 35; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

323. In the absence of authorization from the school board or from its chairman, the secretary-treasurer may pay, out of the funds of the school board, any draft or order drawn upon him, or any sum demanded by any one empowered so to do by the provisions of the school laws or regulations.

No draft or order shall, however, be legally paid unless it specifies the use of the sum therein mentioned.

R. S. 1964, c. 235, s. 343; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

324. No secretary-treasurer shall, under a penalty of \$20 for each infraction:

(1) grant a discharge to any ratepayer, or other person indebted to the school board, without having received the amount mentioned in such discharge;

(2) lend, directly or indirectly, money belonging to the school board.

R. S. 1964, c. 235, s. 344; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

325. The secretary-treasurer shall keep, in the form prescribed, books of account, in which he shall enter, in order of date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money to him or to whom he has made any payment.

R. S. 1964, c. 235, s. 345.

326. The secretary-treasurer shall keep, among the archives of the school board, all vouchers for his expenditure.

R. S. 1964, c. 235, s. 346; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

327. The secretary-treasurer shall keep a repertory in which he shall mention, in a summary manner and in the order of date, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, statements, notices, letters, maps, plans and other documents that he makes or that are in his possession while in office.

R. S. 1964, c. 235, s. 347.

328. The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in the archives of the school board, shall be open for inspection and examination by any person during regular working hours.

The person in charge of access to documents of the school board shall give access to the documents mentioned in the first paragraph.

R. S. 1964, c. 235, s. 348; 1987, c. 68, s. 82.

329. The person in charge of access to documents of the school board shall issue to any person applying therefor copies or extracts from any register, book, roll or other document which forms part of the archives of the secretary-treasurer.

R. S. 1964, c. 235, s. 349; 1987, c. 68, s. 83.

§ 5. — *Accounting by Secretary-Treasurer*

330. Every school board shall appoint, each year, from among the members of the professional order of accountants mentioned in the Professional Code (chapter C-26) one or more auditors for the audit of its accounts.

Before entering into office, such auditors shall take an oath to conscientiously perform the duties of their office.

The auditor or auditors must, at the same time as they forward their report to the school board, cause a certified copy thereof to be delivered to the Minister. The cost of such copy and the costs of forwarding it shall be borne by the school board.

R. S. 1964, c. 235, s. 350; 1971, c. 67, s. 64; 1977, c. 5, s. 14; 1983, c. 54, s. 47; 1984, c. 38, s. 157; 1994, c. 40, s. 457; 2012, c. 11, s. 32.

331. As soon as the accounts have been audited under the provisions of section 330, the secretary-treasurer shall submit the report furnished by the auditor to the commissioners at the first meeting following the receipt of such report. Such meeting shall be called by public notice.

R. S. 1964, c. 235, s. 351; 1971, c. 67, s. 65; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

332. At least one week before the day preceding the meeting which he must call under section 331, the secretary-treasurer shall publish the summary of the auditor's report in accordance with sections 281 and following.

The person in charge of access to documents of the school board shall furnish a copy of the summary or of the statement as approved by the school board to every person applying therefor.

R. S. 1964, c. 235, s. 352; 1971, c. 67, s. 66; 1987, c. 68, s. 84.

§ 6. — *Examination of the Accounts of a Secretary-Treasurer*

333. Whenever they deem it necessary, or upon a written application addressed to them by at least five ratepayers, or by the secretary-treasurer himself, the commissioners shall order an audit of the accounts of the secretary-treasurer in office or out of office for the year ending on 1 July preceding, or for any of the five

previous years, by one or more auditors appointed by them for that purpose, even when the accounts have already been audited in conformity with section 330.

The costs of such audit shall be payable by the secretary-treasurer if there be a deficiency in his accounts; if not they shall be chargeable to the persons who have applied for it, if it did not benefit the school municipality concerned.

R. S. 1964, c. 235, s. 353; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

334. In the case of any regular or special audit of the accounts of the secretary-treasurer, the auditor or auditors shall, at least five days before the date fixed for the audit, give special notice to the secretary-treasurer in conformity with this Act, or a written notice served upon him by a bailiff who shall make a return of such service, requiring such secretary-treasurer to attend, so as to give all explanations and produce all documents that may be required of him.

R. S. 1964, c. 235, s. 354.

335. The auditor appointed to make a regular or special audit of the accounts of a school board may be an individual or a partnership and may entrust the work to his or its employees, but then the responsibility of the auditor shall be the same as if such work had been entirely performed by such auditor. In the case of a partnership acting as auditor, the taking of the oath of office by one of the partners shall be sufficient.

The auditor must, at the same time as he forwards his report to the school board, cause a certified copy thereof to be delivered to the chairman of the commissioners.

R. S. 1964, c. 235, s. 355; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

336. If the secretary-treasurer refuses or neglects to comply with the order served upon him under section 334, the auditor or auditors shall, nevertheless, proceed to the examination and auditing of the accounts, and shall make and forward their report to the school board, together with a statement of the amount of their costs and expenses. The school board shall, at a regular meeting, adopt the said report, wholly or partly, shall certify the amounts, if any, to which the auditors are entitled for expenses, and shall cause a copy of the resolutions, adopted by them respecting the report, to be served upon the secretary-treasurer by a bailiff.

R. S. 1964, c. 235, s. 356.

337. If the auditor's report establishes a deficiency in the accounts, the secretary-treasurer shall, within fifteen days after service, pay the amount found deficient.

If the secretary-treasurer refuses or neglects to comply with this section, he may be sued by the school board or by any interested ratepayer before a court of competent jurisdiction according to the amount claimed, and may be condemned to pay the amount which he has admitted or which the Court has adjudged him to owe, together with all such other sums as the court may order him to pay, including the costs of the prosecution.

R. S. 1964, c. 235, s. 357; 1965 (1st sess.), c. 80, a. 1.

338. Every action or claim against the secretary-treasurer resulting from his administration shall be prescribed by five years from the day on which such action or claim originated.

R. S. 1964, c. 235, s. 358.

DIVISION IX

BUDGET—EXAMINING-AUDITORS

§ 1. — *Budget*

339. Every school board shall prepare and submit to the Minister, not later than the date determined by him, its operating, investment and debt service budget for the following school year.

R. S. 1964, c. 235, s. 359; 1971, c. 67, s. 67; 1985, c. 8, s. 10; 1986, c. 10, s. 28.

339.1. The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school board and its own revenues, on the other.

The budget shall remain without effect until approved by the Minister.

1986, c. 10, s. 28.

339.2. The budget of a confessional school board or of a dissentient school board does not require the approval of the Minister.

1986, c. 10, s. 28; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

339.3. The school board may include any surplus of the preceding school year in its budget, as revenue.

1986, c. 10, s. 28.

339.4. The school board shall include any deficit for the preceding year in its budget, as expenditure.

1986, c. 10, s. 28; 1986, c. 101, s. 5.

339.5. The Minister may authorize a school board to incur expenditures before its budget is approved, or expenditures not provided for in its budget.

1986, c. 10, s. 28.

339.6. The Minister may, on the conditions and according to the procedure he determines, authorize a school board to adopt a budget that does not maintain the balance provided for in section 339.1.

1986, c. 101, s. 6.

§ 2. — *Examining-Auditors*

340. The Government may appoint, in accordance with the Public Service Act (chapter F-3.1.1), examining-auditors to perform the duties hereinafter described.

No examining-auditor, after he has been appointed, shall hold any office under the direction of a school board.

R. S. 1964, c. 235, s. 360; 1965 (1st sess.), c. 14, s. 81; 1978, c. 15, s. 140; 1983, c. 55, s. 161.

341. The principal duty of an examining-auditor is to ascertain if the provisions of the law and regulations respecting the administration of school boards are complied with.

R. S. 1964, c. 235, s. 361.

342. An examining-auditor shall also give to those concerned such information as is necessary for the proper administration of the affairs of school boards and make constructive suggestions for the establishment of effective accounting methods.

R. S. 1964, c. 235, s. 362.

343. Each examining-auditor shall make a complete report of each of his inspections to the Minister. On receipt of such report, he may make to the chairman and secretary-treasurer of the school board such observations as he deems appropriate.

Such observations shall be communicated to the school board at the first regular sitting held after they are received.

R. S. 1964, c. 235, s. 363.

344. The Minister, if he considers that the public interest so demands, may require an examining-auditor to hold an inquiry into the conduct of any officer of a school board. In such case, the examining-auditor shall have all the powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

R. S. 1964, c. 235, s. 364; 1992, c. 61, s. 364.

345. The examining-auditor may compel the secretary-treasurer or any other person to produce to him for inspection all the documents of the school board in his keeping or possession, under penalty of a fine of not less than \$25 nor more than \$200.

R. S. 1964, c. 235, s. 365; 1990, c. 4, s. 518.

346. The Deputy Minister of Education, Recreation and Sports and the associate deputy ministers shall have *ex officio* the rights and powers of an examining-auditor.

R. S. 1964, c. 235, s. 366; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

PART IV

VALUATION OF PROPERTY—SCHOOL TAXES

DIVISION I

VALUATION OF PROPERTY

347. The valuation of property which has been made by order of the municipal authorities shall serve as the basis of the assessments to be imposed by school boards.

R. S. 1964, c. 235, s. 367; 1971, c. 50, s. 128; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

348. In every school municipality where a valuation roll has been made by order of the municipal authorities, the clerk-treasurer of the municipal council or any other custodian thereof, shall, within 15 days after application in writing from the chairman or the secretary-treasurer of any school board whose territory is wholly or partly comprised in that of the local municipality concerned, furnish a certified copy of the valuation roll or of that part of it which may be indicated to him, under penalty of a fine of \$20 in the case of refusal or neglect.

R. S. 1964, c. 235, s. 368; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 707; 2021, c. 31, s. 132.

349. Whenever the valuation roll of the municipal council comprises more territory than the school municipality, a copy of so much thereof as relates to such school municipality shall be sufficient.

R. S. 1964, c. 235, s. 369; 1973, c. 31, s. 78; 1987, c. 68, s. 85.

350. The clerk-treasurer of the municipal council shall give notice of any change that may have been made in the valuation roll, to the secretary-treasurer of every school board which such change affects, within fifteen days after such change has been made.

R. S. 1964, c. 235, s. 370; 2021, c. 31, s. 132.

351. *(Repealed).*

R. S. 1964, c. 235, s. 371; 1965 (1st sess.), c. 67, s. 14; 1971, c. 50, s. 129; 1973, c. 31, s. 79; 1978, c. 59, s. 14; 1979, c. 72, s. 351.

352. *(Repealed).*

R. S. 1964, c. 235, s. 373; 1975, c. 79, s. 2; 1977, c. 65, s. 1; 1978, c. 79, s. 1; 1979, c. 28, s. 10; 1979, c. 72, s. 351.

353. The standardized assessment of taxable property shall be used in drawing up the collection roll of the commissioners.

The assessment roll remains in force until it is replaced by another roll and it shall not be amended except in accordance with the Act respecting municipal taxation (chapter F-2.1).

R. S. 1964, c. 235, s. 385; 1975, c. 79, s. 3; 1979, c. 72, s. 352; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION II

SCHOOL TAXES

§ 1. — *Imposition of School Taxes*

354. The school assessment shall be imposed by every school board between 15 June and 1 August for the school year ending on 30 June of the following year.

Such assessment shall not be null if imposed after such time.

R. S. 1964, c. 235, s. 388; 1999, c. 40, s. 159.

354.1. Where the total amount of expenses for the payment of which an assessment must be levied under section 226 exceeds 6% of the net expense of the school board or regional board, or the taxation rate for that assessment exceeds \$0.25 per \$100 of the standardized assessment of the taxable property included in the property tax base of the school board or regional board, that assessment shall be submitted to the approval of the electors in accordance with sections 396 and following.

For the purposes of this section, the property tax base of a regional board is equal to the aggregate of the standardized assessment of the taxable property in the territory of the regional board multiplied by the ratio between the number of students of the regional board and all the students under the jurisdiction of the school boards that are members thereof and the regional board.

The property tax base of a school board is equal to the aggregate of the standardized assessment of the taxable property in its territory multiplied by the difference between unity and the ratio established in the preceding paragraph.

This section does not apply in the case of a special tax levied under section 45 or 220.

1979, c. 72, s. 353; 1985, c. 8, s. 26; 1999, c. 40, s. 159.

354.1.1. The owner of a taxable immovable situated in a territory common to a school board for Catholics and a school board for Protestants shall pay his school assessment to the school board where his children are enrolled.

If such a person has no children enrolled in either school board, he may, at his option, pay his school assessment to either school board.

To be valid for the purposes of a school year, an option in respect of the payment of school assessment must be made before 1 April of the preceding school year and be transmitted before that date to the school boards concerned. The school board favoured by the option shall, without delay, inform the regional school board of which it is a member and the municipal body having jurisdiction in real estate assessment of the option made. The option shall remain valid for each of the school years which precede the year of the next school election.

Failing an option under this section, section 391, adapted as required, applies to the payment of school taxes.

1989, c. 36, s. 242; 1999, c. 40, s. 159.

354.1.2. If the person contemplated in section 354.1.1 has not exercised his option under that section for the school year during which a school election is held and that person is an elector, he shall pay his school assessment to the school board where he exercises his right to vote for each of the next school years which precede the year in which the next election will take place.

1989, c. 36, s. 242.

354.1.3. Any payment of school assessment to a school board that is a member of a regional school board entails the obligation to pay school assessment to the regional school board.

1989, c. 36, s. 242.

354.2. For the purposes of section 354.1, “net expense” is the total amount of operating expenses allowable for grants or subsidies under the budgetary rules contemplated in section 15.1, without regard to the debt service of its capitalization fund.

1979, c. 72, s. 353; 1985, c. 8, s. 26.

354.3. Where an assessment is approved by the electors in accordance with section 396 and following, the amount exceeding the limit provided by section 354.1 becomes, for the purposes of this section, the new limit for the two school years following that for which the assessment is approved.

1979, c. 72, s. 353; 1985, c. 8, s. 26.

355. After the imposition of the assessment or after the approval of the electors when required, the secretary-treasurer shall immediately make a collection roll.

He shall also make a special collection roll whenever a special assessment has been imposed after the making of the general collection roll, or whenever ordered so to do by the school board.

The collection roll shall be based on the valuation roll in force on the preceding 1 July, unless the Minister has fixed another date at the request of the school board.

R. S. 1964, c. 235, s. 389; 1971, c. 67, s. 69; 1971, c. 50, s. 134; 1979, c. 72, s. 354.

356. If there is only one collection roll for the general assessment and the special assessment, it must indicate the amount of each assessment.

R. S. 1964, c. 235, s. 390; 1979, c. 72, s. 355.

357. The secretary-treasurer, after having completed a general or special collection roll, shall announce, by public notice given in conformity with sections 281 and following, that the roll is deposited in his office, where it may be examined by those interested during the 15 days following the date of such notice, and that it will be homologated at a meeting of the school board, on a specified date, which must be within the period of ten days mentioned in section 359, and that, during the 20 days following that of the homologation of the collection roll, all ratepayers must pay their taxes at his office without further notice. (*Form 13*).

R. S. 1964, c. 235, s. 391; 1971, c. 67, s. 70; 1999, c. 40, s. 159.

358. Any school board may order, by resolution, that the taxes shall be payable in equal semi-annual or quarterly instalments during the school year for which they are due.

Any school board, by resolution, may allow a discount not exceeding five per cent to any ratepayer who pays the amount of his taxes within the twenty days mentioned in section 357.

The secretary-treasurer shall mention, in the public notice given under section 357, any resolution adopted under this section.

R. S. 1964, c. 235, s. 392; 1965 (1st sess.), c. 67, s. 17; 1979, c. 72, s. 356.

359. (1) The school board shall, during the ten days following the period of 15 days during which the roll remains in the office of the secretary-treasurer for examination by the parties interested, even though no complaint has been made, examine and amend the collection roll, rectify the errors made in transcribing the valuations, the names of persons taxed, the descriptions of lands entered therein, or in the calculations of the taxes imposed, and homologate such roll.

(2) Any ratepayer may apply for an amendment to the collection roll, either by producing a complaint in writing before or upon the day fixed for the homologation of the roll, or by stating his complaint orally at the examination.

R. S. 1964, c. 235, s. 393; 1999, c. 40, s. 159.

360. The school board shall take into consideration all complaints made orally or in writing, and hear all interested persons present.

R. S. 1964, c. 235, s. 394.

361. Every amendment made to the collection roll shall be entered on the roll itself, or on a sheet of paper annexed thereto, and must be initialed by the secretary-treasurer.

R. S. 1964, c. 235, s. 395.

362. A declaration indicating the amendments shall be entered upon or annexed to the collection roll, under the signatures of the chairman and the secretary-treasurer, after which the said roll shall come into force and the said taxes shall be exigible. (*Form 13*).

R. S. 1964, c. 235, s. 396.

363. (*Repealed*).

1965 (1st sess.), c. 67, s. 18; 1966-67, c. 60, s. 1; 1971, c. 50, s. 135; 1979, c. 72, s. 357.

364. *(Repealed).*

1965 (1st sess.), c. 67, s. 18; 1971, c. 67, s. 71; 1979, c. 72, s. 357.

365. School taxes shall bear interest at the rate of six per cent per annum after thirty days from the date when they become exigible.

Nevertheless the commissioners, by a resolution passed within thirty days preceding the end of the school year, may enact a rate of interest different from that above provided; the rate so enacted shall apply for the ensuing school year.

The school board shall not have power to remit such interest.

School taxes shall be prescribed by three years.

R. S. 1964, c. 235, s. 397; 1968, c. 62, s. 1; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 2. — *Collection of Taxes*

366. The council of any local municipality, when required by the school board of a school municipality situate wholly or partly in its territory, shall collect the taxes of such school municipality at the same time as its own.

The council of the local municipality may withhold an amount as collection costs of school taxes, according to an agreement with the commissioners or, failing an agreement, according to the rules the Government may prescribe by regulation.

R. S. 1964, c. 235, s. 398; 1979, c. 72, s. 358; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 708.

367. The clerk-treasurer of such municipal council shall enter, in a book or register specially and exclusively intended for such purpose, the school taxes so collected, which taxes shall not be employed by the local municipality for any purpose whatsoever.

The clerk-treasurer of the said municipal council is, in addition, bound, as the school taxes are collected, to deposit the same in the name and to the credit of the said board, in a lawfully incorporated bank in the locality, or, if there be no such bank therein, in the nearest locality thereto.

Notwithstanding any provision to the contrary, every person who directly or indirectly contravenes or attempts to contravene or aids or causes another to contravene any provision of this section is guilty of an offence and liable to a fine of not more than \$200.

R. S. 1964, c. 235, s. 399; 1990, c. 4, s. 519; 1996, c. 2, s. 709; 2021, c. 31, s. 132.

368. If the school board have not availed themselves of the provisions of section 366, the secretary-treasurer shall, at the expiration of the period of 20 days prescribed by section 357, demand payment of all sums entered in the collection roll and remaining uncollected, from the persons liable for the same, by notifying or causing to be notified to them a special notice to that effect, accompanied by a detailed statement of the sums due by them. (*Form 14.*)

R. S. 1964, c. 235, s. 400; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

369. The notification prescribed by section 368 shall be effected, as respects ratepayers residing in the municipality, by leaving a copy of the special notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or place of work, or by sending a copy by registered mail to the address of the person to whom such notice must be given.

As respects non-resident ratepayers, it shall be effected by sending a copy thereof by registered mail to the person's domicile or place of work, or to the nearest post-office. But no non-resident ratepayer may plead that he has not received such notice, if he has not a known agent in the municipality, or if he has not left his address in writing at the office of the secretary-treasurer of the school board.

The fees to which the secretary-treasurer is entitled for such special notice and for the costs of notification shall be fixed by resolution of the school board.

R. S. 1964, c. 235, s. 401; 1975, c. 83, s. 84; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

370. Any person, not being the debtor, who pays a school tax for a third party, with the consent in writing of the latter, is of right subrogated in the prior claims of the municipality on the immovable property of the debtor and may recover from him the amount of taxes so paid. Such subrogation shall be of no effect unless the receipt given by the clerk-treasurer of the municipality who is bound to issue such receipts states that the payment was made by a third party for the debtor.

The name of such third party shall be noted in the books of the school board.

R. S. 1964, c. 235, s. 402; 1992, c. 57, s. 598; 1999, c. 40, s. 159; 2021, c. 31, s. 132.

§ 3. — *Seizure of Movable*s

371. Fifteen days after the notification of the notice prescribed by section 368, the secretary-treasurer may levy, with legal costs, the sums due by the persons entered on the collection roll, by seizure and sale of all the goods and chattels belonging to them, which may be found within the municipality, saving those which are exempt from seizure.

R. S. 1964, c. 235, s. 403; I.N. 2016-01-01 (NCCP).

372. The seizure and sale shall be made under a notice of execution prepared by the chairman of the school board and filed by the clerk of the Court of Québec or of the Superior Court, according to the amount claimed.

The clerk shall file the notice of execution on the filing of a certificate of the chairman of the school board establishing that the debt is exigible in the amount indicated therein.

R. S. 1964, c. 235, s. 404; 1986, c. 95, s. 165; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

373. The notice of execution issued for the seizure and sale shall be addressed to a bailiff, who shall execute it under his oath of office and according to the same rules as a notice of execution issued under the Code of Civil Procedure (C-25.01).

The chairman of the school board, in preparing such notice, shall not incur any personal responsibility; he shall act under the responsibility of the school board in whose interest the distress is made.

R. S. 1964, c. 235, s. 405; 1965 (1st sess.), c. 17, s. 2; 1965 (1st sess.), c. 80, a. 1; 1986, c. 95, s. 166; 1988, c. 21, s. 66; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

374. The day and place of sale of the goods and chattels so seized shall be announced by the seizing bailiff by public notice in the ordinary manner.

Such notice shall also state the name and occupation of the person whose goods and chattels are to be sold. (*Form 16.*)

R. S. 1964, c. 235, s. 406.

375. If, at the time of the seizure or sale, the debtor be absent, or if there be no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the bailiff may, by an order of the clerk of the Court of Québec or of the Superior Court or any justice of the peace, cause the same to be opened by the usual means in presence of two witnesses, with all necessary force.

R. S. 1964, c. 235, s. 407; 1986, c. 95, s. 167; 1988, c. 21, s. 66.

§ 4. — *Oppositions to the Seizure and Sale of Movables and Oppositions for Payment*

376. The party seized upon and any person having a right of property or of pledge in the effects seized may oppose the seizure and sale for any reason mentioned 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 a seizure may be taken to the competent court for any cause likely to affect the claim of the school board.

R. S. 1964, c. 235, s. 408; 1965 (1st sess.), c. 80, a. 1; 1986, c. 95, s. 168; I.N. 2016-01-01 (NCCP).

377. The opposition must be accompanied by an affidavit attesting that the allegations therein contained are true, and that it is not made with intent to unjustly retard the sale, but with the view of 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 the eight days following the service thereof.

R. S. 1964, c. 235, s. 409; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

378. On the service of an opposition, the bailiff must stay his proceedings, and, within the eight days following such service, make a return of all his proceedings respecting the notice of execution, to the clerk of the court mentioned in the opposition.

R. S. 1964, c. 235, s. 410; I.N. 2016-01-01 (NCCP).

379. The opposition shall subsequently be contested, heard and decided according to the rules of procedure governing oppositions to the seizure and sale of movables before the court before which it is brought.

R. S. 1964, c. 235, s. 411.

380. When the opposition to the seizure and sale is dismissed, the court shall order the bailiff entrusted with making the same, or any other bailiff, to proceed with 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 goods and chattels seized, after notice given in the usual way.

R. S. 1964, c. 235, s. 412; I.N. 2016-01-01 (NCCP).

381. When no opposition to the distribution of the proceeds of the sale of the movables is made, the bailiff shall return the notice of execution and his proceedings thereon, and pay over the proceeds of the sale, after deducting the costs of seizure and sale to the secretary-treasurer, who shall apply such proceeds towards the payment of the school taxes for which the notice was issued.

R. S. 1964, c. 235, s. 413; I.N. 2016-01-01 (NCCP).

382. If opposition be made to the payment of the proceeds of the sale, the bailiff shall pay over the moneys in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who shall receive the same on deposit, and make a return of all his proceedings respecting the seizure and sale, to the court mentioned in the opposition.

The opposition shall afterwards be contested, heard and decided according to the rules of procedure governing oppositions for payment before the court before which it is brought.

The proceeds of the sale shall be distributed by the court, and paid by the secretary-treasurer according to its order.

R. S. 1964, c. 235, s. 414.

383. If there be any surplus, it shall be paid by the secretary-treasurer to the ratepayer whose goods and chattels were sold.

R. S. 1964, c. 235, s. 415.

§ 5. — *Sale of Immovables for Taxes*

384. The secretary-treasurer shall prepare, in the month of November in every year:

(1) a statement of the school assessments remaining due by ratepayers residing in the municipality and by those who are absent;

(2) a statement of the school assessments due by ratepayers residing in the municipality and by those who are absent, with respect to whom a notice of execution has been returned unsatisfied, and of any costs incurred and unpaid.

The statement must show the names and occupations of such taxpayers, and a description of the taxable property liable for the payment of such taxes, according to the assessment and collection rolls. The description of the taxable property is made in accordance with the provisions of the Cities and Towns Act (chapter C-19) relating to the seizure and sale of immovables.

R. S. 1964, c. 235, s. 416; 1979, c. 72, s. 359; I.N. 2016-01-01 (NCCP).

385. Such statements shall be submitted to the school board and be approved by them.

The secretary-treasurer shall, before 20 December, send the said statements to the clerk-treasurer of the local municipality in whose territory are situated the said immovables and to the clerk-treasurer of the regional county municipality, and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner as in the case of a statement of municipal tax arrears transmitted by the clerk-treasurer of a local municipality.

The provisions of the Municipal Code (chapter C-27.1) respecting the redemption of immovables sold for arrears of municipal taxes shall apply to the redemption of immovables sold in virtue of this section.

The clerk-treasurer of the regional county municipality shall, without delay, pay over the amounts recovered to the secretary-treasurer of the school board for which he collected them.

R. S. 1964, c. 235, s. 417; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 710; 2021, c. 31, s. 132.

386. Whenever the taxes to be collected relate to properties situated in the territory of a local municipality governed by the Cities and Towns Act (chapter C-19), the procedure prescribed in the preceding sections may also be followed by the secretary-treasurers of the school boards concerned.

R. S. 1964, c. 235, s. 418; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 711.

387. When the secretary-treasurer of a school board has received from the clerk-treasurer of the local municipality a statement of the immovable property to be sold by the clerk-treasurer of the regional county municipality for taxes, the secretary-treasurer of the school board must, if he has not already done so under section 385, transmit to the clerk-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 clerk-treasurer of the regional county municipality must take such claim into account in preparing his list,

and such amount shall be paid out of the proceeds of the sale made by the clerk-treasurer of the regional county municipality.

R. S. 1964, c. 235, s. 419; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 712; 2021, c. 31, s. 132.

388. The school board may, at the time of the sale of immovables made in accordance with sections 511 and following of the Cities and Towns Act (chapter C-19) and with articles 1022 and following of the Municipal Code (chapter C-27.1), bid for and acquire immovables through the chairman or other person authorized by the said school board, without being bound to pay the amount of adjudication forthwith. The said school board may also bid for and acquire such immovables at any sale under judicial authority or any other sale having the same effect. The school board's bid, however, must in no case exceed the amount of the school taxes in principal, interest and costs, with, in addition, a sufficient amount to satisfy any prior claim of prior or equal rank to that of the school taxes; but, in the latter case, the school board must pay the amount of the adjudication in the same manner as any other bidder.

R. S. 1964, c. 235, s. 420; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1992, c. 57, s. 599; I.N. 2016-01-01 (NCCP).

389. The school board shall enter, in its own name, the immovables so purchased, upon the valuation 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. The municipal taxes so imposed, however, shall not be collectable from the school board.

If the right to redemption be exercised, the redemption price must include, in addition to the amount paid by the school board for such immovable and interest thereon at ten per cent, the amount of the general or special municipal and school taxes imposed on such immovable from the date of the adjudication 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 have not been paid in the distribution of the moneys levied by the sale.

After redemption, the unexpired instalments of special taxes shall continue to affect the immovable redeemed and the owner shall be liable therefor.

If the redemption is not exercised within the period fixed by law, the secretary-treasurer, bailiff, clerk or trustee, as the case may be, shall draw up and sign a deed of sale in favour of the school board and have the same registered.

R. S. 1964, c. 235, s. 421; 1989, c. 36, s. 279; 1990, c. 35, s. 16; I.N. 2016-01-01 (NCCP).

390. Immovables so acquired by the school board, which have not been redeemed, must be sold, by auction or by private sale, as the school board may order by resolution, within the year following the expiration of the period during which redemption may be exercised. The Minister may, however, extend such period at the request of the school board for reasons which he deems satisfactory.

R. S. 1964, c. 235, s. 422; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

§ 6. — *Collection of Taxes from Legal Persons*

1999, c. 40, s. 159.

391. When an immovable of a legal person is situated in a territory under the jurisdiction of two school boards, the right to impose and collect the assessment and the special taxes shall be exercised by each school board on a portion of the valuation of such immovable established proportionately to the number of children aged from five to 17 years of each religious denomination domiciled in the territory common to both boards, as determined by the last census made under section 250.

R. S. 1964, c. 235, s. 423; 1965 (1st sess.), c. 67, s. 19; 1999, c. 40, s. 159.

392. *(Repealed).*

R. S. 1964, c. 235, s. 424; 1979, c. 72, s. 360.

393. Immovables owned by a charitable or educational religious institution or corporation to derive income shall be assessed by the commissioners of the school board or of the dissentient school board according to the religious majority or minority to which the corporation or institution belongs, and for the exclusive benefit of that majority or minority, or in conformity with the declarations which it may make to that effect.

R. S. 1964, c. 235, s. 425; 1979, c. 72, s. 361; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

394. When the religious body to which such legal person or institution belongs is not defined, or where no such declaration has been made, then the taxes to which it is liable shall be collected in the same manner and have the same destination as those of the properties of other legal persons mentioned in section 391.

R. S. 1964, c. 235, s. 426; 1999, c. 40, s. 159.

§ 7. — Assessment of Non-Resident Ratepayers

395. Any ratepayer, being a property-owner, who does not reside in a municipality in which a dissentient school board is established, may declare in writing to the commissioners of the school board and of the dissentient school board his intention of dividing his assessments between the schools under control of the former commissioners and those under control of the latter commissioners.

In such case, the commissioners of the school board shall collect such assessments and shall pay over to the commissioners of the dissentient school board such proportion thereof as such property-owner may direct.

R. S. 1964, c. 235, s. 427; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

§ 8. — Referendum

1979, c. 72, s. 362.

396. Where an assessment is submitted for approval to the electors, the vote shall be taken in accordance with sections 397 to 399.5, and sections 12 to 19, 22 to 30 and 85 to 172 of the Act respecting school elections (chapter E-2.3) apply, adapted as required, when the vote is held.

R. S. 1964, c. 235, s. 428; 1979, c. 72, s. 362; 1985, c. 8, s. 26; 1989, c. 36, s. 243.

397. The list of electors for the referendum is the list used at the last general election of commissioners, subject to applications for entry, striking off or correction.

The list of electors shall be filed not less than 45 days before the date of the referendum.

Sections 44 to 58 of the Act respecting school elections (chapter E-2.3) apply to the revision of the list of electors used for the purposes of the referendum.

R. S. 1964, c. 235, s. 429; 1979, c. 72, s. 362; 1985, c. 8, s. 26; 1989, c. 36, s. 244.

398. The council of commissioners shall fix, by resolution, the date on which the referendum is to be held. It must not be later than ninety days from the date on which the assessment is levied.

The returning officer shall, at least fifteen days before the date on which the referendum is to be held, give a public notice indicating the place, date and time fixed for the poll.

R. S. 1964, c. 235, s. 430; 1979, c. 72, s. 362; 1985, c. 8, s. 26; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

399. The following shall be printed on the ballot papers:

Do you approve the levy of an			
assessment at the rate of (x)			
cents per hundred dollars on		
(percentage of the standardized	.	.	.
assessment of the taxable	.	1	YES
property that makes up the tax	.	.	.
base of the school board or		
regional board) of the	.	.	.
standardized assessment of the	.	2	NO
taxable property of (name of	.	.	.
school municipality)?		

NOTE: That rate corresponds to

(1) the rate of (x) cents per \$100 of the full standardized assessment of that taxable property, and

(2) (y) per cent of the net expenses of the (*name of the school board or regional board*) for the school year (*insert here the school year*).

R. S. 1964, c. 235, s. 431; 1979, c. 72, s. 362; 1985, c. 8, s. 26.

399.1. The returning officer shall, if so requested in writing, appoint for each polling station, one agent for the persons in favour of an affirmative answer and one agent for the persons in favour of a negative answer.

The appointment of an agent shall be made in writing and shall be signed by the returning officer. It shall indicate the name, occupation and residence of the agent and the polling station at which he may act.

1979, c. 72, s. 362; 1985, c. 8, s. 26.

399.2. The vote shall be given by making a mark either in the space where the word “YES” appears, or in that where the word “NO” appears.

1979, c. 72, s. 362; 1985, c. 8, s. 26.

399.3. At the close of the poll, the returning officer or the poll clerk, in the presence of the clerk and of the agents, if any have been appointed, shall proceed to count the votes.

Where there are several polling stations, the returning officer, in the presence of the clerk and of the agents, shall add up the votes in accordance with the return of each poll clerk.

If the addition gives a majority of “YES”, the assessment is approved and it may be collected.

In case of a tie-vote, the returning officer shall give the casting vote.

The returning officer and the election clerk shall certify the addition of the votes and declare, over their signature, whether the assessment has been approved or disapproved, with the necessary particulars.

The returning officer shall table the addition of the votes before the council of commissioners at its next sitting.

1979, c. 72, s. 362; 1985, c. 8, s. 26; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

399.4. Sections 173 to 190 of the Act respecting school elections (chapter E-2.3) adapted as required, apply to the referendum.

1979, c. 72, s. 362; 1985, c. 8, s. 26; 1989, c. 36, s. 245.

399.5. Where the court annuls a referendum, it may order a new referendum, fix the date of the poll and, where required, order the drawing-up of a new electoral list.

1979, c. 72, s. 362; 1985, c. 8, s. 26.

§ 9. —

Repealed, 1979, c. 72, s. 363.

1979, c. 72, s. 363.

400. *(Repealed).*

R. S. 1964, c. 235, s. 432; 1971, c. 67, s. 72; 1979, c. 72, s. 363.

401. *(Repealed).*

R. S. 1964, c. 235, s. 433; 1979, c. 72, s. 363.

402. *(Repealed).*

R. S. 1964, c. 235, s. 434; 1979, c. 72, s. 363.

403. *(Repealed).*

R. S. 1964, c. 235, s. 435; 1979, c. 72, s. 363.

404. *(Repealed).*

R. S. 1964, c. 235, s. 436; 1979, c. 72, s. 363.

405. *(Repealed).*

R. S. 1964, c. 235, s. 437; 1979, c. 72, s. 363.

406. *(Repealed).*

R. S. 1964, c. 235, s. 438; 1979, c. 72, s. 363.

407. *(Repealed).*

R. S. 1964, c. 235, s. 439; 1965 (1st sess.), c. 80, a. 1; 1979, c. 72, s. 363.

408. *(Repealed).*

R. S. 1964, c. 235, s. 440; 1979, c. 72, s. 363.

409. *(Repealed).*

R. S. 1964, c. 235, s. 441; 1979, c. 72, s. 363.

410. *(Repealed).*

R. S. 1964, c. 235, s. 442; 1979, c. 72, s. 363.

411. *(Repealed).*

R. S. 1964, c. 235, s. 443; 1979, c. 72, s. 363.

412. *(Repealed).*

R. S. 1964, c. 235, s. 444; 1979, c. 72, s. 363.

413. *(Repealed).*

R. S. 1964, c. 235, s. 445; 1979, c. 72, s. 363.

414. *(Repealed).*

R. S. 1964, c. 235, s. 446; 1979, c. 72, s. 363.

415. *(Repealed).*

R. S. 1964, c. 235, s. 447; 1979, c. 72, s. 363.

416. *(Repealed).*

R. S. 1964, c. 235, s. 448; 1979, c. 72, s. 363.

417. *(Repealed).*

R. S. 1964, c. 235, s. 449; 1979, c. 72, s. 363.

418. *(Repealed).*

R. S. 1964, c. 235, s. 450; 1979, c. 72, s. 363.

419. *(Repealed).*

R. S. 1964, c. 235, s. 451; 1979, c. 72, s. 363.

420. *(Repealed).*

R. S. 1964, c. 235, s. 452; 1979, c. 72, s. 363.

421. *(Repealed).*

R. S. 1964, c. 235, s. 453; 1979, c. 72, s. 363.

422. *(Repealed).*

R. S. 1964, c. 235, s. 454; 1979, c. 72, s. 363.

PART V

REGIONAL SCHOOL BOARDS—AGREEMENTS BETWEEN SCHOOL BOARDS, REGIONAL BOARDS AND PRIVATE EDUCATIONAL INSTITUTIONS

DIVISION I

REGIONAL SCHOOL BOARDS

§ 1. — *Constitution of Regional Boards*

423. The Government, upon the application of the school boards concerned and with the recommendation of the Minister, may constitute school boards as a regional school board, under such name and on such conditions as it deems expedient, for purposes of the construction, maintenance and administration of one or more high schools.

The Minister shall forward a copy of the order in council to the school boards concerned and publish in the *Gazette officielle du Québec* a notice of the constitution of the regional board.

R. S. 1964, c. 235, s. 469.

424. Every regional board which has as a member a school board having jurisdiction over a school municipality contemplated in section 39 shall relate to Catholics or Protestants, as the case may be, within the meaning of such section.

The territory of a regional board corresponds to the aggregate of the territories of the school boards that are members thereof.

1971, c. 67, s. 74; 1979, c. 72, s. 364.

425. School boards wishing to be constituted as a regional board shall pass a resolution to that effect and forward a certified copy thereof to the Minister. Such resolution shall not be valid until after thirty days have elapsed following its publication.

R. S. 1964, c. 235, s. 470.

426. Any school board may, on application, become a member of an existing regional board, by order of the Government adopted on the recommendation of the regional board and of the Minister. Such order in council shall have effect only from 1 July following the date of its adoption unless another date is fixed therein.

R. S. 1964, c. 235, s. 471.

427. No school board shall cease to be a member of a regional board except by order of the Government, adopted on the recommendation of the Minister and the Commission municipale du Québec.

The Minister shall publish in the *Gazette officielle du Québec* a notice of such order, which shall not take effect until 1 July following the date of its adoption, unless the Government has fixed another date.

The secretary-general of the school board shall, however, within fifteen days before the date the order comes into effect, convene the delegates of all the school committees in the territory of the school board to proceed to the election of the chairman and the representatives of the parents' committee of the school board. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1.

R. S. 1964, c. 235, s. 472; 1977, c. 5, s. 14; 1986, c. 10, s. 29.

427.1. In the case referred to in section 427, the commissioners of the regional school board who represent the school boards which remain members of the regional board shall, within fifteen days before the date on which the order takes effect, elect the chairman and vice-chairman and the members of the executive committee of the regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436.

1986, c. 10, s. 30.

427.2. In the case provided for in section 427, the secretary-general of the regional board shall, within fifteen days preceding the date on which the order takes effect, convene the members of the parents' committee who are delegates of the school committees that remain under the jurisdiction of the regional board to proceed to the election of the chairman and the representative of the parents' committee of the regional board. They shall remain in office until the date on which they are replaced by persons elected pursuant to section 52.1.

1986, c. 10, s. 31.

428. The Government may, by order, divide, annex or amalgamate regional school boards.

Such division, annexation or amalgamation shall be effected following a resolution by each regional school board concerned.

Such a resolution shall not be valid until after thirty days have elapsed following its publication.

Notice thereof shall be published in the *Gazette officielle du Québec* in the manner provided in section 40, and the division, annexation or amalgamation cannot be granted until fifteen days after the last publication of such notice.

The division, annexation or amalgamation shall take effect on 1 July unless the Government has fixed another date, except for the purposes of the elections provided for in sections 428.1 and 428.2.

R. S. 1964, c. 235, s. 473; 1986, c. 10, s. 32.

428.1. In the cases referred to in section 428, the school board commissioners who become members of the Council of Commissioners of the new regional board shall, within thirty days before the date on which the division, annexation or amalgamation takes effect, elect the chairman and vice-chairman and the members of the executive committee of the new regional board. The persons elected shall remain in office until they are replaced by persons elected within the time prescribed in section 436.

1986, c. 10, s. 33.

428.2. Section 47.4, applies, with the necessary modifications to the election of the chairman and of the representative of the parents' committee of the new regional board.

1986, c. 10, s. 33.

429. The head office of the regional board shall be situated at the place fixed by resolution of such regional school board. The secretary-treasurer shall forward a copy of such resolution to the Minister as well as to each school board which is a member of the regional board.

The Minister shall publish a notice of such resolution in the *Gazette officielle du Québec*.

R. S. 1964, c. 235, s. 474; 1971, c. 67, s. 75.

430. The executive committee contemplated in section 74 shall consist, for the regional boards, of five commissioners appointed by the Council of Commissioners; it shall consist of seven commissioners if the regional board comprises more than twenty-five commissioners.

Nevertheless, the Minister may, upon a petition of the Council of Commissioners of the regional board, increase the number of members of the executive committee to nine.

The executive committee of a regional board shall include at least one commissioner from each school board which is a member of such regional board.

The director-general and the assistant director-general contemplated in section 191 and the representative of the parents' committee are also members of the executive committee but they do not have the right to vote.

1971, c. 67, s. 76; 1979, c. 28, s. 11.

431. The provisions of this Act respecting the juridical status, powers, duties and obligations of school boards and commissioners apply, with the necessary modifications, to the regional board and its commissioners.

R. S. 1964, c. 235, s. 475; 1972, c. 55, s. 101; 1973, c. 37, s. 5; 1974, c. 61, s. 10; 1975, c. 45, s. 29; 1977, c. 5, s. 14; 1979, c. 80, s. 45; 1981, c. 26, s. 8; 1982, c. 58, s. 36.

431.1. A regional board may organize school bussing for all or part of the users resident in its territory, assume the expenses for that purpose and make any agreement for the school bussing of all or part of the users attached to a school board, another regional board, a private educational institution or a general and vocational college.

Where a regional board organizes school bussing at noon in order to allow the users to go home for lunch and to return for afternoon classes, it may claim payment of the cost of the bussing from those persons benefiting therefrom.

1981, c. 26, s. 8; 1982, c. 58, s. 37.

431.2. A regional board may provide school bussing by means of vehicles it owns or rents. However, the board must obtain prior authorization of the Minister.

1981, c. 26, s. 8; 1997, c. 96, s. 188.

431.3. A regional board may grant a school bussing contract after negotiating an agreement or after a call for public tenders. However, in no case is it bound to accept the lowest or any other tender.

1981, c. 26, s. 8.

431.4. The Government may, by regulation, determine the steps to be followed in granting a school bussing contract, provide restrictions and conditions at each step to the granting of a contract, limit the power of the regional board to negotiate a contract by agreement to certain carriers and prescribe the minimum conditions to be included in a contract.

To be valid, a school bussing contract must conform to the regulation provided for in the first paragraph, be in writing, and be for a term not longer than that fixed by the Minister or, if that has not been fixed, not longer than three school years.

1981, c. 26, s. 8; 1997, c. 96, s. 189.

431.5. In addition to the authorized users of its bussing service designated by the regional board, the latter may, after determining the number of seats available, allow other persons to use the service up to such number of available seats, and it may fix and charge a fare. A school bus carrier under contract with the regional board shall allow such persons to board if there are seats available. If he fails to do so, the contract may be cancelled at the demand of the regional board. Any contractual agreement to the contrary is without effect.

1981, c. 26, s. 8; 1988, c. 25, s. 64; 1999, c. 40, s. 159.

431.6. Section 431.5 does not apply where school bussing is included in a regular public transport service provided by a public transport system or the holder of a public transport permit.

1981, c. 26, s. 8.

431.7. Whether or not it is bound by a school bussing contract for the transport of its users, the regional board may pay an amount directly to its users to cover the whole or part of their bus fare.

1981, c. 26, s. 8.

431.8. A regional board exercising its power to organize school bussing must first set up an advisory committee on bussing whose membership, powers and procedures must conform to the standards determined by regulation of the Government.

1981, c. 26, s. 8.

431.9. A regional board or school board authorized under section 195 to exercise the powers of a regional board shall receive school bussing subsidies in the amount determined according to the budgetary rules established by the Minister and approved by the Conseil du trésor.

1981, c. 26, s. 8; 1982, c. 58, s. 38; 1997, c. 96, s. 190.

431.10. Government regulations made under sections 431.4 and 431.8 come into force from their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1981, c. 26, s. 8.

§ 2. — Commissioners

432. The Council of Commissioners contemplated in section 74 consists, in the case of every regional board, of all the commissioners of the school boards which are members of it and of the representative of the parents' committee of that regional board.

However, the Minister may, at the request of all the school boards which are members of a regional board, reduce, but not to less than five, the number of commissioners of each school board who may become commissioners of the Council of Commissioners of the regional board.

R. S. 1964, c. 235, s. 480; 1971, c. 67, s. 78; 1971, c. 68, s. 3; 1979, c. 28, s. 12; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

433. The decision of the Minister, in the case contemplated in the second paragraph of section 432, shall come into force upon the expiry of 30 days from the notice of it given by the Minister in the *Gazette officielle du Québec*. Before the expiry of such time, each school board shall appoint by resolution the commissioners who must be members of the Council of Commissioners of the regional board. When a member of such Council of Commissioners ceases to hold office during a term for one of the causes provided for in section 191 of the Act respecting school elections (chapter E-2.3), the school board that had appointed him shall replace him.

1971, c. 68, s. 4; 1989, c. 36, s. 246; 1999, c. 40, s. 159.

434. The decision made by the Minister in accordance with the second paragraph of section 432 shall have effect for the unelapsed period of the then current school year and for the two subsequent school years. Thereafter, the number fixed by the Minister shall remain the same unless all the school boards which are members of the regional board request the Minister to revise the decision made in accordance with the second paragraph of section 432. The decision of the Minister on such request shall come into force upon the expiry of thirty days from the notice of it which he gives in the *Gazette officielle du Québec*.

1971, c. 68, s. 4.

435. The commissioners shall be members of the regional board during their term of office as commissioners of the school board which is a member of the regional board; nevertheless they shall remain in office until their successors have taken the oath.

R. S. 1964, c. 235, s. 481; 1971, c. 67, s. 78; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

§ 3. — *Chairman, Secretary-Treasurer and Auditor*

436. Each year, within thirty days after the third Sunday in November, the commissioners shall proceed to the election of the chairman and vice-chairman and the members of the executive committee of the regional board. The persons elected shall remain in office until the election or appointment of their successors.

R. S. 1964, c. 235, s. 483; 1971, c. 67, s. 80; 1986, c. 10, s. 34.

437. The provisions of this Act respecting the chairman, the vice-chairman or the commissioner who replaces the chairman of a school board shall apply with the necessary modifications to the regional board.

The provisions of this Act respecting the secretary-treasurer of a school board shall apply with the necessary modifications to the staff of the regional board as provided in section 192.

R. S. 1964, c. 235, s. 485; 1971, c. 67, s. 82.

438. The provisions of this Act respecting the auditor of a school board and his report apply, with the necessary modifications, to the regional board.

R. S. 1964, c. 235, s. 486; 1971, c. 67, s. 83; 1979, c. 28, s. 13.

§ 4. — *Budget and Financing*

439. Sections 339, 339.1 and 339.3 to 339.6 apply to a regional board.

R. S. 1964, c. 235, s. 487; 1965 (1st sess.), c. 67, s. 20; 1971, c. 67, s. 83; 1986, c. 10, s. 35; 1986, c. 101, s. 7.

440. The cost of bussing expenses incurred by a regional board, for the school boards that are members thereof or for another regional board or another school board, shall be assumed by each of them on the basis of the cost of bussing services received or according to a proportion determined by the Government, less the subsidies granted for these purposes.

R. S. 1964, c. 235, s. 488; 1966-67, c. 61, s. 9; 1972, c. 55, s. 102; 1979, c. 72, s. 365; 1981, c. 26, s. 9.

440.1. The cost of bussing expenses incurred by a regional board for a general and vocational college or private educational institution shall be assumed by such college or institution on the basis of the cost of bussing services received, less the subsidies granted for these purposes.

1981, c. 26, s. 9.

441. Without limiting the scope of section 431, the provisions of subdivision 23 of Division IV of Part III concerning the duties of commissioners respecting school taxes, and those of Part IV respecting the valuation of property and school taxes apply, with the necessary modifications, to the regional board.

R. S. 1964, c. 235, s. 489; 1979, c. 72, s. 366; 1981, c. 26, s. 10; 1985, c. 8, s. 26.

442. Any school board that is a member of a regional board must collect or cause to be collected the taxes of the regional board in accordance with section 366.

Where a school board causes the tax of the regional board to be collected, section 367 applies instead of the first paragraph of section 443.

R. S. 1964, c. 235, s. 490; 1979, c. 72, s. 366; 1985, c. 8, s. 26.

443. The secretary-treasurer of a school board must enter, in a book or register specially and exclusively intended for that purpose, the school taxes of the regional board; the taxes shall not be used by the school board for any object whatever.

The school board shall remit to the regional board the amount of the taxes collected in any month not later than the fifteenth day of the following month.

A remittance not effected when due bears interest at the rate of six per cent per annum from the time it is due.

However, a regional board may, by a resolution adopted within thirty days before the end of the school year, order a higher rate of interest than the rate hereinabove provided; the rate so ordered applies to the following school year.

R. S. 1964, c. 235, s. 491; 1966-67, c. 61, s. 10; 1979, c. 72, s. 366; 1985, c. 8, s. 26.

444. *(Replaced).*

R. S. 1964, c. 235, s. 492; 1965 (1st sess.), c. 67, s. 21; 1968, c. 62, s. 2; 1979, c. 72, s. 366.

§ 5. — *Miscellaneous Provisions*

445. Meetings of the commissioners shall be called by special notice given by the secretary-treasurer at least seven clear days beforehand.

R. S. 1964, c. 235, s. 493; 1971, c. 67, s. 84.

446. The publication of a public notice by a regional board shall be effected by sending a copy of such notice by registered mail to each member school board and by inserting such notice once in a newspaper published in the region.

R. S. 1964, c. 235, s. 494; 1975, c. 83, s. 84; I.N. 2016-01-01 (NCCP).

447. The Government, on the recommendation of the Minister, may make any appointment provided for by this division when such appointment has not been made in due time by those who should make it.

R. S. 1964, c. 235, s. 495.

448. A school board may, on such conditions as it determines by resolution, delegate to a regional board all or part of its powers and duties. Such delegation must be accepted by resolution of the regional board and approved by the Minister.

Any change in the conditions of delegation shall be subject to the same formalities.

The Minister may, at the request of a school board wishing to avail itself of this section, exempt such school board from the obligation to appoint one or more of the persons mentioned in section 191.

1965 (1st sess.), c. 67, s. 22; 1971, c. 67, s. 85.

449. When all the school boards which are members of a regional board apply for the union of their school municipalities into a new school municipality, the Government may, if such boards then apply for it, order that the regional board cease to exist; it may also, upon the resolution of a school board which is the only

member of a regional board, order that the regional board cease to exist. The resolutions passed for that purpose shall come into force only thirty days after their publication.

In such case, the new school board or that which subsists, as the case may be, shall succeed to the rights and obligations of the regional board.

The secretaries-general of the united school municipalities or, as the case may be, the secretary-general of the sole school board shall proceed to the election of the chairman and the representatives of the parents' committee of the school board within thirty days before the effective date of the changes. They shall remain in office until the date on which they are replaced by persons elected according to section 52.1.

The secretaries-general of the united school municipalities shall act jointly.

The order of the Government shall have effect on 1 July following its publication in the *Gazette officielle du Québec* or on any other date fixed by the Government, except for elections provided for in this section and in section 47.3.

1971, c. 67, s. 86; 1987, c. 7, s. 15.

DIVISION II

AGREEMENTS BETWEEN SCHOOL BOARDS, REGIONAL BOARDS AND PRIVATE EDUCATIONAL INSTITUTIONS

450. Any school board or regional board may make, for a fixed period, an agreement whereby children under its jurisdiction may, at its expense, attend a school of another board or a private educational institution in accordance with the regulations determined by the Minister.

A school board or regional board may decide by resolution to pay, for each child under its jurisdiction and attending outside its territory a private educational institution which has made with another board an agreement contemplated in this section, the tuition fees provided for in such agreement.

R. S. 1964, c. 235, s. 496; 1966-67, c. 62, s. 5; 1971, c. 67, s. 87; 1979, c. 80, s. 46.

PART VI

PROSECUTIONS—PENAL PROVISIONS—CONTESTATIONS

1992, c. 61, s. 365; 2020, c. 12, s. 144.

DIVISION I

PROSECUTIONS

451. Any school board may institute such suits as it deems necessary for the recovery of sums due, for school assessments, monthly fees and for arrears thereof.

R. S. 1964, c. 235, s. 498.

452. All suits and actions under section 451, whatsoever may be thereof, shall be instituted before the Court of Québec or the Municipal Court having jurisdiction within the territory where the school municipality, in whole or in part, is situated.

Wherever the amount claimed exceeds \$500, an appeal shall lie from the decisions rendered by such courts to the Court of Appeal.

Such appeal shall be exercised in the same manner as the appeal from the decisions of municipal judges and municipal courts, under sections 9 to 15 of the Municipal Courts Act (chapter C-72).

Notwithstanding any provision to the contrary, the execution of a judgment rendered by the Municipal Court for the recovery of school taxes may be effected by the seizure and sale of the immovable property of the defendant.

The execution of such a judgment on the immovable property as well as the subsequent proceedings shall be made according to the same rules as those enacted in similar matters by the Code of Civil Procedure (chapter C-25.01) for the Court of Québec.

R. S. 1964, c. 235, s. 499; 1965 (1st sess.), c. 17, s. 2; 1974, c. 11, s. 2; 1988, c. 21, s. 66; I.N. 2016-01-01 (NCCP).

453. Every action shall be brought in the name of the school board, in virtue of a resolution adopted for that purpose.

R. S. 1964, c. 235, s. 500; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

DIVISION II

PENAL PROVISIONS

1992, c. 61, s. 365.

454. Every person lawfully called upon to accept any office or perform any functions under this Act who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes any provision of this Act or of any regulation thereunder, shall, for each such offence, be liable to a fine of not less than \$5 nor more than \$10.

R. S. 1964, c. 235, s. 501.

455. Any commissioner, secretary-treasurer or other person making any false certificate or return by means of which he fraudulently obtains or seeks fraudulently to obtain money provided for the purposes of education under any of the provisions of this Act, shall restore the money so obtained, and shall also be liable to a fine of not less than \$10 nor more than \$40.

R. S. 1964, c. 235, s. 502; 1969, c. 21, s. 35; 1990, c. 4, s. 520; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

456. (1) Any commissioner or secretary-treasurer, after dismissal or retirement from office, or any other person, who retains, keeps or takes possession of or refuses to deliver up any sum of money, register, book, paper or other article belonging to a school board, shall be liable, for each day during which he retains, appropriates or refuses to deliver such sum of money, register, book, paper or other article, to a fine of not less than \$5 nor more than \$20, from the day following that upon which the notice mentioned in subsection 2 of this section has been served upon him.

(1.1) The school board may, in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), institute penal proceedings under subsection 1.

Upon conviction, the judge may order the return to the board of any sum of money, register, book or article pertaining to the proceedings.

Prior notice of an application for return shall be given by the prosecutor to the defendant.

(2) Before instituting the proceedings, notice shall be given by the Minister to the person who retains the sum of money or article above-mentioned, ordering him to deposit or deliver the same within a specified time into the hands of the person indicated in such notice. Such notice shall be served by a bailiff upon the person

withholding such money or other article, at his domicile, and the said bailiff shall make his return of such service.

(3) *(Subsection repealed).*

R. S. 1964, c. 235, s. 503; 1974, c. 13, s. 36; 1990, c. 4, s. 521; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1992, c. 61, s. 366; 1999, c. 40, s. 159.

457. Every person who voluntarily troubles, disturbs or interrupts any school or educational institution by indecent, improper or insulting expressions or conduct, or by making any noise in or near such school or educational institution so as to disturb the classes or the school, shall be liable to a fine of not more than \$20.

R. S. 1964, c. 235, s. 504; 1990, c. 4, s. 522.

458. *(Repealed).*

R. S. 1964, c. 235, s. 505; 1990, c. 4, s. 523.

459. *(Repealed).*

R. S. 1964, c. 235, s. 506; 1990, c. 4, s. 524.

460. The fines belong to the school board of the municipality where the offence has been committed, and are paid into the school fund, except where the penal proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions.

R. S. 1964, c. 235, s. 507; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1992, c. 61, s. 367; 1999, c. 40, s. 159; 2005, c. 34, s. 86.

DIVISION III

CONTESTATIONS

R. S. 1964, c. 235, Div. III; 2020, c. 12, s. 144.

461. A contestation may be filed with the Court of Québec when the commissioners have

- (1) selected a school site or decided upon building or rebuilding a school;
- (2) refused or neglected to perform any of the duties which they may or must perform in virtue of section 213 or 235.

A contestation may also be filed with the Court of Québec from any decision of an administrator appointed in accordance with section 14 or section 75 having as its object a change in the boundaries of the school municipality.

R. S. 1964, c. 235, s. 508; 1965 (1st sess.), c. 17, s. 2; 1971, c. 67, s. 88; 1979, c. 72, s. 367; 1988, c. 21, s. 66; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2020, c. 12, s. 144.

462. The contestation may be filed or the recourse taken by any ratepayer of the school municipality:

- (1) during the fifteen days following the notice given in virtue of section 293 in the cases in which such notice is required; or
- (2) if the commissioners refuse or neglect to perform a duty or to exercise a power mentioned in section 213 or 235, during the thirty days following the expiration of thirty days counting from the notice given by a taxpayer to the commissioners to perform or exercise it, if within that time the commissioners have not granted the application of the taxpayer; or

(3) *(paragraph repealed)*;

(4) during fifteen days following the last publication of the notice given by the Minister in accordance with section 40, in a case contemplated in the last paragraph of section 461.

R. S. 1964, c. 235, s. 509; 1971, c. 67, s. 89; 1979, c. 72, s. 368; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2020, c. 12, s. 144.

463. The contestation or recourse shall be exercised by means of a written notice stating the motives of the contestation, served by a bailiff upon the secretary-treasurer of the school board interested, personally or at his office or domicile.

In any case contemplated in the last paragraph of section 461, the contestation shall not be valid if the notice is not served upon the Minister and if he is not impleaded in such contestation.

R. S. 1964, c. 235, s. 510; 1971, c. 67, s. 90; 2020, c. 12, s. 144.

464. A duplicate of such notice, and the certificate of the service thereof, shall be returned into the office of the court within five days after the service.

R. S. 1964, c. 235, s. 511.

465. Within ten days after the service of the notice, all the documents concerning the matter must be filed at the office of the court, at 10:00 a.m., by the secretary-treasurer of the school board, under a fine of not more than \$20.

R. S. 1964, c. 235, s. 512; 1990, c. 4, s. 525.

466. As soon as the ten days mentioned in section 465 have expired, the case shall be placed by the clerk upon the roll for trial, and may be heard on the fifth working day after such inscription, or on any other day fixed by the judge. If the case be not concluded during the term it may be continued to the next term.

The court may always adjourn the trial of the case if it appears to the court that the motives of the contestation are not sufficiently detailed in the notice, and it may, upon such conditions as appear fair to it, order that the details be furnished by the contesting party, before the trial or before the continuation of such trial.

R. S. 1964, c. 235, s. 513; I.N. 2016-01-01 (NCCP); 2020, c. 12, s. 129.

467. The contestation or recourse shall have precedence over all other cases.

R. S. 1964, c. 235, s. 514; 2020, c. 12, s. 144.

468. The court may, by its judgment, confirm the contested resolution or annul the same, correct any error of procedure connected therewith, render such decision as the commissioners should have originally rendered or order them to exercise the powers respecting which recourse is had.

R. S. 1964, c. 235, s. 515; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2020, c. 12, s. 151.

469. If the court, by its judgment, condemns the school board to do anything which has been required of it, such board shall be liable to a penalty of not more than \$20 per day, for each day's delay in the carrying out of what it is bound to do.

R. S. 1964, c. 235, s. 516.

470. (1) The execution of the decision of the commissioners being contested shall be suspended until the judgment on the contestation is rendered.

The same shall apply to every decision of an administrator in any case contemplated in the last paragraph of section 461.

(2) The costs of the contestation or the recourse shall be in the discretion of the court or judge, and shall be taxed against either party.

R. S. 1964, c. 235, s. 517; 1971, c. 67, s. 91; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 2020, c. 12, s. 130.

471. *(Repealed).*

R. S. 1964, c. 235, s. 518; 1965 (1st sess.), c. 17, s. 2; 1974, c. 11, s. 2; 1979, c. 72, s. 369.

PART VII

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE—SCHOOL LIBRARIES—SCHOOL BOOKS—
SCHOOL EXHIBITIONS—SPECIAL MEASURES FOR THE EDUCATION OF CERTAIN PERSONS

1979, c. 80, s. 47.

DIVISION I

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE IN SCHOOLS

472. Drawing and hygiene shall be taught in all schools, and agriculture in all schools in the territory of a local municipality governed by the Municipal Code of Québec (chapter C-27.1).

R. S. 1964, c. 235, s. 560; 1996, c. 2, s. 713.

DIVISION II

TEACHING OF AGRICULTURE

473. The Minister may form and maintain under his control one or two committees, composed of persons competent in pedagogy and agricultural science, and entrusted with the preparing of a program of agricultural teaching in Québec.

R. S. 1964, c. 235, s. 561.

474. Such committee or each of such committees shall be composed of not less than five nor more than nine members.

The services of such members shall be gratuitous but they may be reimbursed their expenses.

R. S. 1964, c. 235, s. 562.

DIVISION III

SCHOOL LIBRARIES

475. Every school board is authorized to assume the cost of establishing, maintaining and developing school libraries.

R. S. 1964, c. 235, s. 563.

476. *(Repealed).*

R. S. 1964, c. 235, s. 564; 1986, c. 95, s. 169.

DIVISION IV

SCHOOL BOOKS

§ 1. — *Acquisition of Books, Maps*

477. The Government may acquire, for Québec, the copyright of books, maps and other publications.

R. S. 1964, c. 235, s. 565.

§ 2. — *Free Distribution of School Books*

478. The Government may distribute, free of charge, to pupils in schools, under the conditions which may be imposed, books or series of books, maps and other publications.

R. S. 1964, c. 235, s. 566.

DIVISION V

SCHOOL EXHIBITIONS

479. The Government may, on the report of the Minister, promulgate regulations for establishing, holding, directing and maintaining school exhibitions, and may appoint one or more commissioners for that purpose, whose duty it shall be to obey the instructions given by it.

Such regulations shall be published in the *Gazette officielle du Québec*.

R. S. 1964, c. 235, s. 567.

DIVISION VI

SPECIAL MEASURES FOR THE EDUCATION OF CERTAIN PERSONS

1979, c. 80, s. 48.

480. Every school board must offer special educational services for children who are unable, by reason of physical or mental deficiency, to avail themselves of the instruction given in the regular classes or courses.

R. S. 1964, c. 235, s. 568; 1978, c. 7, s. 94; 1979, c. 80, s. 48.

481. The Government may, by regulation, determine the nature of the special educational services contemplated in section 480.

A regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

R. S. 1964, c. 235, s. 569; 1979, c. 80, s. 48.

482. The admission of children to special educational services is effected after consultation with their parents, the teachers identified with those services and the staff concerned.

R. S. 1964, c. 235, s. 570; 1979, c. 80, s. 48.

483. Every school board must take the necessary measures to admit to the recognized and appropriate classes he needs any 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) who needs further general and vocational education to facilitate his school, vocational and social integration,

from the end of the school year in which he reaches 16 years of age until the end of the school year in which he reaches 21 years of age.

R. S. 1964, c. 235, s. 571; 1979, c. 80, s. 48; 2004, c. 31, s. 71.

484. A school board or a regional school board may organize educational services for persons other than those contemplated in section 33.

Notwithstanding section 200, a teacher may be hired for the purposes of this section for less than one school year.

R. S. 1964, c. 235, s. 572; 1978, c. 7, s. 95; 1979, c. 80, s. 48; 1980, c. 11, s. 58.

485. *(Replaced).*

R. S. 1964, c. 235, s. 573; 1979, c. 80, s. 48.

486. *(Replaced).*

1971, c. 67, s. 92; 1979, c. 80, s. 48.

PART VIII

EDUCATION AS REGARDS PERSONS PROFESSING THE JEWISH RELIGION

487. Any provision to the contrary notwithstanding, in every municipality of Québec, whether governed as regards schools by this Act or by a special Act, or by this Act and by a special Act, persons professing the Jewish religion shall, for school purposes, be treated in the same manner as Protestants, and, for such purposes, shall be subject to the same obligations and shall enjoy the same rights and privileges as the latter.

R. S. 1964, c. 235, s. 574.

488. In every municipality in Québec, persons professing the Jewish religion shall pay their school taxes to or for the benefit of the school board in such municipality which administers Protestant public schools, and if there be no such school board, then to the sole school board existing therein.

R. S. 1964, c. 235, s. 575; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

489. In every municipality in which, for the purpose of imposing and collecting the school tax, the immovable property belonging to persons professing the Jewish religion is entered in a statement comprising the immovable property of persons who do not profess either the Roman Catholic or Protestant faith, the immovable property belonging to persons professing the Jewish religion shall be omitted from such statement, and be entered on the statement comprising the immovable property of persons who are of the Protestant faith.

Every provision in any Act, whether general or special, conferring upon persons of the Jewish religion the right to have their immovable property entered upon any other statement than that on which the immovable property of Protestants is entered, is repealed.

R. S. 1964, c. 235, s. 576.

490. Whenever, under the law applicable to any municipality, the moneys arising from school taxes are divided between the Roman Catholic school board and the Protestant school board, in the relative proportion of the Roman Catholic and Protestant population, persons professing the Jewish religion shall be counted as Protestants.

R. S. 1964, c. 235, s. 577; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

491. In every municipality in which the grant annually voted by Parliament for public schools is to be divided by the Minister between the Roman Catholic school board and the Protestant school board, in the relative proportion of the Roman Catholic and Protestant population of the municipality according to the then last census, the Minister shall include among the Protestants the persons who, according to the then last census, professed the Jewish religion.

R. S. 1964, c. 235, s. 578; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

492. The children of persons professing the Jewish religion shall have the same right to be educated in the public schools of Québec as Protestant children, and shall be treated in the same manner as Protestants for all school purposes.

No pupil of the Jewish religion shall, however, be compelled to read or study any religious or devotional books or to take part in any religious exercises or devotions to which the father or the mother or tutor or person having the care or maintenance of such pupil, shall object.

R. S. 1964, c. 235, s. 579; 1977, c. 72, s. 9.

493. This part shall not apply to the territory under the jurisdiction of the Greater Montréal Protestant School Board.

This section shall not be interpreted as depriving a person professing the Jewish religion of the right conferred by the other parts of this Act, to vote and to be a commissioner for any school municipality contemplated in section 36 or 39, except as regards the Protestant Board of School Commissioners of the City of Montréal, the Protestant Board of School Trustees for the City of Outremont and the Protestant Board of School Trustees of the city of Verdun.

R. S. 1964, c. 235, s. 580; 1971, c. 66, s. 1.

PART IX

EDUCATION ON THE ISLAND OF MONTRÉAL

DIVISION I

DEFINITIONS

494. In this part, the following expressions and words mean:

(a) “island of Montréal” : all the school municipalities established under section 1 of the Act to promote school development on the island of Montréal (1972, chapter 60), except school municipalities under the authority of confessional school boards;

(b) “school board” : any school board contemplated in section 2 of the Act to promote school development on the island of Montréal, except confessional school boards;

(b.1) “confessional school board” : the Commission des écoles catholiques de Montréal and the Protestant School Board of Greater Montréal;

(c) “Council” : the Conseil scolaire de l’île de Montréal established by section 495;

(d) “municipality” : every municipality having jurisdiction in whole or in part over the island of Montréal;

(e) “clerk” : the director of finance, treasurer, secretary-treasurer, clerk or director general, as the case may be, of any municipality.

1972, c. 60, s. 4; 1977, c. 5, s. 14; 1983, c. 57, s. 168; 1985, c. 8, s. 11; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 729.

DIVISION II

CONSEIL SCOLAIRE DE L'ÎLE DE MONTRÉAL

§ 1. — *Constitution and composition*

495. A body is established under the name of “Conseil scolaire de l’île de Montréal”.

1972, c. 60, s. 4; 1977, c. 5, s. 14.

496. The Council shall be a legal person and it shall also have the special powers conferred upon it by this part respecting the school boards of the island of Montréal and the confessional school boards.

1972, c. 60, s. 4; 1985, c. 8, s. 12; 1999, c. 40, s. 159.

497. The head office of the Council shall be in the territory of Ville de Montréal.

1972, c. 60, s. 4; 1996, c. 2, s. 714; 2000, c. 56, s. 163.

498. The Council shall consist of seventeen members designated or appointed in the following manner:

(a) the Commission des écoles catholiques de Montréal shall designate, within thirty days following the election of its members, six persons from among its members;

(b) the Protestant School Board of Greater Montréal shall designate, within thirty days following the election of its members, two persons from among its members;

(c) each school board other than those contemplated in subparagraphs *a* and *b* shall, within thirty days following the election of its members, designate one person from among its members;

(d) the Government, on the recommendation of the Minister, who shall hold the appropriate consultations, shall appoint to the Council, within the thirty days following the election of the commissioners, three other members from among persons domiciled on the island of Montréal.

If a school board or confessional school board fails to designate such members within the time prescribed, the Government may make the appointment from among the members of that school board or that confessional school board on the recommendation of the Minister.

Each school board having only one member on the Council may designate another of its commissioners as a regular substitute for sitting and voting in place of the member when he is absent from the Council and for the same term of office. Such substitute may also attend all regular or special sittings of the Council, but is not entitled to vote and may not participate in the proceedings.

1972, c. 60, s. 4; 1977, c. 5, s. 14; 1985, c. 8, s. 13; 1989, c. 36, s. 247; 1999, c. 40, s. 159.

498.1. The representatives designated by the confessional school boards shall not vote except on matters for which this Part confers jurisdiction on the Council in respect of confessional school boards.

1985, c. 8, s. 14.

499. The fees, allowances or salary or the additional salary, as the case may be, of each member of the Council and of substitutes shall be fixed by the Government.

1972, c. 60, s. 4.

500. No officer or employee of a school board or of the Council shall be designated or appointed a member of the Council or a substitute; the same applies to any person who has an undertaking or contract

with the Council or a school board, and to the sureties of the employees of the Council and those of the secretary-treasurer of a school board.

Sections 304 to 312 of the Act respecting elections and referendums in municipalities (chapter E-2.2) apply to the members of the Council and substitutes in the same manner as they apply to the members of the council of a municipality. For the purposes of those sections, the Council is deemed to be a municipal council.

1972, c. 60, s. 4; 1987, c. 57, s. 803.

§ 2. — *Term of office*

501. The term of office of the members designated by the school boards shall be of the same duration as that of their term as commissioners. The term of the members appointed by the Government shall expire on the day of the general election of commissioners for the island of Montréal.

However, subject to section 502, the members of the Council shall remain in office, notwithstanding the expiry of their term, until replaced or reappointed.

1972, c. 60, s. 4.

502. A person shall cease to be a member of the Council if he dies, loses the qualifications necessary for appointment or designation, refuses to accept office or resigns in writing.

He shall also cease to be a member if he is absent from the sittings of the Council for four consecutive months.

1972, c. 60, s. 4.

503. Every vacancy shall be filled by the authority which appointed or designated the member whose seat has become vacant, but only for the unexpired portion of the term of the person to be replaced. If a school board fails to make the replacement within thirty days of the vacancy, the Government may make the appointment from among the members of that school board, on the recommendation of the Minister.

1972, c. 60, s. 4.

§ 3. — *Powers and duties of the Council*

504. The Council shall in consultation with the school boards provide for their financing and development planning, and for the organization of joint services they may benefit from; for that purpose, it has, subject to the regulations made under subparagraph 1 of the first paragraph of section 16, the power to adopt by-laws applicable to the school boards.

The by-laws of the Council may also relate to other matters, in particular measures calculated to ensure:

- (a) development of education for handicapped children and adult education;
- (b) establishment of courses of study for persons other than Catholics or Protestants;
- (c) rational and fair use of school equipment for the various groups to be served;
- (d) agreements between school boards, municipalities or any other body to promote the development of community services.

The Council shall study and approve the budgets of the school boards, and submit them to the Minister; it shall fix the rate of the taxes required to pay expenses not otherwise provided for by Government grants and other revenue for the attainment of its objects and those of the school boards, and receive the proceeds of such

taxes and the Government grants applicable to school boards and the Council which have not been transferred as loan securities.

The Council shall, in fixing its rate of taxes, take into account the sums it is required to levy for the account of the confessional school boards pursuant to section 567.11. These sums shall be paid to them within 30 days following the receipt by the Council of the proceeds of the taxes.

The Council shall also receive, on behalf of school boards, the school bussing subsidies granted by the Minister and transmit such amounts to them.

1972, c. 60, s. 4; 1979, c. 72, s. 370; 1981, c. 26, s. 11; 1981, c. 27, s. 12; 1985, c. 8, s. 15; 1996, c. 2, s. 729; 1997, c. 96, s. 191.

504.1. The Council shall adopt, by by-law, measures calculated to ensure upgrading instruction in underprivileged areas of school boards and confessional school boards.

1985, c. 8, s. 16.

504.2. The Council, after agreement with a confessional school board, shall also have jurisdiction to exercise any right, power or obligation delegated to it by the school board.

1985, c. 8, s. 16; 1986, c. 10, s. 36.

505. The Council may also:

- (a) assume the hypothecs on the immovables it acquires;
- (b) invest its funds in any manner considered suitable, either in its own name or in the name of trustees;
- (c) accept any gift, legacy or other liberality;
- (d) acquire, possess, lease, hold, administer and alienate any property, by all legal methods and under any title;
- (e) adopt by-laws for its internal management;
- (f) make agreements for school purposes with any person or institution.

The Council shall not however acquire, alienate, construct, enlarge, alter or demolish an immovable without the authorization of the Minister when the cost of the operation exceeds \$100,000; it shall not, without such authorization, lease an immovable for more than three years or for an annual rental exceeding \$100,000.

For the purposes of the preceding paragraph, the Minister may grant a general authorization on such terms and conditions as he may determine.

1972, c. 60, s. 4; 1976, c. 39, s. 2; 1992, c. 57, s. 600; 1999, c. 40, s. 159.

506. The Council may also, with the authorization of the Minister and according to such modalities, terms and conditions as he may determine, borrow money through any mode recognized by law for its needs and those of the school boards.

The Council shall, at the request of the Minister, provide him, either directly or through the intermediary of the financial institutions with which it does business, with any information concerning its financial situation.

1976, c. 39, s. 2; 1981, c. 27, s. 13; 1982, c. 32, s. 113.

507. The funds required for the amortization of the principal and the payment of interest on the bonds or other evidences of indebtedness or securities issued by the Council shall be derived from the general revenue of the Council, of school boards and, where an agreement is made under section 504.2, those of a confessional school board the bonds or other evidences of indebtedness or securities constitute a direct, general and unconditional undertaking of the Council, of the school boards and, where an agreement is made under section 504.2, those of a confessional school board ranking concurrently and *paripassu* with all other undertakings of the Council, of the school boards and, as the case may be, of a confessional school board in respect of loans of money not secured by hypothec or other encumbrance.

1976, c. 39, s. 2; 1981, c. 27, s. 14; 1986, c. 10, s. 37.

508. Before being delivered, every bond issued by the Council shall be stamped with the seal of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire and provided with a certificate of the Minister of Municipal Affairs, Regions and Land Occupancy or of a person specially authorized by him testifying that the resolution authorizing the issue thereof has been approved by the Minister of Municipal Affairs, Regions and Land Occupancy and that such bond is issued in accordance with that resolution.

Every bond issued by virtue of a resolution approved by the Minister of Municipal Affairs, Regions and Land Occupancy that bears such seal and certificate is valid and its validity cannot be contested for any reason.

This section does not apply to any issue of bonds made or to any loan contracted after 7 March 1982.

1976, c. 39, s. 2; 1977, c. 5, s. 14; 1981, c. 27, s. 15; 1999, c. 43, s. 13; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

509. The Minister of Education, Recreation and Sports may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to the Conseil scolaire de l'île de Montréal in order to provide, in whole or in part, out of the funds voted annually for such purposes by Parliament, for the payment in principal and interest of any loan contracted or to be contracted by the Council.

Section 13 does not apply to a subsidy contemplated in the first paragraph.

1976, c. 39, s. 2; 1981, c. 27, s. 16; 1982, c. 32, s. 114; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

510. The Council may authorize a person designated by it to keep, in its place and stead, a register for the entry of the bonds or other evidences of indebtedness or securities redeemable in foreign currency issued by it or already included in its bonded indebtedness. The register will also serve for the entry of the names and addresses of the original holders or transferees of the bonds or other evidences of indebtedness or securities redeemable in foreign currency, the amount, date of issue and number of each such bond or other evidence of indebtedness or security, and the date on which each such entry is made.

Sections 23 and 24 of the Act respecting municipal debts and loans (chapter D-7) cease from such date to apply in respect of the bonds or other evidences of indebtedness or securities regarding which the entry is made.

This section does not apply to any issue of bonds made after 7 March 1982.

1976, c. 39, s. 2; 1981, c. 27, s. 17; 1988, c. 84, s. 705.

511. The Council is a school board within the meaning of article 1339 of the Civil Code.

1976, c. 39, s. 2; 1999, c. 40, s. 159.

512. The Council shall also be responsible for preparing a general plan of school reorganization for the island of Montréal and, if expedient, special or intermediate plans for a gradual reorganization.

For that purpose, the Council shall make an objective and intensive study of the factors pertinent to an adequate school reorganization plan and shall hold the appropriate consultations, particularly with the most representative associations of the senior staff and the certified associations of the other employees of the school boards.

The Council must submit its recommendations to the Minister as soon as possible but not later than 31 December 1976, and an interim report indicating the general orientation of its principal recommendations before 31 December 1974, which must be laid before the National Assembly.

At the request of the Minister, the Council must, if necessary, revise its general plan or part of it or submit a new one within one year.

1972, c. 60, s. 4; 1976, c. 39, s. 3; 1999, c. 40, s. 159.

513. The other Parts of this Act do not apply to the Council except those made expressly applicable to it.

1972, c. 60, s. 4.

514. A facsimile of the signature of the president of the Council may be engraved, lithographed or printed on the bonds issued by the Council and such facsimile shall have the same effect as if the signature itself were affixed thereto.

A facsimile of the signatures of the president and of the person designated for that purpose under section 528 may be engraved, lithographed or printed on the notes, coupons of bonds and on the cheques issued by the Council, and such facsimile shall have the same effect as if the signatures themselves were affixed thereto.

1972, c. 60, s. 4.

515. The Council may for its purposes exercise the power provided in section 237, which applies to it with the necessary modifications

1972, c. 60, s. 4.

516. The Council may make a census of the children under 21 years of age domiciled in the territory of one or more school boards on the conditions, at the time and in the manner it considers suitable and collect in such regard the information useful or necessary to attain its objects.

1972, c. 60, s. 4.

517. The Council may establish a retirement plan for the members of its staff according to the terms and conditions contemplated in section 232, which applies to it with the necessary modifications

1972, c. 60, s. 4.

518. The Council may for the benefit of the members of its staff and their dependents take out a group insurance contract according to the terms and conditions contemplated in section 233, which applies to it with the necessary modifications.

1972, c. 60, s. 4.

519. The Council shall fix by resolution the date before which the school boards must send it their budgetary estimates for each school year.

In consultation with each school board concerned, it shall study, approve or change the budgetary estimates so sent to it.

The Council shall not however, without the agreement of a school board, reduce the budgetary estimates of the board below the minimum amount obtained by application of the rules of the Minister respecting

expenditures allowable for purposes of grants unless an expenditure provided for and the service contemplated by such expenditure is assumed in whole or in part by the Council.

In the budgetary estimates of a school board, the Council may, in addition to the minimum contemplated in the preceding paragraph, allot an amount, of the percentage it determines, for expenditures exceeding those contemplated in that paragraph.

The budget of the Council must include the budgetary estimates of the school boards. The Council shall send copy of it to the school boards.

Section 14 applies to the Council with the necessary modifications.

1972, c. 60, s. 4; 1986, c. 10, s. 38.

519.1. Sections 339, 339.1 and 339.3 to 339.6 apply, with the necessary modifications, to the Council.

1986, c. 10, s. 39; 1986, c. 101, s. 8.

520. The Council shall pay each year, on the dates it determines, the amounts required to enable the school boards to administer their budgets.

1972, c. 60, s. 4.

521. The Council shall send its financial statements to the Minister within 90 after the end of each school year; it shall attach to its financial statements those of each school board. It shall also send copy of these financial statements to the school boards.

Section 330 applies with the necessary modifications to the Council.

1972, c. 60, s. 4.

§ 4. — *President, vice-president and executive committee*

522. When all the members of the Council have been designated or appointed in accordance with section 498, they shall meet to elect from among themselves a president and a vice-president. The members of the Council shall be called, for that purpose, by the director general by a special notice of at least three clear days, notified in accordance with sections 286 and following.

Until the election of the president, the sitting at which such election must be held shall be presided over by one of the members of the Council, to whom section 526, however, does not apply.

If the election of the president and the vice-president or of either of them is not held at the first sitting after the calling or within the thirty days after such sitting, or if, thirty days after all the members have been designated or appointed, no call to hold such election has been made, the Minister may designate the president and the vice-president or either of them from among the members of the Council.

The term of office of the president and the vice-president shall be the same as that of their term as members of the Council. Subject to section 502, they shall remain in office, however, until chosen again or replaced.

Any vacancy in the office of president, vice-president or member of the executive committee shall be filled by the members of the Council within 30 days following the vacancy or, after such time, by the Minister.

1972, c. 60, s. 4; 1999, c. 40, s. 159; I.N. 2016-01-01 (NCCP).

523. The day-to-day administration of the Council shall be under an executive committee which shall also exercise the other powers delegated to it by by-law of the Council.

The executive committee shall establish its rules of operation by by-law approved by the Council.

1972, c. 60, s. 4.

524. The executive committee shall consist of at least five and not more than seven members of the Council including the president and the vice-president of the Council. The other members shall be designated by the Council at the meeting provided for in section 522 or within the thirty following days.

The term of the members of the executive committee shall be the same as their term as members of the Council.

The fees, allowances, salaries or additional salaries of the president and vice-president or the other members of the executive committee shall be fixed by the Government.

1972, c. 60, s. 4.

525. The president shall preside over the proceedings of the Council and of the executive committee.

He shall be a member *ex officio* of every committee established by the executive committee or the Council.

1972, c. 60, s. 4.

526. In the case of a tie-vote, in the Council and in the executive committee, the president shall be entitled to a casting vote in addition to his vote as a member of the Council or of the executive committee.

1972, c. 60, s. 4.

527. If the president is absent or unable to act, he shall be replaced by the vice-president. If the vice-president is also absent or unable to act, he shall be replaced by another member of the Council appointed for that purpose by the Council.

The vice-president or the member replacing him shall have the same powers and be subject to the same obligations as the president.

1972, c. 60, s. 4.

§ 5. — *Structure of the Council*

528. To carry out the duties conferred upon it by this Act, the Council, by by-law, shall establish various services and determine their fields of activity.

It shall appoint a director-general and the senior staff and management required for administration and define their functions.

The Council may, by by-law, delegate certain of its rights, powers and obligations to the director-general and to the senior staff in its employ. The rights, powers and obligations so delegated to the senior staff shall be exercised under the direction of the director-general.

1972, c. 60, s. 4.

529. Without restricting the generality of section 528, the director-general, under the authority of the Council and executive committee, shall assume the direction of the affairs and activities of the Council, exercise a right of supervision and control over the employees of the Council and see to the observance and carrying out of the by-laws and decisions of the Council and executive committee. He shall have, in particular, the following functions and duties:

(a) to attend the sittings of the Council and the meetings of the executive committee and advise the members of the Council and of the executive committee on any matter they take under consideration;

(b) to obtain, examine and submit to the Council or executive committee projects prepared by the different services on matters requiring the approval of the Council or the executive committee;

(c) to prepare the budgetary estimates in cooperation with the heads of services and submit them to the executive committee or Council;

(d) to ensure that the budget of the Council is administered in accordance with the appropriations comprised in it;

(e) to engage the required professional staff and supporting staff in accordance with the engagement policies adopted by the Council, according to the approved budgetary estimates;

(f) to ensure liaison between the Council or the executive committee and the heads of services;

(g) to preside over the metropolitan committee of directors-general contemplated in section 530.

The Council shall designate from among its senior staff, a person to replace the director-general if he is absent or unable to act; that person shall then have the same powers and be subject to the same obligations as the director-general.

1972, c. 60, s. 4.

530. The Council shall establish by by-law, under the direction of the director-general, a metropolitan committee of directors-general on which the directors-general of the school boards shall sit. The committee shall advise the director-general and, through him, the Council, on all matters under the jurisdiction of the Council. The by-law shall determine the rules governing the operation of the committee.

1972, c. 60, s. 4.

§ 6. — *Miscellaneous*

531. The expenses contemplated in sections 499 and 524 shall be borne by the Council.

1972, c. 60, s. 4.

532. The fiscal year of the Council shall begin on 1 July each year and end on 30 June in the ensuing year.

1972, c. 60, s. 4.

533. The sittings of the Council shall be public; the chairman shall keep order and may expel any person who disturbs order.

The Council shall meet at least every two months.

All decisions shall be taken by a majority of the members present.

Sections 7, 9, 10, 173 to 175, 179, 180, 182 and 183 apply with the necessary modifications to the Council.

The Council shall give public notice of the resolutions adopted under sections 173 and 179, in the manner indicated in section 281, which applies to it with the necessary modifications

1972, c. 60, s. 4.

534. The minutes of the Council may be examined by any person.

Copies of and extracts from registers, books and other documents of the Council, certified by the officer designated for that purpose by the Council, are authentic.

1972, c. 60, s. 4; 1987, c. 68, s. 86; 1999, c. 40, s. 159.

DIVISION III

SCHOOL BOARDS

§ 1. — *Composition*

535. Each school board is under the authority of a council of commissioners composed of all the commissioners of the school board and one commissioner representing the parents' committee for each of the elementary and secondary levels.

1972, c. 60, s. 4; 1977, c. 5, s. 14; 1979, c. 28, s. 14; 1985, c. 8, s. 17; 1986, c. 10, s. 40; 1987, c. 7, s. 16; 1989, c. 36, s. 248; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

536. The Act respecting school elections (chapter E-2.3) applies to the division of the territory of the school board into electoral divisions and to the election of commissioners.

1972, c. 60, s. 4; 1973, c. 41, s. 2; 1986, c. 10, s. 41; 1987, c. 7, s. 17; 1989, c. 36, s. 248.

537. The representatives of the parents' committee shall be elected in accordance with section 52.1 or the second paragraph of section 544.

1973, c. 41, s. 3; 1989, c. 36, s. 248.

538. *(Repealed).*

1973, c. 41, s. 3; 1989, c. 36, s. 249.

539. *(Repealed).*

1973, c. 42, s. 1; 1986, c. 10, s. 42; 1987, c. 7, s. 18.

540. *(Repealed).*

1973, c. 42, s. 1; 1989, c. 36, s. 249.

541. *(Repealed).*

1973, c. 42, s. 1; 1989, c. 36, s. 249.

542. *(Repealed).*

1973, c. 42, s. 1; 1989, c. 36, s. 249.

§ 2. — *Powers and duties*

543. Subject to any inconsistent provision of this Part and notwithstanding any contrary provision of a special Act, this Act applies with the necessary modifications to the school boards, except section 169, the last paragraph of section 213, sections 216 to 227, 231, 250 to 254, paragraph *a* of subsection 1 of section 293 and sections 339 to 339.6, 347 to 449 and 487 to 493.

However, for the purposes of section 45, section 391 continues to apply in the case contemplated in the fifth paragraph of section 39.

1972, c. 60, s. 4; 1973, c. 41, s. 4; 1973, c. 42, s. 2; 1979, c. 72, s. 371; 1979, c. 80, s. 49; 1986, c. 10, s. 43; 1986, c. 101, s. 9; 1987, c. 7, s. 19; 1989, c. 36, s. 250.

543.1. The commissioners shall proceed to the election of the chairman and vice-chairman and the members of the executive committee of the school board within thirty days after the date of the general election. The persons elected shall remain in office until the election or appointment of their successors.

1986, c. 10, s. 44.

544. When a school board establishes administrative regions or districts, the parents' committee contemplated in section 52 shall be replaced for the same purposes by the following committees:

- (a) a regional parents' committee at the level of each administrative region or district;
- (b) a central parents' committee consisting of delegates of regional parents' committees, at the school board.

Notwithstanding section 52.1, the secretary-general of the school board, before 1 June each year, shall call the members of the central parents' committee to elect the chairman of that committee. Each year, before the third Sunday in November, the secretary-general of the school board shall again convene the members of the central parents' committee to elect two representatives contemplated in section 535, one for each of the elementary and secondary levels, to sit on the Council of Commissioners and the executive committee. These representatives are elected by the majority vote of the members present.

Section 52.2 applies, with the necessary modifications, to a central parents' committee and its representatives.

The Government shall determine by regulation the composition, distribution of duties and the terms and conditions of the operating and financing of the above-mentioned committees.

Every regulation made under the preceding paragraph shall be published in the *Gazette officielle du Québec*; it shall come into force on the date of its publication or on any later date fixed therein.

1972, c. 60, s. 4; 1979, c. 28, s. 15; 1986, c. 10, s. 45.

545. The school board may:

- (a) assume the hypothecs affecting the immovables it acquires;
- (b) with the authorization of the Minister and according to such modalities, terms and conditions as he may determine, contract loans by bill of exchange, note or other negotiable instrument for a period not to exceed one year, to finance its operations pending payment by the Council; in such a case, it shall, at the request of the Minister, provide him, either directly or through the intermediary of the financial institutions with which it does business, with any information concerning its financial situation.
- (c) lease immovables;
- (d) invest its money in any manner considered suitable, either in its own name or in that of trustees;
- (e) make any agreement with the Council for school purposes.

Nevertheless, the board shall not exercise the powers mentioned in subparagraphs *a* and *c* without the authorization of the Council. In the case contemplated in subparagraph *c*, the Council must obtain the approval of the Minister if the term of the lease exceeds three years or if the annual rent exceeds \$100,000.

It shall not acquire, alienate, build, enlarge, alter or demolish an immovable without the authorization of the Council, which must obtain the approval of the Minister if the cost of the operation exceeds \$100,000.

For the purposes of the preceding paragraph, the Minister may grant a general authorization on such terms and conditions as he may determine. The Council may in the same manner grant a general authorization to any school board.

The power provided in section 237 shall be exercised by a school board only after approval by the Council.

1972, c. 60, s. 4; 1976, c. 39, s. 4; 1979, c. 80, s. 50; 1981, c. 27, s. 18; 1999, c. 40, s. 159.

§ 3. — *Miscellaneous*

546. Every school board must each year prepare its budgetary estimates for the ensuing school year and submit them to the Council before the date fixed by the Council.

Such budget shall have no effect until approved by the Minister.

In cases of urgency or necessity, the Minister, upon the recommendation of the Council, may specially authorize the school board to incur expenses not approved under this section.

1972, c. 60, s. 4.

547. Each school board must send its financial statements to the Council within sixty days after the end of each school year.

1972, c. 60, s. 4.

548. Each school board must send to the Council any arrangement or agreement which it proposes to make under section 215 or 450.

1972, c. 60, s. 4; 1979, c. 80, s. 51.

DIVISION IV

TAXATION

§ 1. —

Repealed, 1979, c. 72, s. 372.

1979, c. 72, s. 372.

549. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

550. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

551. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

552. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

553. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

554. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 28, s. 16; 1979, c. 72, s. 372.

555. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 372.

§ 2. —

Repealed, 1979, c. 72, s. 372.

1979, c. 72, s. 372.

556. *(Repealed).*

1972, c. 60, s. 4; 1973, c. 31, s. 81; 1976, c. 39, s. 5; 1979, c. 72, s. 372.

§ 3. — *School taxes*

557. A school tax shall be levied on every taxable property situated in a school municipality established under section 1 of the Act to promote school development on the island of Montréal (1972, chapter 60) and shall be based on the standardized assessment of the taxable property computed on the basis of the assessment rolls in force for municipal purposes.

The tax is payable by the owner of the taxable property. If not paid, the tax becomes a prior claim on the taxable property.

For the purposes of the levy of the tax in the territory of the school municipality of Lakeshore, sections 39, 391, 393 and 394 apply to the Conseil scolaire de l'Île de Montréal.

1972, c. 60, s. 4; 1979, c. 72, s. 373; 1985, c. 8, s. 18; 1992, c. 57, s. 601.

558. The council shall fix the rate of the tax for the school year beginning on 1 July of each year, by resolution passed not later than 1 June.

The rate is not rendered null by the fact that it is fixed after 1 June.

The rate of tax shall be the same for all the taxable property.

1972, c. 60, s. 4; 1979, c. 72, s. 374; 1985, c. 8, s. 19.

558.1. Where the total amount of expenses provided for the attainment of the objects of the council and of the school boards, and the carrying out of the obligations of the council set forth in section 567.11, for the payment of which a tax must be levied under section 504, exceeds 6% of the net expense of the council, or the taxation rate of that tax exceeds \$0.25 per \$100 of the standardized assessment of the taxable property, the tax must be submitted to the approval of the electors in accordance with sections 567 and following.

1979, c. 72, s. 375; 1985, c. 8, s. 20.

558.2. For the purposes of section 558.1, the “net expense” is the total amount of operating expenses allowable for purposes of grants, by the council, the school boards and the confessional school boards, under the budgetary rules contemplated in section 15.1, without regard to the debt service of the capitalization fund.

1979, c. 72, s. 375; 1985, c. 8, s. 20.

558.3. Within 10 days from the adoption of the resolution fixing the taxation rate or from the approval of the tax by the electors, the council shall forward a true copy of the resolution to the clerk of every municipality.

1979, c. 72, s. 375; 1985, c. 8, s. 26; 1996, c. 2, s. 729.

558.4. Where a tax is approved by the electors in accordance with sections 567 and following, the amount exceeding the limit provided by section 558.1 becomes, for the purposes of that section, the new limit for the two school years following that for which the tax is approved.

1979, c. 72, s. 375; 1985, c. 8, s. 26.

558.5. Where a tax is approved by the electors in accordance with sections 567 to 567.4, the tax levied on the immovables contemplated in section 567.13 is the limit prescribed in section 567.12.

1985, c. 8, s. 21.

559. The taxes levied under sections 557 and 558 shall apply to the school year for which they were levied, notwithstanding the provisions of any Act governing a municipality and establishing a different school year.

The prescription periods, the charges attached to such taxes, and the rights and obligations of persons with respect to such taxes shall be the same as those attached to municipal property taxes.

1972, c. 60, s. 4; 1996, c. 2, s. 729; 1999, c. 40, s. 159.

560. Every municipality must collect the amount of the school tax in the same manner and with the same rights and obligations as for the collection of its own property taxes; it may collect it during the school year at the time it considers expedient.

The municipality may withhold an amount as collection costs of the school tax, in accordance with an agreement with the council, or failing agreement, in accordance with the rules prescribed by Government regulation.

1972, c. 60, s. 4; 1976, c. 39, s. 6; 1977, c. 5, s. 14; 1979, c. 72, s. 376; 1996, c. 2, s. 729; 1999, c. 40, s. 159.

561. Every municipality shall remit the amount of the school taxes to the council; notwithstanding any Act governing the municipality and regardless of the collection of such taxes, the remittance shall be made not later than 1 April in each school year.

The Council may recover each such instalment before any court of competent civil jurisdiction.

Any arrears of instalments owing to the Council by a municipality shall bear 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 adopting of the order in council which fixes the maximum rate.

A municipality is authorized to borrow any amount sufficient to pay such instalments when they fall due; the principal of the loan shall be repaid out of the proceeds of the school taxes.

1972, c. 60, s. 4; 1979, c. 72, s. 377; 1988, c. 84, s. 705; 1996, c. 2, s. 729.

562. *(Repealed).*

1972, c. 60, s. 4; 1979, c. 72, s. 378.

563. The clerk of every municipality shall give the Council all the information it requests from him in writing with respect to school taxes and contributions or grants in lieu of school taxes.

The assessor of Ville de Montréal must give the Council all the information it requests in writing regarding the valuation roll on the basis of which school taxes are levied.

1972, c. 60, s. 4; 1976, c. 39, s. 7; 1977, c. 5, s. 14; 1982, c. 18, s. 183; 1984, c. 27, s. 118; 1996, c. 2, s. 729; 2000, c. 56, s. 219.

564. Notwithstanding any law to the contrary, contributions or grants in lieu of school taxes must be paid to the Council. The amounts collected in this manner by a municipality must be paid to the Council within 15 days of receipt.

Arrears of payments provided for in the first paragraph bear interest in the manner indicated in section 561.

1972, c. 60, s. 4; 1976, c. 39, s. 8; 1979, c. 72, s. 379; 1996, c. 2, s. 729.

565. Every additional amount owed by a taxpayer under the Act respecting municipal taxation (chapter F-2.1) must be remitted to the council by the municipality. Similarly, every amount reimbursed to a taxpayer under that Act must be remitted to the municipality by the council. Such remittances must be effected on the first day of the month of April, July or November, whichever next follows the date of maturity of the billing or reimbursement by the municipality of the amount referred to in this section. All arrears of such remittances bear interest in the manner indicated in section 561.

1972, c. 60, s. 4; 1976, c. 39, s. 9; 1979, c. 72, s. 380; 1996, c. 2, s. 729.

566. The school taxes contemplated in section 557 and following shall be substituted for all other school taxes or assessments and shall replace them.

Notwithstanding the first paragraph, every additional special tax contemplated by section 45, which applies, with the necessary modifications, to every school board whether resulting or not from an amalgamation or annexation, shall be added to the school taxes levied in accordance with this division. The proceeds of such tax belong exclusively to the school board concerned.

For the levy of such additional special tax, the school board concerned shall comply with sections 558 and 559, which then apply to it, with the necessary modifications; in such case, the municipality concerned in subject, with the necessary modifications, to sections 560, 561 and 563.

For the purposes of the preceding paragraph, the school board shall be substituted for the Council for the application of the sections mentioned therein.

1972, c. 60, s. 4; 1979, c. 72, s. 381; 1996, c. 2, s. 729.

§ 4. — *Referendum*

1979, c. 72, s. 382.

567. When an assessment is submitted for approval to the electors, the vote shall be taken in accordance with sections 567.1 to 567.4, and sections 12 to 19, 22 to 30 and 85 to 190 of the Act respecting school elections (chapter E-2.3), adapted as required, apply when the vote is held.

For the purposes of the first paragraph, the director general of the council has the rights, powers and obligations conferred on the returning officer.

1972, c. 60, s. 4; 1979, c. 72, s. 382; 1985, c. 8, s. 26; 1989, c. 36, s. 251.

567.1. The list of electors for the referendum is the list used at the last general election of commissioners, subject to applications for entry, striking off or correction.

The list of electors shall be deposited not less than 45 days before the date of the referendum.

Sections 44 to 58 of the Act respecting school elections (chapter E-2.3) apply to the revision of the list of electors used for the purposes of the referendum.

1979, c. 72, s. 382; 1985, c. 8, s. 26; 1989, c. 36, s. 252.

567.2. The council shall fix, by resolution, the date on which the referendum is to be held. It must not be later than ninety days from that of the resolution fixing the taxation rate.

The returning officer shall, at least fifteen days before the date on which the referendum is to be held, give a public notice indicating the place, day and time fixed for the poll.

1979, c. 72, s. 382; 1985, c. 8, s. 26.

567.3. The following shall be printed on the ballot papers:

Do you approve the levy of a tax at the rate of (x) cents per hundred dollars of the standardized assessment of the taxable property?		
	1	YES
	2	NO

NOTE: That rate corresponds to (y) per cent of the net expenses of the Conseil scolaire de l'île de Montréal, of the school boards of the island of Montréal and of the confessional school boards for the school year (*insert here the school year*).

1979, c. 72, s. 382; 1985, c. 8, s. 22.

567.4. Sections 399.1 to 399.5 apply to a referendum held by the council.

1979, c. 72, s. 382; 1985, c. 8, s. 26.

DIVISION V

CONFESSIONAL SCHOOL BOARDS

1985, c. 8, s. 23.

567.5. The Protestant School Board of Greater Montréal and the Commission des écoles catholiques de Montréal shall each be subject to the authority of a council of commissioners composed of all the

commissioners of the school board and one commissioner representing the parents' committee for each of the elementary and secondary levels.

1985, c. 8, s. 23; 1989, c. 36, s. 253; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

567.6. The Act respecting school elections (chapter E-2.3) applies to the division of the territory of the school board into electoral divisions and to the election of commissioners.

The representatives of the parents' committee shall be elected in accordance with section 52.1 or the second paragraph of section 544 of this Act.

1985, c. 8, s. 23; 1986, c. 10, s. 46; 1989, c. 36, s. 254.

567.7. A confessional school board may enter into any agreement with the council for school purposes.

1985, c. 8, s. 23.

567.8. Subject to any inconsistent provision of this Part and notwithstanding any provision to the contrary of any special Act, the provisions of this Act apply with the necessary modifications to confessional school boards, except sections 169, 226, 231, 250 to 254, 358, 366, 367, 391 to 395, 423 to 449, 487 to 493, the first paragraph of section 535 and sections 537, 543 and 545 to 567.4.

1985, c. 8, s. 23; 1986, c. 10, s. 47; 1987, c. 7, s. 20; 1989, c. 36, s. 255.

567.9. The bonds or other evidences of indebtedness or securities forming part of the debt of the council on 4 June 1985 constitute a direct, general and unconditional undertaking of the council, the school boards and the confessional school boards; the bonds or other evidences of indebtedness or securities issued by a confessional school board must rank concurrently and *pari passu* with all other undertakings of the Conseil scolaire de l'île de Montréal and of the school boards of the island of Montréal in respect of loans of money not secured by hypothec or other encumbrance.

1985, c. 8, s. 23.

567.10. Every confessional school board shall, before the date fixed by the council, adopt its budget for the ensuing school year and transmit it to the council.

1985, c. 8, s. 23.

567.11. The council shall collect for the confessional school boards, out of the proceeds of its taxes the rate of which is to be fixed in accordance with section 504, and remit to them the amount of taxes payable to them up to an amount equal to 6% of their net expenses or to a taxation rate of \$0.25 per \$100 of the standardized assessment of the taxable property included in the property tax base of each confessional school board.

1985, c. 8, s. 23; 1999, c. 40, s. 159.

567.12. Where the total amount of expenses of a confessional school board exceeds 6% of the net expense of the confessional school board, or the taxation rate of that tax exceeds \$0.25 per \$100 of the standardized assessment of the taxable property included in the property tax base of the confessional school board, the confessional school board shall itself collect the excess amount by means of a surtax.

Before collecting the surtax, the confessional school board shall submit it to the approval of its electors. Sections 354.1 to 355 and sections 396 to 399.5 apply with the necessary modifications to the levy of the surtax.

1985, c. 8, s. 23; 1989, c. 36, s. 256; 1999, c. 40, s. 159.

567.13. The surtax shall be levied by a confessional school board on every taxable immovable situated in its territory, except on immovables whose owners, according to an enumeration made by a confessional school board, have elected to be taxed by another school board having jurisdiction over the same territory.

Where an immovable is owned by a legal person, a partnership or an owner who has not made the election, the tax shall be levied by the confessional school board on part of the standardized assessment of the taxable immovable established in proportion to the number of students who, on 30 September of the preceding school year, are under the jurisdiction of the confessional school board in relation to the number of students, under the jurisdiction of another school board, who attend schools situated in the common territory of that school board and of the confessional school board.

Section 226 applies with the necessary modifications to the levy of the surtax.

1985, c. 8, s. 23.

567.14. Confessional school boards shall collect the surtaxes they impose. Such a board may, however, enter into an agreement with the municipality having jurisdiction over the sending of municipal tax accounts in the territory or part of the territory of the confessional school board in order to have the surtax collected on its behalf by the municipality.

Where an agreement has been made, the municipality shall collect, on behalf of the school board, the amount of the surtax in the manner it sees fit and with the same rights and obligations as for the collection of the municipal property taxes. In such a case, section 367 applies.

Notwithstanding the foregoing, the payment of the surtax of a confessional school board shall be demanded in one payment and there is no obligation to demand payment of it in the same account as the municipal tax where the surtax is collected by a municipality.

In the case of a suit for recovery of the surtaxes, the clerk of the Court of Québec and the clerk of the Superior Court have the same powers as in the case of a suit for recovery of municipal taxes.

1985, c. 8, s. 23; 1988, c. 21, s. 66; 1996, c. 2, s. 729; 1999, c. 40, s. 159.

567.15. The surtax levied pursuant to section 567.13 applies to the school year for which it was levied.

The prescription periods, the charges attached to the surtax and the rights and obligations of persons with respect to the surtax shall be the same as those attached to municipal property taxes.

1985, c. 8, s. 23; 1999, c. 40, s. 159.

PART X

THE CREE SCHOOL BOARD

1978, c. 78, s. 1.

568. In this part,

(a) “Crees” mean Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);

(b) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67);

(c) “Cree Native party” means the Cree Nation Government created under the Act respecting the Cree Nation Government (chapter G-1.031) or any successive authority;

(d) “Category I, II and III lands” means lands so designated under the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) or, in the meantime, under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1).

1978, c. 78, s. 1; 1988, c. 84, s. 621; 2013, c. 19, s. 91.

569. The Government may constitute a school municipality under the name of the “Cree school municipality”, comprising the Category I lands of the Cree communities of Great Whale River (Whapmagoostoo), Fort George (Chisasibi), Nouveau Comptoir (Wemindji), Eastmain, Fort Rupert (Waskaganish), Nemiscau, Waswanipi, Mistassini, Oujé-Bougoumou and the Category I lands of every Cree community that may in future be constituted as a local government under section 12 of the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18).

The order in council prescribing such erection shall come into force on the day it is passed or on any later date fixed therein, and shall be published in the *Gazette officielle du Québec*.

The school municipality so erected replaces the previously existing school municipalities in the territory described in such order in council.

1978, c. 78, s. 1; 1988, c. 84, s. 622; 2022, c. 1, s. 4; I.N. 2022-02-01.

570. From the erection of the school municipality referred to in section 569, a school board is established for such municipality under the name of the “Cree School Board”. Subject to section 584, such school board replaces the previously existing school board in such territory and succeeds to their rights and obligations.

1978, c. 78, s. 1; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

571. The school board is subject to this Act and to the other laws of Québec of general application save where these laws are inconsistent with this part, in which event the provisions of this part prevail.

The oaths contemplated in section 4 may also be administered or received by the chief of a band incorporated under the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18).

1978, c. 78, s. 1; 1988, c. 84, s. 623; 1999, c. 40, s. 159; I.N. 2022-02-01.

572. To the exclusion of all other school boards, the school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education

(a) within the territorial limits of the school municipality, in respect to Cree beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1) and in respect to all persons who are ordinarily resident therein or within Category III lands surrounded by Category I lands except for the Inuit population of Great Whale River; and

(b) in Category II lands, in respect to Cree beneficiaries.

1978, c. 78, s. 1; 1988, c. 84, s. 624.

573. The school board shall not have jurisdiction over settlements that do not belong to Cree beneficiaries in Category II lands.

1978, c. 78, s. 1; 1988, c. 84, s. 625.

574. In addition to the powers and duties of a school board, the school board shall have, subject to the laws governing such powers and duties, the power:

(a) to make agreements for school purposes with any group or community;

(b) to make agreements with other school boards in Québec in virtue of which such school boards second some of their teaching personnel to the Cree School Board and guarantee the re-employment of such personnel at the expiration of their contract with the Cree School Board;

(c) to prescribe the use of standardized tests.

1978, c. 78, s. 1.

575. The school board shall also have the following special powers, subject only to the annual approval of its budget by the Minister:

(a) to make, in accordance with the laws and regulations governing such agreements, agreements with the Government of Canada for education and training programs not provided under an Act of Québec;

(b) to determine in conjunction with the Ministère de l'Éducation, du Loisir et du Sport the school year and the school calendar, subject only to the total number of school days per year required by law and the regulations;

(c) to make agreements for post-secondary education for the persons under its jurisdiction;

(d) to acquire, build and maintain residential facilities for its teachers;

(e) to determine, in conjunction with the Ministère de l'Éducation, du Loisir et du Sport, the number of Crees and non-Crees required as teachers in each of its schools;

(f) to arrange, with the Ministère de l'Éducation, du Loisir et du Sport, for the hiring of Crees as teachers, notwithstanding that such persons might not qualify as teachers in accordance with the standard qualifications prevailing in the other areas of Québec;

(g) to select courses, textbooks and teaching materials appropriate for the Crees and to arrange for their experimental use, evaluation and eventual approval;

(h) to develop courses, textbooks and teaching materials designed to preserve and transmit the language and culture of the Crees;

(i) to make agreements with universities, colleges, institutions or individuals for the development of the courses, textbooks and teaching materials for the programs and services that it offers;

(j) to give instruction and guidance to its teachers in the methods of teaching and in the use of the textbooks and teaching materials used for such courses;

(k) to establish courses and training programs to qualify Crees as teachers;

(l) to establish courses and training programs for non-Crees persons who shall teach in its schools;

(m) to make agreements with universities, colleges, institutions or individuals to provide training for the members of its teaching staff and for its future teachers.

1978, c. 78, s. 1; 1988, c. 84, s. 626; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

576. Every child shall be entitled to receive moral and religious instruction in accordance with a program approved by a clergyman or priest serving the community. Any child, upon request of his parents for reasons of conscience, shall be exempted from such moral and religious instruction.

1978, c. 78, s. 1; 2000, c. 24, s. 58.

577. The languages of instruction are provided for in section 88 of the Charter of the French language (chapter C-11).

1978, c. 78, s. 1.

578. The by-laws of the school board which require the approval of the Minister by virtue of this Act shall come into force forty days after a copy of such by-laws has been transmitted to the Minister, unless within that period the Minister refuses his approval in writing.

1978, c. 78, s. 1.

579. The school board shall be composed of members designated as follows:

(1) every Cree community contemplated in section 569 shall elect or designate one commissioner to represent it;

(2) the Cree Nation Government shall elect one commissioner from among its members.

1978, c. 78, s. 1; 1988, c. 84, s. 627; 1999, c. 19, s. 1; 2013, c. 19, s. 91.

580. The school board shall determine the date when elections of such commissioners shall take place.

The qualifications to vote for or be a commissioner shall be membership in a Cree community, possession of the age of majority and to be unaffected by any legal incapacity; however, non-Crees who are entitled to the services from the school board and who meet the qualifications specified in this Act for electors shall be entitled to vote for commissioners referred to in paragraph 1 of section 579.

1978, c. 78, s. 1; 1988, c. 84, s. 628; 1999, c. 19, s. 2.

581. The commissioners' term of office shall be three years; three of the first commissioners elected shall serve for one year and three for two years; the first commissioners having such abbreviated terms of office shall be designated by the drawing of lots at the first meeting of the school board.

1978, c. 78, s. 1; 1999, c. 19, s. 3.

582. The Government shall, by regulation, determine the election procedure for commissioners referred to in paragraph 1 of section 579 after consultation with the Cree Native party and taking the customs and procedures of the Native people into account.

The school board may, by by-law, regulate the procedure for the election of the commissioner referred to in paragraph 2 of section 579.

1978, c. 78, s. 1; 1999, c. 19, s. 4.

582.1. The commissioner referred to in paragraph 2 of section 579 is ex officio the chairman of the school board.

The council of commissioners shall designate a vice-chairman from among its members. The term of office of the vice-chairman is one year and may be renewed.

1988, c. 84, s. 629; 1999, c. 19, s. 5.

582.2. The school board shall establish an executive committee of three members designated as follows:

(1) the chairman and vice-chairman of the school board;

(2) another member of the council of commissioners appointed every year by resolution of the council of commissioners.

The director general of the school board is a non-voting member of the executive committee.

1988, c. 84, s. 629.

582.3. The executive committee, with the authorization of the council, may adopt a resolution concerning its administration and internal procedure.

1988, c. 84, s. 629.

582.4. Two members constitute a quorum of the executive committee.

1988, c. 84, s. 629.

582.5. Decisions of the executive committee are taken by a majority of the votes of the members present.

In case of a tie-vote, the chairman has a casting vote.

1988, c. 84, s. 629.

582.6. The executive committee shall administer the business and activities of the school board and ensure that every order, ordinance, decision, resolution and contract be faithfully and impartially observed and carried out.

It shall also perform the functions delegated to it in writing by the council of commissioners.

1988, c. 84, s. 629.

582.7. The chairman is entitled to the remuneration determined by the Government.

1988, c. 84, s. 629.

582.8. The council shall, by resolution, fix the place of its sittings and those of the executive committee.

1988, c. 84, s. 629.

582.9. With the consent of a majority of the commissioners physically present at a meeting of the council of commissioners, any commissioner may take part in the meeting and vote thereat by any means enabling all participants to communicate among themselves orally, such as the telephone.

This consent can only be validly given if the commissioners physically present at the place where the meeting is held form a quorum and if the chairman is among those present.

The minutes of such a meeting shall indicate

- (1) that the meeting was held with the aid of the means of communication indicated;
- (2) the name of every commissioner physically present at the meeting, and the names of those having agreed to proceed in this way;
- (3) the name of any commissioner who took part in the meeting through that means of communication.

Any commissioner participating in and voting at a meeting by such a means of communication is deemed to be present at the place where the meeting is held.

1988, c. 84, s. 629.

582.10. Section 582.9 applies, adapted as required, to the meetings of the executive committee.

1988, c. 84, s. 629.

582.11. In the event of an emergency, the commissioners may, if they all are agreed, participate and vote at a special meeting by any means enabling all the commissioners to communicate among themselves orally, such as the telephone. They are then deemed to have attended the meeting.

Such a meeting shall be convened by the director general.

The minutes of the meeting must mention the fact that the meeting was held with the aid of the means of communication indicated therein and that all the commissioners agreed to such a meeting.

This section applies, adapted as required, to the meetings of the executive committee.

1988, c. 84, s. 629.

583. The commissioners shall be entitled to receive the representation allowances provided pursuant to section 194, and shall be reimbursed by the school board for all expenses actually incurred for travel, lodging and meals when attending official meetings of the school board, in accordance with the by-laws adopted by it for such purpose.

1978, c. 78, s. 1.

584. School buildings, facilities, residences and equipment of the State or the School Board of New Québec shall be transferred or leased, at nominal cost, to the school board for their use by it. The means and procedures of such transfer or lease shall be arranged by agreement between the school board, the Government and the School Board of New Québec and shall include the right to modify the said buildings, facilities, residences and equipment, as may be necessary to fulfil the educational purposes of the school board.

1978, c. 78, s. 1; 1999, c. 40, s. 159.

585. The school board shall not be the proprietor of any lands. It shall have the use, within Category I lands, of building sites for school buildings and residences which are required for its educational purposes by means of agreements to be entered into between the board and the local governments. Such agreements shall be for a nominal monetary consideration, by long term lease or other similar contract, to enable the school board to receive the transfers or leases to it of the school buildings, facilities, residences or equipment specified in section 584 and to enable it to construct any building it may require for its purposes. Any allocation so made shall not be construed to exclude such allocated land from Category I.

In the preceding paragraph “local government” means, in Category IA lands, one of the bands incorporated under the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18), and in Category IB lands, one of the Cree landholding corporations established under the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

1978, c. 78, s. 1; 1988, c. 84, s. 630; I.N. 2022-02-01.

586. The school board shall establish one elementary school committee for each community in which there is at least one such school and one high school committee for each community in which there is at least one high school.

1978, c. 78, s. 1.

587. The functions of school committees shall be to give opinions on matters referred to them by the school board.

The school board shall consult the school committees with respect to the following questions:

- (1) selection of teachers and principals;

- (2) school calendar and year;
- (3) changes in curriculum.

In addition, school committees shall perform the functions delegated to them in writing by the school board.

1978, c. 78, s. 1; 1988, c. 84, s. 631.

588. Each school committee shall be composed of from five to eleven members, including one member or delegate of the band council of the community in which the school is located. The number of parents on the school committee shall be fixed annually by a general assembly of the parents of the students attending the schools concerned, providing one parent representative from each school concerned is elected to the committee, and providing, if there are six or more students attending the school who normally reside in a community other than that in which the school is situated, at least one parent representative of such students is elected to the committee.

1978, c. 78, s. 1.

589. The terms and conditions of the establishment, operating and financing of the school committees shall be determined by the school board.

1978, c. 78, s. 1.

590. The school board may hire a community education administrator for a community pursuant to a recommendation from the elementary school or high school committee in such community.

The community education administrator contemplated in the first paragraph shall be a member of the executive staff of the school board and shall perform the duties delegated to him in writing by the school board.

1978, c. 78, s. 1; 1988, c. 84, s. 632.

591. The school board shall reimburse members of the school committees for their expenses for travel, lodging and meals incurred when attending official meetings of their school committee held outside the community in which they reside in accordance with the by-laws adopted by it for such purpose.

1978, c. 78, s. 1.

592. Programs in force, services provided to Native persons, obligations undertaken in favour of Native persons, and the funding of the said programs, services and obligations, shall be continued in accordance with articles 16.0.22, 16.0.23, 16.0.24 and 16.0.25 of the Agreement.

1978, c. 78, s. 1.

593. The school board shall not be obliged to levy school taxes.

1978, c. 78, s. 1.

594. The budget of the school board shall take into account the unique characteristics of its geographical location and of its student population. It shall provide for items such as the following:

- (a) the cost of the construction, maintenance and replacement of school buildings, residences, facilities and equipment;
- (b) increases in the student population and the need for adequate teaching facilities;

- (c) the cost of transportation of students and teaching staff, including transportation of students to and from schools in other parts of Québec;
- (d) the development of a special curriculum provided for in section 575;
- (e) the maintenance of hostels and residences for its students attending schools outside their community;
- (f) the establishment and maintenance of kindergarten programs and facilities;
- (g) physical education and sports programs;
- (h) adult education programs;
- (i) the payment of northern allowances where applicable;
- (j) the provision of working conditions and benefits to attract competent teaching personnel and to encourage such personnel to remain in their positions for extended periods of time, taking into consideration the conditions and benefits offered in surrounding areas.

1978, c. 78, s. 1.

595. The annual budgets providing for capital and operating costs shall be financed in the manner provided in article 16.0.28 of the Agreement.

1978, c. 78, s. 1.

596. Notwithstanding section 281, the publication of public notices for school purposes may be made in accordance with by-laws that the school board shall adopt for such purposes and submit to the Minister for approval.

1978, c. 78, s. 1.

597. The school board shall, in consultation with the Minister, negotiate the conditions of employment of its employees, except basic salary, basic marginal benefits and basic work loads which are negotiated at the provincial level.

1978, c. 78, s. 1.

598. The Government may, by regulation, amend the provisions respecting compulsory school attendance with regard to Native persons under the jurisdiction of the school board.

1978, c. 78, s. 1.

599. The provisions of this Act respecting school taxation, school visitors, the orientation committee, the school committee, the parents' committee representative, and public notices do not apply to the school board.

Any public notice prescribed by this Act is given by posting it in a public place within the locality.

The notice shall explain its purpose and be posted within the time prescribed by this Act or, if not, as soon as possible.

1978, c. 78, s. 1; 1979, c. 28, s. 17; 1988, c. 84, s. 633.

PART XI

THE KATIVIK SCHOOL BOARD

1978, c. 78, s. 1.

600. In this part,

(a) “Regional Government” means the Kativik Regional Government established by the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

(b) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67);

(c) “municipality”, except where preceded by the word “school”, means a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

(d) “territory” means the whole territory, except where designating the territory of a municipality, of Québec north of the 55th parallel.

1978, c. 78, s. 1; 1996, c. 2, s. 715.

601. The Government may erect a school municipality under the name of the “Kativik school municipality” comprising the whole territory.

The order in council prescribing such erection shall come into force on the day it is passed or on any later date fixed therein, and shall be published in the *Gazette officielle du Québec*.

The school municipality so erected replaces the previously existing school municipalities in the territory described in such order in council.

Nevertheless, the territory of any future municipality not contemplated by the provisions of the Agreement may be erected as a separate school municipality after prior consultation between the Ministère de l'Éducation, du Loisir et du Sport and the Kativik School Board.

1978, c. 78, s. 1; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1996, c. 2, s. 716; 2005, c. 28, s. 195.

602. From the erection of the school municipality referred to in the first paragraph of section 601, a school board is established for such school municipality under the name of the “Kativik School Board”.

Subject to section 676, such school board replaces the previously existing school boards in such territory and succeeds to their rights and obligations.

1978, c. 78, s. 1; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 717.

603. The Cree population of the community of Great Whale River shall be under the jurisdiction of the Cree School Board and the Inuit population of the community of Chisasibi shall have the option to be under the jurisdiction of the Kativik School Board or the Cree School Board. Such option must be made in accordance with the instructions of the Minister.

If it opts for the Kativik School Board, the Inuit population of the community of Chisasibi is entitled, while that option lasts, to elect a commissioner to represent it on the said school board.

1978, c. 78, s. 1; 1988, c. 84, s. 634.

604. The school board is subject to this Act and to the other laws of Québec of general application save where these laws are inconsistent with this part, in which event the provisions of this part prevail.

The provisions of this Act relating to school taxes, school visitors, the orientation committee, the school committee, the parents' committee, the parents' committee representative and public notices do not apply to the school board.

1978, c. 78, s. 1; 1988, c. 84, s. 635.

605. The school board shall have jurisdiction and responsibility for preschool, elementary, secondary and adult education.

The school board shall also have, subject only to the annual approval of its budget by the Minister, the power to enter into agreements concerning post-secondary education for persons in its jurisdiction.

1978, c. 78, s. 1; 1988, c. 84, s. 636.

606. The school board shall be represented and its affairs administered by its Council.

1978, c. 78, s. 1.

607. Ordinances, resolutions and other enactments of the school board must be passed by the Council in session.

1978, c. 78, s. 1.

608. Each municipality shall be represented by one commissioner to the school board. In addition, the Council of the Regional Government shall delegate by resolution one regional councillor to represent it to the school board.

1978, c. 78, s. 1.

609. The Council of the school board shall determine, by resolution, the place of its meetings and those of the executive committee.

1978, c. 78, s. 1; 1988, c. 84, s. 637.

610. Subject to section 181, each member of the Council and the regional councillor delegated by the Council of the Regional Government pursuant to section 608 shall have one vote.

1978, c. 78, s. 1; 1990, c. 35, s. 17.

611. If there are no longer any commissioners or if there is no longer a sufficient number of them to constitute a quorum, the powers of the school board shall be exercised by the Minister, who may, after consultation with the Regional Government, delegate them to an administrator appointed by him, until the school board is reorganized.

1978, c. 78, s. 1.

612. The school board shall have an executive committee consisting of five members appointed as follows, including a president and a vice-president designated as such by the Council:

- (a) four members shall be appointed by resolution of the Council from among the commissioners; and
- (b) the fifth member shall be *ex officio* the regional councillor delegated by the Council of the Regional Government under section 608.

The president and vice-president of the executive committee shall *ex officio* discharge the duties of president and vice-president of the Council.

Subject to the foregoing, the council of commissioners shall determine the procedure for the designation and replacement of the members of the executive committee and their term of office.

1978, c. 78, s. 1; 2002, c. 12, s. 1.

613. The executive committee, with the approval of the Council, may make a resolution respecting its government and its internal management.

Three members shall constitute a quorum of the executive committee. Each member of the executive committee shall have one vote.

The executive committee shall direct the affairs and activities of the school board and shall see that its ordinances, decisions, resolutions and contracts are faithfully and impartially observed and carried out.

1978, c. 78, s. 1.

613.1. Any commissioner may, where the majority of commissioners who are physically present at a meeting consent thereto, take part in and vote at the meeting by any means allowing all participants to communicate with each other orally, such as the telephone.

Such consent shall not be given unless there is a quorum of commissioners physically present at the site of the meeting and the president is among them.

The minutes of such a meeting shall mention

- (1) the fact that the meeting was held with the aid of the means of communication indicated therein;
- (2) the name of all commissioners physically present at the site of the meeting and the names of those who consented to hold the meeting in this way;
- (3) the name of the commissioner who took part in the meeting thanks to that means of communication.

A commissioner who takes part in and votes at a meeting through such a means of communication shall be deemed to be present at the site where the meeting is held.

This section applies, adapted as required, to meetings of the executive committee.

1988, c. 84, s. 638.

613.2. In case of emergency, the commissioners may, if all the commissioners consent thereto, take part and vote at a special meeting by any means allowing all the commissioners to communicate with each other orally, such as the telephone. They are from that time deemed to have attended the meeting.

Such a meeting shall be called by the director general.

The minutes of such meeting shall mention the fact that the meeting was held with the aid of the means of communication indicated therein and was consented to by all the commissioners.

This section applies, adapted as required, to all meetings of the executive committee.

1988, c. 84, s. 638.

614. The chairman of the executive committee must devote all his time to the service of the school board and shall not have any other remunerative employment or occupation or hold any other public office, except

as member of the education committee of the municipality which he represents or as regional councillor. The chairman of the executive committee shall be entitled to the remuneration fixed by the Government.

1978, c. 78, s. 1; 1988, c. 84, s. 639.

615. Every natural person of full age and Canadian citizenship who is not legally disqualified may be nominated, elected or appointed a commissioner of the school board representing the municipality in whose territory he resides if he has been domiciled or ordinarily resident in the school municipality for at least 36 months. In the case of a newly erected school municipality, the Minister may, for a period not exceeding 36 months following the date of erection, change the said requirements with respect to domicile and residence.

1978, c. 78, s. 1; 1996, c. 2, s. 718.

616. The following persons shall not be nominated for, elected or appointed commissioner:

(a) persons mentioned in paragraphs 1, 2 and 3 of section 116 of the Cities and Towns Act (chapter C-19);

(b) any person convicted of an act punishable under a law of the Parliament of Canada or of the National Assembly by imprisonment for one year or more; such disqualification shall continue for three years after the term of imprisonment fixed by the sentence and, if only a fine was imposed or if the sentence is suspended, for three years from the date of such condemnation, unless the person has obtained a pardon;

(c) any person convicted of an indictable offence punishable by imprisonment for five years or more after having previously been convicted of two indictable offences so punishable; such disqualification shall continue for ten years after the term of imprisonment fixed by the sentence and, if only a fine is imposed or if the sentence is suspended, for ten years from the date of the conviction, unless the person has obtained a pardon for either of such indictable offences;

(d) any person responsible for moneys belonging to the school board;

(e) any person who is surety for any employee of the Council; and

(f) any person who receives any pecuniary allowance or other consideration from the school board for his services otherwise than under a legislative provision, save where a description of the pecuniary allowance or other consideration has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains so posted, with all additions or deletions, if any, at all times during his tenure of office.

1978, c. 78, s. 1; 1982, c. 62, s. 143; 1986, c. 95, s. 170.

617. No person shall be nominated for or elected or appointed commissioner who has directly or indirectly and personally or through his associates a contract with the school board, unless a description of every such contract has been publicly posted up in the office of the school board and of the municipality at the time of his nomination, election or appointment and remains posted, with all additions or deletions, if any, at all times during his tenure of office.

An employment contract made with a teacher does not disqualify his consort for nomination for or election or appointment as commissioner.

Nevertheless, a shareholder in a lawfully constituted business corporation which has a contract or agreement with the school board or which receives a subsidy or grant from it is not disqualified to act as a commissioner; however, he is deemed interested when any matter involving such business corporation is under discussion in council or in committee, except where such business corporation is the Makivik Corporation established by the Act respecting the Makivik Corporation (chapter S-18.1) or one of its subsidiaries or one of the Inuit land corporations established under the Act respecting the land regime in the

James Bay and New Québec territories (chapter R-13.1), in which cases he is deemed interested only if he is an officer or director of such business corporation.

1978, c. 78, s. 1; 1999, c. 40, s. 159; 2009, c. 52, s. 593.

618. No person may act as commissioner or hold any other office on the school board unless he is eligible and possesses at all times the qualifications required by this part.

1978, c. 78, s. 1.

619. Every natural person entered on the list of electors in force and used at the poll and who is not affected during the preparation of the list of electors and at the time of voting by any disqualification contemplated by this Part, shall be entitled to vote at an election.

1978, c. 78, s. 1; 1988, c. 84, s. 640.

620. Every person of full age who is a Canadian citizen shall be entitled to be entered on the list of electors if he has been domiciled or ordinarily resident in the territory of the municipality for at least 12 months before the date of the election.

1978, c. 78, s. 1; 1988, c. 84, s. 641; 1996, c. 2, s. 719.

621. In the case of a newly constituted municipality, the Minister may, for a period not exceeding 12 months following the date of constitution change for purposes of school elections the time periods mentioned in section 620.

1978, c. 78, s. 1; 1996, c. 2, s. 720; 1999, c. 40, s. 159.

622. The general election for commissioners shall be held once every three years on the third Wednesday of November.

In the case of a newly erected school municipality, the first school election shall be held on the date fixed by resolution of the Council of commissioners, no later than three months following the erection of such school municipality. The commissioners who are elected remain in office until the next general election.

1978, c. 78, s. 1; 1988, c. 84, s. 642; 1996, c. 2, s. 721.

622.1. The procedure for electing commissioners which is described in sections 623 to 647 may be amended or replaced by ordinance of the school board.

1988, c. 84, s. 643.

623. The secretary-treasurer of the municipality shall be the presiding officer for any election held under this part. The presiding officer may appoint a deputy presiding officer and as many election clerks as he deems fit to assist the presiding officer in discharging his duties.

1978, c. 78, s. 1.

624. The presiding officer shall prepare the list of electors in the municipality between 1 July and 1 August following and shall, on 1 August, deposit the electoral list in the office of the municipality for public reference.

During the period extending from 1 to 15 August, the electoral list shall be revised by a board of revision composed of the presiding officer and two persons entitled to be entered on the electoral list and appointed by him.

1978, c. 78, s. 1.

625. Any person, partnership or association who believes that his or its name or that of any other person has been omitted from the list or wrongfully entered thereon may file in the office of the municipality, between 1 and 15 August, application in writing to have the name entered or struck off, as the case may be.

1978, c. 78, s. 1; 1999, c. 40, s. 159.

626. The board of revision shall consider the written application, hear the parties concerned and, if it deems it necessary, take their evidence on oath.

The board of revision, by its final decision on each application, may confirm or revise the list. Every insertion in, erasure from or correction of the list shall be authenticated by the initials of the presiding officer.

The electoral list shall come into force as soon as it has been prepared and revised in accordance with this part and shall be kept among the archives of the municipality.

1978, c. 78, s. 1.

627. No informality in the preparation, completion, revision or putting into force of the list shall invalidate the list unless an actual injustice results therefrom.

1978, c. 78, s. 1.

628. On 1 July of the year in which the election is held, the presiding officer shall, by public notice, publish:

- (a) the place, day and hour fixed for the nomination of candidates;
- (b) the day of the opening of the polls for taking the votes of the electors in case a poll is held; and
- (c) the appointment of the deputy presiding officer and of the election clerks.

The election period shall begin on the day of publication of the notice of the election and end, for each candidate for any office, on the day on which the presiding officer declares a candidate for such office elected.

1978, c. 78, s. 1.

629. The nomination of candidates for election shall be held on the last Wednesday of August between thirteen hours and seventeen hours.

1978, c. 78, s. 1.

630. Three electors qualified to vote whose names are entered on the municipal electoral list in force may nominate a candidate for the office of commissioner.

1978, c. 78, s. 1; 1996, c. 2, s. 722.

631. With each nomination paper there shall be filed a declaration by the candidate that he is a Canadian citizen and duly qualified, accompanied with the consent in writing of the person therein nominated.

1978, c. 78, s. 1.

632. If at the expiration of the period fixed for the nomination of candidates for the office of commissioner only one candidate has been nominated, such candidate shall *ipsofacto* be elected and the presiding officer shall forthwith proclaim such candidate elected.

When several persons are nominated for the office of commissioner, the presiding officer shall announce that a poll shall be held.

1978, c. 78, s. 1; 1999, c. 40, s. 159.

633. Any candidate nominated may withdraw at any time before the closing of the poll by filing with the presiding officer a declaration to that effect; and any votes cast for the candidate who has so withdrawn shall be without effect; and if after the withdrawal there remains but one candidate for the office of commissioner, the presiding officer shall return as duly elected the candidate so remaining.

1978, c. 78, s. 1; 1999, c. 40, s. 159.

634. If at the expiration of the period prescribed for the nomination of candidates no person has been nominated or if all the persons nominated have withdrawn before the closing of the poll, the presiding officer shall immediately send notice thereof to the Regional Government, which shall forthwith transmit its recommendation to the Minister for the appointment of a commissioner.

If the nomination of candidates could not be held because the electoral list was not put in force in time, the presiding officer shall immediately recommence the election proceedings to fill the office and give for such purposes the notice prescribed by section 628. In such case, the presiding officer must see that the election proceedings already commenced are continued if they were validly made.

1978, c. 78, s. 1; 1999, c. 40, s. 159.

635. When a poll is necessary, the presiding officer shall give a public notice thereof, establish a polling station and cause the necessary number of ballot boxes to be made. The ballot paper shall be a paper on which the names of the candidates, together with their syllabic transcription, are alphabetically arranged.

1978, c. 78, s. 1.

636. The polls shall be opened at nine hours and kept open until eighteen hours the same day. The school board may, by resolution, fix a later hour than eighteen hours, but not later than twenty hours on the same day for the closing of the poll.

1978, c. 78, s. 1.

637. In addition to the presiding officer, the only persons who shall be permitted, during the time that the polling station is open, to remain in the room where the votes are given, shall be: the election officers, the candidates and not more than two duly appointed agents or representatives of the candidates.

1978, c. 78, s. 1.

638. An elector shall vote by secret ballot only once for the election of the commissioner.

1978, c. 78, s. 1.

639. The presiding officer, upon the application of any voter who is unable to read or is incapacitated by any physical cause from voting in the manner prescribed, shall assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the candidates or their agents or representatives.

1978, c. 78, s. 1.

640. The presiding officer shall enter in the poll book, opposite the name of each elector voting, the word “voted” as soon as his ballot paper has been deposited in the ballot box.

1978, c. 78, s. 1.

641. Every employer on polling day must allow each elector in his employ at least four hours to vote besides the time usually allowed for the midday meal and shall make no deduction from the salary of such elector.

1978, c. 78, s. 1.

642. At eighteen hours, or at the hour determined by the school board section 636, the poll and the voting shall be closed and the presiding officer shall open the ballot boxes and proceed to count and draw up the list of the number of votes given for each candidate.

1978, c. 78, s. 1.

643. As soon as the final result of the poll is known, the presiding officer shall at once proclaim elected for the office of commissioner the candidate who is found to have obtained the greatest number of votes and give public notice thereof.

In the case of a tie-vote, the presiding officer shall hold a public drawing of lots and proclaim elected the person favoured thereby.

Copy of the public notice shall be inserted in the books of the school board and of the municipality.

1978, c. 78, s. 1.

644. Every candidate, election officer, agent or representative of a candidate, in attendance at a polling station, shall maintain and aid in maintaining the secrecy of the voting at such polling station, and shall not, before the poll is closed, communicate to any person any information as to whether or not any elector has voted or applied to vote at that polling station.

1978, c. 78, s. 1.

645. No candidate, election officer, agent, representative or other person shall interfere with or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain at the polling station information as to the candidate for whom any elector at such polling station is about to vote or has voted.

1978, c. 78, s. 1.

646. No candidate, election officer, agent, representative or other person shall communicate at any time to any person any information obtained at a polling station as to the candidate for whom any elector is about to vote or has voted.

1978, c. 78, s. 1.

647. Every candidate, election officer, agent or representative of a candidate in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not at such counting attempt to obtain any information or communicate any information obtained as to the candidate for whom an elector has voted.

1978, c. 78, s. 1.

648. No election shall be declared invalid by reason of any want of qualification in the persons signing a nomination paper received by the presiding officer under the provisions of this part.

1978, c. 78, s. 1.

649. No election shall be declared invalid by reason of non-compliance with the provisions of this Part or with the ordinance made under section 622.1, in particular, regarding the time periods it fixes if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles

laid down in this Part or by the ordinance, and that such non-compliance did not affect the result of the election.

1978, c. 78, s. 1; 1988, c. 84, s. 644; 1999, c. 40, s. 159.

650. Any election of a commissioner by the electors may be contested by any elector on the ground of violence, corruption, fraud or incapacity or on the ground of non-compliance with the necessary formalities by filing a notice of contestation with the Regional Government within thirty days from the date of the election.

1978, c. 78, s. 1.

651. Such contestation is brought before the Court by an ordinary action which must be served upon the interested parties within forty-five days from the date of the election.

1978, c. 78, s. 1.

652. The commissioner may resign his office by transmitting his resignation signed by himself to the director-general; the term of office of the commissioner shall expire upon the delivery of the writing to the director-general who shall transmit it to the Council at the next sitting.

The death of the commissioner shall terminate his term of office.

The term of office of the commissioner shall also terminate if he has failed to attend at least three consecutive regular sittings of the Council.

Whenever the Court of Québec annuls the election of a commissioner, or a commissioner loses the eligibility or qualification required by law during his tenure of office, such office shall *ipso facto* become vacant.

1978, c. 78, s. 1; 1988, c. 21, s. 66.

653. If 6 months or less remain before the end of the term of a commissioner whose office is vacant, the Council may elect a person who has the qualifications required by section 615 to fill the office of the commissioner for the remainder of the term.

Such election shall be by secret ballot and the director-general of the school board shall proclaim elected the person who obtains the majority of the votes of the members of the Council present. In case of a tie-vote, the president must give a casting vote.

1978, c. 78, s. 1; 1988, c. 84, s. 645.

654. Proceedings for a new election to fill vacancies in the Council shall be taken at the first regular meeting of the Council following the vacancy if

- (a) the election of the commissioner has not taken place within the time prescribed by this part; or
- (b) by reason of vacancies, there remains less than a quorum of the members of the Council in office; or
- (c) the Council has not availed itself of the provisions of section 653.

Such election must be conducted in the same manner, in all respects, as a general election.

1978, c. 78, s. 1; 1988, c. 84, s. 646.

655. Whenever the election contemplated by section 654 is not held within the time prescribed by this part, notice thereof shall be sent forthwith to the Regional Government, which shall forthwith transmit its recommendations to the Minister for the nomination of a commissioner.

1978, c. 78, s. 1.

656. Every member of a Council elected or appointed to replace another holds office only for the remainder of the time for which his predecessor had been elected or appointed.

1978, c. 78, s. 1.

657. A parents' committee shall be established for each municipality, under the name, "education committee".

The education committee shall be composed of three to eight parents residing in the community, as determined by the school board, elected every two years on the date and in accordance with the terms and conditions determined by the school board.

The school board may, with the approval of the Minister, amend the composition of education committees and the criteria for participating in the said committees.

Furthermore, if, after consulting the council of the school board, the elected members of the education committee so decide, the director of education for the municipality, the teachers' representative, the mayor of the municipality and a delegate of the local municipal council entrusted with cultural affairs, or their duly authorized representatives, may be members of the education committee. However, the director of education and the teacher's representative or their representatives do not have the right to vote or to be appointed chairman thereof; the mayor and the delegate entrusted with cultural affairs may vote but cannot be appointed chairman thereof.

The education committees shall be consultative bodies with advisory powers to the school board except for responsibilities that may be delegated to them by ordinance of the school board. Sections 50 to 54 and the provisions respecting the representative of the parents' committee do not apply.

The commissioner who represents the municipality shall be a member of the education committee with the right to vote.

1978, c. 78, s. 1; 1979, c. 28, s. 18; 1982, c. 58, s. 39; 1983, c. 54, s. 48; 1988, c. 84, s. 647; 1996, c. 2, s. 723.

658. Members of education committees attending meetings outside the territory of their municipality shall be reimbursed their travel expenses and receive a daily allowance for all other expenses such as room and board.

1978, c. 78, s. 1; 1996, c. 2, s. 724.

659. Every child shall be entitled to receive moral and religious instruction in accordance with a program approved by a clergyman or priest serving the territory of the municipality. Any child shall be exempted from such moral or religious instruction at the request of his parents for reasons of conscience.

1978, c. 78, s. 1; 1996, c. 2, s. 725; 2000, c. 24, s. 59.

660. The languages of instruction are provided for in section 88 of the Charter of the French language (chapter C-11).

1978, c. 78, s. 1.

661. The school board may, for educational purposes, enter into agreements with Canada or with any school board, educational institution or individual, subject to the laws governing such agreements.

1978, c. 78, s. 1.

662. The delegation of powers under sections 185 and 187 shall be made by ordinance of the school board.

1978, c. 78, s. 1.

663. The school board may establish a curriculum development centre whose functions shall be

(1) to select courses, textbooks and teaching materials appropriate for the Inuit population and arrange for their experimental use, evaluation and eventual approval;

(2) to develop courses, textbooks and teaching materials in the Inuttituit language with a view to preserving and perpetuating the language and culture of the Inuit people;

(3) to enter into agreements with persons, institutions, colleges or universities with a view to developing courses, textbooks and teaching material corresponding to the programs and services it offers.

1978, c. 78, s. 1; 1988, c. 84, s. 648.

664. The school board may by ordinance provide for the establishment of programs, the teaching of subjects and the use of teaching materials in Inuttituit, English and French, based on Inuit culture and Inuttituit.

1978, c. 78, s. 1; 1988, c. 84, s. 649.

665. All ordinances shall be forthwith transmitted to the Minister on being passed. The Minister shall review such ordinances within forty days and, except where the matters dealt with therein are based on Inuit culture and Inuttituit, may disallow them in writing. Unless the Minister has disallowed them, all ordinances shall automatically come into force forty days after the date of their being passed or at any earlier date indicated by the Minister.

1978, c. 78, s. 1.

666. No commissioner shall vote on any question regarding a member of his family.

1978, c. 78, s. 1; 1979, c. 80, s. 52.

667. The school board may establish by ordinance one or more school calendars, making use of existing rules but taking into consideration as well the special needs of its clientele. Such a calendar may consist of fewer than 180 school days provided that the time devoted to instruction remains the same.

1978, c. 78, s. 1; 1988, c. 84, s. 650.

668. The school board shall, in consultation with the Minister, negotiate the conditions of employment of its employees, except basic salary, basic marginal benefits and basic work loads, which are negotiated at the provincial level.

1978, c. 78, s. 1.

669. The school board may, by ordinance, establish training courses for teachers of Inuttituit, English and French, allowing the Inuit to be qualified as elementary and secondary school teachers and non-Inuits who are called upon to teach in schools of the school board to become familiar with the special needs of its clientele. Such courses may be given at schools of the school board or at any other place determined by the school board.

1978, c. 78, s. 1; 1988, c. 84, s. 651.

670. Subject to sections 613 and 614, the Council of the school board shall appoint a director-general, and, under his direction, may appoint an assistant director-general and a secretary-general.

It shall also appoint under the director-general the senior staff and management staff and all other staff required for administration.

If the director-general is absent or unable to act, the assistant director-general shall exercise his functions and powers.

The director-general and the assistant director-general may be designated from among the persons holding senior positions, excluding that of secretary-general, and may perform all or some of the duties of senior officers.

Subject to the by-laws made under paragraph 1 of section 16, the Council of the school board shall establish by by-law the functions of the senior staff and management staff.

1978, c. 78, s. 1.

671. The commissioners shall be indemnified for expenses, in accordance with article 17.0.71 of the Agreement.

1978, c. 78, s. 1.

672. The school board may provide for the transportation of children attending a school under its jurisdiction subject to budget approval for this service.

1978, c. 78, s. 1.

673. Notwithstanding the subparagraph 1 of the second paragraph of section 208, the commissioners, after having decided by resolution at a regularly held meeting not to reengage for the following year a person holding a pedagogical or educational position, shall, at least sixty days before the date of expiration of the engagement of such person or, in the case of an engagement terminating at the end of a school year, sixty days preceding the end of such school year, notify such person in writing of their intention to terminate the said engagement, but need not in such notice assign any cause therefor.

1978, c. 78, s. 1; 1982, c. 58, s. 40.

674. The Council may establish by ordinance qualifications and employment criteria for Inuit teachers involved in the teaching of Inuit culture and Inuittitut. Such teachers shall not be subject to the provisions of the regulations in effect concerning teacher's qualifications.

1978, c. 78, s. 1.

675. The school board may incur expenditures for the construction, improvement or enlargement of buildings for educational purposes, including residences for teachers, provided that such expenditures are included in the approved capital assets budget.

Section 214 shall not apply.

1978, c. 78, s. 1.

676. All buildings used for educational purposes, including residences for teachers, belonging to the school board of New Québec and all materials and other assets located in such buildings as part of the regular equipment shall be taken over by the school board in accordance with terms and conditions to be fixed by an agreement and at nominal cost.

1978, c. 78, s. 1.

677. The school board shall not be obliged to prepare valuation rolls or to levy school property taxes to cover operating expenses or for the construction of schools.

1978, c. 78, s. 1.

678. The manner of conducting the annual school census shall be determined by ordinance of the school board.

1978, c. 78, s. 1.

679. Any child who maintains or helps to maintain his family may be declared exempt from compulsory school attendance by the school board.

1978, c. 78, s. 1.

680. Any notice prescribed by this Act shall be validly given when it is posted in a public place within the community or by any other means which the Council may determine by ordinance.

Every notice shall specify its object and be posted within the time prescribed by this Act or, failing this, within the shortest time possible.

1978, c. 78, s. 1; 1988, c. 84, s. 652; 1999, c. 40, s. 159.

681. The Act respecting grants to school boards (chapter S-36) shall not apply.

1978, c. 78, s. 1.

682. Subject to budgetary approval, provisions shall be made for maintaining the necessary levels of financial aid to students attending school outside the territory when following courses not offered by the school board.

1978, c. 78, s. 1.

683. Funding for the educational services and programs available to the population of the territory on 11 November 1975 shall be maintained in accordance with article 17.0.84 of the Agreement.

1978, c. 78, s. 1.

684. The annual budget providing for capital and operating costs shall be funded in the manner provided in article 17.0.85 of the Agreement.

1978, c. 78, s. 1.

685. The school board may make recommendations to the Government that it declare inapplicable, in whole or in part, any regulation enacted under this Act.

1978, c. 78, s. 1.

PART XII

EDUCATION SERVICES FOR THE NASKAPI BENEFICIARIES

1979, c. 25, s. 145.

686. In this Part,

(a) “Naskapi local government” means the Naskapi band of Québec incorporated under the Naskapi and the Cree-Naskapi Commission Act (S.C. 1984, c. 18);

(b) “Naskapi beneficiary” has the same meaning as in the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);

(c) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (chapter C-67.1);

(d) “the school board” means the Commission scolaire régionale Eastern Québec or any other school board designated by the Government in accordance with section 688;

(e) “Naskapi Native party” means the Naskapi Landholding Corporation established pursuant to the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) and its successor;

(f) “Category IA-N and IB-N lands” means the lands so designated pursuant to the Act respecting the land regime in the James Bay and New Québec territories.

1979, c. 25, s. 145; 1988, c. 84, s. 653; I.N. 2022-02-01.

687. Education services for Naskapi beneficiaries shall be assured by the establishment of a Naskapi school to serve the needs of the Naskapi beneficiaries residing on Category IA-N lands.

With respect to children residing on Category IA-N lands whose parents are not Naskapi beneficiaries, the Minister shall take the appropriate measures to provide education for them in the Naskapi school or in another school.

1979, c. 25, s. 145.

688. The general administration of the Naskapi school shall be carried out by the Commission scolaire régionale Eastern Québec.

The Government may designate another school board to assume, with respect to the Naskapi school, the responsibilities assigned by this Act to the Commission scolaire régionale Eastern Québec.

1979, c. 25, s. 145.

689. In exercising its powers and duties in respect of the Naskapi beneficiaries or the Naskapi school, the school board having charge of the Naskapi school is subject to this Part.

1979, c. 25, s. 145.

690. The Naskapi beneficiaries are subject to this Act and to the other laws of Québec of general application save where these laws are inconsistent with this Part, in which event the provisions of this Part prevail.

The oaths contemplated in section 4 may also be administered or received by the Chief of the Naskapi band of Québec.

1979, c. 25, s. 145; 1988, c. 84, s. 654; 1999, c. 40, s. 159.

691. A body hereinafter called “the committee” is established under the name of “Comité naskapi de l’éducation”.

This committee may be referred to in Naskapi under the name of “NASKAPI SKUDIMATUUN KAMAMOWIITONANOOCH” and, in English, of “Naskapi Education Committee”.

1979, c. 25, s. 145.

692. The committee shall be composed of five members, of whom four shall be elected, and one of whom shall be appointed by the Naskapi Native party.

1979, c. 25, s. 145.

693. The qualifications for being eligible to vote for and to hold office as a member of the committee are

- (a) to be a resident of Category IA-N lands;
- (b) to be eighteen years of age or over;
- (c) not to be affected by legal incapacity, and
- (d) to be a Naskapi beneficiary.

1979, c. 25, s. 145.

694. The members of the committee shall be elected or appointed, as the case may be, for a term of two years. Two of the first members elected or appointed shall be designated for a term of one year by the drawing of lots at the first meeting of the committee.

1979, c. 25, s. 145.

695. The failure of a member to meet the qualifications enumerated in section 693 constitutes a vacancy and requires his being replaced for the unexpired portion of his term.

1979, c. 25, s. 145.

696. To fill the vacant office of an elected member, the committee shall appoint a successor within 60 days following the vacancy. Beyond that time, the Minister may himself designate a new member.

To fill the vacant office of the representative appointed by the Naskapi Native party, the latter shall, itself, appoint a successor.

1979, c. 25, s. 145; 1999, c. 40, s. 159.

697. The election of members to the committee shall be in accordance with the customs and usages of the Naskapi beneficiaries and under the supervision of the Naskapi Native party. The Naskapi Native party shall determine the date of the first election.

1979, c. 25, s. 145.

698. The committee shall appoint a Naskapi Education Coordinator, subject to the approval of the Minister as to the professional qualifications of the chosen candidate.

1979, c. 25, s. 145.

699. The Naskapi Education Coordinator is the Principal of the Naskapi school.

1979, c. 25, s. 145.

700. The Naskapi Education Coordinator is also secretary and administrative officer of the committee. In such capacity, he is responsible to the committee, he shall implement the plans and policies of the committee, and shall act as liaison officer for the committee with the school board and the Ministère de l'Éducation, du Loisir et du Sport.

1979, c. 25, s. 145; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

701. The consultative functions assigned to school committees under this Act are assumed by the committee.

The chairman of the committee is entitled to sit on the parents' committee of the school board.

1979, c. 25, s. 145.

702. Subject to budgetary restrictions, the committee also has the following duties and powers, with respect to the Naskapi school:

(a) to determine the school calendar of the Naskapi school, subject to the total annual number of school days required by the law and the regulations;

(b) to develop the content of courses designed to preserve the Naskapi language and culture;

(c) to determine the levels of secondary school instruction to be offered at the Naskapi school, provided that course beyond the Secondary II level are offered only with the written approval of the Minister;

(d) to participate in the selection procedure and to make recommendations in regard to the engagement, re-engagement and transfer of personnel attached to the Naskapi school, including teachers, non-teaching professionals and support staff, subject to the salary policies and collective agreements in force for schools under the jurisdiction of the school board;

(e) to recommend to the school board policies for the placing in other secondary schools of Naskapi students residing on Category IA-N lands, particularly with regard to the choice of schools and travelling and boarding policies for Naskapi students obliged to attend outside these lands;

(f) to determine annually the date when the election of members of the committee shall take place.

1979, c. 25, s. 145.

703. Subject to the approval of the Minister and after consultation with the school board, the committee may also

(a) initiate projects for the development of programs, textbooks and teaching materials appropriate for the Naskapi beneficiaries;

(b) propose the introduction of new content of courses on an experimental or permanent basis;

(c) determine the number of teachers required in the Naskapi school;

(d) determine the use of standardized tests.

1979, c. 25, s. 145.

704. Subject to the budgetary provisions provided in this Part, the Naskapi school shall be built by the school board on a site on Category IA-N lands proposed by the Naskapi local authority and acceptable to the Minister.

This site shall be allocated to Québec for the sum of \$1.

The Naskapi beneficiaries shall participate in the planning of the Naskapi school and such planning, subject to the approval of the Minister, shall take into account the special needs of Naskapi students, the most recent population forecast for Naskapis, and this Part.

1979, c. 25, s. 145.

705. The Naskapi school shall be built only after the permanent residence of the Naskapi beneficiaries has been determined in accordance with section 20 of the Agreement and after the number of Naskapi beneficiaries who will reside in Category IA-N lands has been determined in a manner satisfactory to the Minister.

1979, c. 25, s. 145.

706. The Naskapi school shall offer programs at the kindergarten and elementary levels. Subject to obtaining budgetary approval from the Minister, it may establish secondary education programs in accordance with paragraph *c* of section 702, for the children of all Naskapi beneficiaries residing on Category IA-N lands.

Pre-kindergarten programs may also be offered subject to the applicable regulations.

1979, c. 25, s. 145.

707. The Naskapi school will offer, as required, and according to the policies in effect of the Ministère de l'Éducation, du Loisir et du Sport, special courses to Naskapi adults residing on Category IA-N lands as well as special remedial programs for Naskapi children who have not completed their secondary education.

1979, c. 25, s. 145; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

708. If qualified Naskapi beneficiaries are not available, the Minister may authorize the engagement of Naskapi beneficiaries as teachers at the Naskapi school notwithstanding that such Naskapis might not possess the standard qualifications of the Ministère de l'Éducation, du Loisir et du Sport.

1979, c. 25, s. 145; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

709. After consulting the committee, the Minister will make available special courses and training programs to qualify Naskapi beneficiaries as teachers and training programs for teachers newly assigned to the Naskapi school.

Whenever possible, such special courses and training programs will be conducted in the Naskapi school.

1979, c. 25, s. 145.

710. In conformity with section 88 of the Charter of the French language (chapter C-11), the teaching languages for the Naskapi beneficiaries attending the Naskapi school shall be Naskapi and the other teaching languages in use in the Naskapi community on 31 January 1978.

The Naskapi beneficiaries shall have as an objective the use of French as a teaching language so that pupils graduating from the Naskapi school will, in the future, be capable of continuing their studies in French in a school, college or university elsewhere in Québec, if they so desire.

The committee shall determine the rate of introduction of French and English as teaching languages.

1979, c. 25, s. 145.

711. Any Naskapi child who is certified by the committee as maintaining or helping to maintain his family may be declared exempt by the committee from compulsory school attendance at the Naskapi school for a part or the whole of any school year, and on such conditions as the committee may specify.

1979, c. 25, s. 145.

712. Every child attending the Naskapi school is entitled to receive moral and religious instruction in accordance with a program approved by a clergyman or priest serving the Naskapi community.

Any child, at the request of his parents, for reasons of conscience, shall be exempted from such moral or religious instruction.

1979, c. 25, s. 145; 2000, c. 24, s. 60.

713. The budget of the Naskapi school shall be prepared annually by the committee.

It shall then be submitted for approval to the Minister prior of its incorporation in the global budget of the school board.

The said annual budget shall include

- (a) the Naskapi school's share of the administrative costs of the school board;
- (b) all costs for administration, instruction, student services, auxiliary services, transportation, building repair and maintenance and debt service connected with the operation of the Naskapi school;
- (c) the cost of the adult education program for Naskapis residing on Category IA-N lands;
- (d) the cost of training programs for teachers in service and any other training programs organized specifically for the Naskapi school;
- (e) the cost of tuition fees, boarding and travelling allowances for Naskapi secondary students residing on Category IA-N lands placed, by the school board, for study in schools which, as a result of their location, make it necessary for the students to live outside of Category IA-N lands;
- (f) the cost of maintaining for Naskapi beneficiaries residing on Category IA-N lands the post-secondary education services and benefits available to Naskapi beneficiaries on 31 January 1978;
- (g) the net cost (total cost less rental revenue) of residences provided for under section 714;
- (h) the remuneration payable to members of the committee, which shall be equal to the amounts payable to commissioners of dissentient school boards having from 250 to 500 pupils;
- (i) the salary and expenses of the Naskapi Education Coordinator in accordance with the administrative and salary policies of the Ministère de l'Éducation, du Loisir et du Sport;
- (j) the cost of necessary translation services.

1979, c. 25, s. 145; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

714. Residences shall be provided by the school board for the Naskapi Education Coordinator and for teachers at the Naskapi school if recruited from outside the Schefferville area.

The Naskapi Education Coordinator and such teachers shall pay a rent which is fixed by the school board in accordance with the norms applying in the northern territories of Québec.

1979, c. 25, s. 145.

715. The services and programs available to Naskapi beneficiaries on 31 January 1978 shall be continued in accordance with subsections 11.20 and 11.20A of the Agreement.

1979, c. 25, s. 145.

716. The annual budgets of the Naskapi school providing for the capital and operating costs as well as the capital cost required for the construction of the Naskapi school shall be funded in the manner provided in subsection 11.24 of the Agreement.

1979, c. 25, s. 145.

717. The school board shall send to the committee a copy of all public notices concerning schools.

Public notices concerning the Naskapi school issued to call a public meeting, or for any other reason, must reach the committee, unless otherwise provided by law or regulation, ten clear days before the public meeting or any other event is to be held.

The committee shall cause these notices to be posted up in a public place on Category IA-N lands.

1979, c. 25, s. 145.

718. The school board shall not levy taxes within Category IA-N lands.

1979, c. 25, s. 145.

719. Until the coming into force of sections 687 to 703 and 706 to 718, the provisional measures contained in subsections 11.6, 11.11, 11.12 and in the last paragraph of subsection 11.24 of the Agreement apply.

1979, c. 25, s. 145.

PART XIII

SPECIAL PROVISION

720. *(Repealed).*

1982, c. 21, s. 1; 1986, c. 101, s. 11; 1988, c. 84, s. 655; 2005, c. 20, s. 10.

721. *(This section ceased to have effect on 1 July 2008).*

1986, c. 101, s. 11; 1988, c. 84, s. 656; 1994, c. 11, s. 1; 1999, c. 28, s. 1; 2000, c. 24, s. 61; 2005, c. 20, s. 11; 2005, c. 20, s. 19.

FORMS

FORM 1

(Sections 145, 301)

Oath

Province of Québec,

School Municipality of

I, A. B., having been duly appointed (*secretary-treasurer, etc.*) of this municipality, declare under oath that I will well and faithfully discharge the duties of my office according to the best of my judgment and ability.

(Signature)

Sworn before me, this at

(Signature)

*(Qualification of the person receiving
the oath).*

R. S. 1964, c. 235, Form 1; 1971, c. 67, s. 93; 1999, c. 40, s. 159.

FORM 2

(Sections 286, etc.)

Special Notice in Writing

Province of Québec,

School Municipality of

To Joseph B. *(name and occupation of person to whom notice is given)*.

Sir,

Special notice is hereby given you by the undersigned, L. M. *(name and occupation of person giving notice)*,
that *(the object of the special notice)*.

Given at, thisday of the month of, 20....

(Signature)

R. S. 1964, c. 235, Form 2.

FORM 3

(Repealed).

R. S. 1964, c. 235, Form 3; 1986, c. 10, s. 48; 1989, c. 36, s. 257.

FORM 4

(Repealed).

R. S. 1964, c. 235, Form 4; 1989, c. 36, s. 257.

FORM 5

(Repealed).

R. S. 1964, c. 235, Form 5; 1989, c. 36, s. 257.

FORM 6

(Sections 55, 56)

Notice of Dissent

Province of Québec,

School Municipality of

To the Chairman (*or* secretary-treasurer) of the commissioners of the municipality of, county of

Sir,

We, the undersigned, property-owners, tenants and ratepayers of the municipality of .., county of .., professing the religion, have the honour, under section 55 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), to notify you of our intention of withdrawing from the control of the school board of which you are the chairman (*or* secretary-treasurer) from 1 July which next follows the third Sunday in November.

Given at, this day of, 20....

(Signatures)

R. S. 1964, c. 235, Form 6; 1986, c. 10, s. 49; 1988, c. 84, s. 703; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 7

(Section 61)

Notice of Dissent so as to withdraw from Control of Future Commissioners

Province of Québec,

School Municipality of

To the Chairman (*or* secretary-treasurer) of the dissentient school board of the municipality of ..., county of ...

Sir,

We, the undersigned, property-owners, tenants and ratepayers of the municipality of, in the county of, professing the religion, have the honour to inform you that, in virtue of section 61 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), we do not intend to be governed by the commissioners, and that we intend to elect three commissioners to administer our schools in the month of November next.

Given at, this day of, 20....

(Signatures)

R. S. 1964, c. 235, Form 7; 1985, c. 8, s. 24; 1986, c. 10, s. 50; 1988, c. 84, s. 703; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 8

(Section 60)

Notice by Dissentients declaring themselves the Majority

Province of Québec,

School Municipality of

To the Chairman (*or* secretary-treasurer) of the commissioners of the municipality of, county of

Sir,

We, the undersigned, property-owners, tenants and ratepayers of the municipality of, in the county of, now under the control of the commissioners of the dissentient school board of the said municipality, have the honour to inform you, in virtue of section 60 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), that we have become the majority, and that we intend accordingly to organize ourselves and to elect commissioners for the administration of our schools, on the date of election.

Given at, this day of, 20....

(Signatures)

R. S. 1964, c. 235, Form 8; 1971, c. 67, s. 94; 1985, c. 8, s. 25; 1988, c. 84, s. 703; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 9

(Section 173)

Notice convening Meeting of Commissioners

Province of Québec,

School Municipality of

To Mr. A. B., Commissioner.

Sir,

I am instructed by the chairman of the school board to inform you that a meeting of the board of commissioners of this municipality, of which you are a member, will be held at (*the place*), at .. hours, the (*fix date*).

Given, this, 20....

(Signature)

R. S. 1964, c. 235, Form 9; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 10

(Sections 182, 189)

Minutes of Proceedings of Commissioners

Province of Québec,

School Municipality of

At a meeting of the commissioners of the municipality of ..., in the county of ..., held at (*mention the place*) in this municipality, on the day of the month of, 20...., at hours, at which meeting were present:

Messrs. (*insert the names of all the members present*), all commissioners.

The chairman (*or acting chairman, in the absence of the chairman*) in the chair.

The secretary-treasurer being also present.

Mr. (*his name*) moved that (*write out the motion*).

Carried unanimously (*or on the following division, or lost on the following division, as the case may be*).

(*If there be a division, the votes shall be taken by the chairman as follows:—*)

Yeas:—Messrs.

Nays:—Messrs.

(*Insert names*)

(*If the votes be equal, the chairman shall vote, and then he shall declare the motion carried or not, as the case may be.*)

(*If there be an amendment, say:*)

Mr. moved in amendment that

(*State the amendment*)

For the amendment:—Messrs.

Against the amendment:—Messrs.

(*Insert the names*)

(*Signature of the Chairman*)

(*Signature of the Secretary-Treasurer*)

R. S. 1964, c. 235, Form 10; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 11

(Repealed).

R. S. 1964, c. 235, Form 11; 1979, c. 80, s. 53.

FORM 12

(Repealed).

R. S. 1964, c. 235, Form 12; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 726.

FORM 13

(Sections 357, 358, 362)

Notice to Ratepayers of Examination of Collection Roll

Province of Québec,

School Municipality of

Public notice is hereby given to all proprietors of real estate of this municipality that the collection roll of school taxes, as established by the commissioners of this municipality, has been made and completed, and that it now is and will remain in my possession for inspection by parties interested, during 15 days from this notice. During such time it may be amended; any ratepayer may, during the said time, complain of such roll, which will be taken into consideration and homologated, with or without amendment, at the meeting of the commissioners to take place on the .. day of .. , at the place where meetings are usually held at .. hours. From such day, the collection roll will be in force and every ratepayer shall pay the amount of his taxes to the undersigned, at his office, without further notice, within the 20 days following the homologation of the collection roll (*or, as the case may be,*) at the following times:

In case of total payment within 20 days from the homologation of the collection roll, a discount of will be granted.

Given at, this day of (*insert the date*), 20....

(Signature)

R. S. 1964, c. 235, Form 14; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1999, c. 40, s. 159.

FORM 14*(Section 368)**Secretary-Treasurer's Notice to pay School Taxes*

Province of Québec,

School Municipality of

Mr.

Dr. to The School Board of

Copy of account of *(name of the ratepayer)*

Taxes on your (here mention the property, as		\$		cts.
house, farm, etc.) valued at \$				
at the rate				
of (state amount) in the dollar				
Monthly fee for (state number of children)				
during (state number of months) at (state amount)				
per month. (*)				
Total				

Notice served *(insert date of notice)*.

SIR,— Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from this date, to pay the said sum to me, in my office, together with the costs of the present notice and of the service thereof, detailed hereunder, in default whereof an execution will be issued against your goods and chattels.

(Place and date)

COSTS:

Notice	\$
Service	\$

Total	\$
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(Signature)

R. S. 1964, c. 235, Form 15; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1996, c. 2, s. 727.(*) *If the monthly fee is payable monthly in advance it should not be claimed by this notice.*

FORM 15

(Repealed).

R. S. 1964, c. 235, Form 16; 1974, c. 13, s. 36; 1986, c. 95, s. 171.

FORM 16

(Section 374)

Notice of the Day and Place of Sale of Goods and Effects seized for School Taxes

Public notice is hereby given that on (*day of the week*), the day of the month of instant (*or next*) at hours, at (*mention the place*), the goods and chattels of (*name of the person*) now under seizure in default of payment of the taxes due to the said commissioners will be sold by public auction at (*name of the place*).

Given under my hand at (*place*), in the district of, this day of, 20....

(Signature)

R. S. 1964, c. 235, Form 17; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 17

(Section 202)

Form of Teacher's Engagement

Province of Québec,

School municipality of

On the . day of the month of ., in the year 20., it is mutually agreed and stipulated between the commissioners of the municipality of, in the county of, represented by (*name of chairman*) their chairman, under a resolution of the said commissioners passed on the day of, 20...., and (*name of teacher*) teacher holding a diploma for a (*insert grade*) school, born on the, 20....., single (*or as the case may be husband or wife of*) residing at, as follows:

The said teacher makes an engagement with the said commissioners for the school year from 1 July (*state year*) — unless the diploma of the said teacher be withdrawn, or any other legal impediment arise — to teach the (*grade of school*) school in district No. ... , and to teach therein up to the ... grade inclusively, according to law, and to the rules and regulations established or to be established by the competent authorities, and, among other things, to exercise an efficient supervision over the pupils attending the school; to teach the subjects authorized, and to use only authorized textbooks; to fill up all blank forms required by the Ministère de l'Éducation, du Loisir et du Sport, the school inspectors or commissioners; to keep the required school registers; to preserve amongst the archives of the school such copy-books and other work of the pupils as may be ordered to be put aside; to keep the school rooms in good order and not to allow them to be used for any other than school purposes without permission to that effect; to follow such rules as may be established; in a word, to fulfil all the duties of a good teacher; to hold school every day, except during the vacations, and on Sundays and festivals and on the holidays authorized by law and the school regulations.

The said teacher has furnished (*or undertakes to furnish*) a doctor's certificate that he (*or she*) is free from tubercular disease or any infirmity or disease rendering him (*or her*) unfit for teaching.

The commissioners undertake to pay ... to the said (*name of teacher*) the sum of (*state sum in full*) for the said school year in current money or by cheque.

In default of any other engagement, the present agreement shall continue to remain in force between the parties until it is legally set aside.

And the parties have signed, after hearing the same read.

Made in duplicate at, the day of, 20....

(Signature)

Chairman of the Commissioners.

(Signature)

Teacher.

R. S. 1964, c. 235, Form 18; 1969, c. 67, s. 9; 1977, c. 5, s. 14; 1989, c. 36, s. 279; 1990, c. 35, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

FORM 18

(Section 208)

Notice to Teachers, informing them that their Services are no longer required

Province of Québec,

School Municipality of

To Mr., Teacher of school district No.

Sir,

I have the honour to inform you that, by a resolution adopted at their meeting of *(insert the date)*, the commissioners of this municipality have decided that they will not require your services for next year.

(Date)

(Signature)

R. S. 1964, c. 235, Form 19; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 19

(Section 293)

Notice respecting Resolutions adopted in certain Cases

Province of Québec,

School Municipality of

Public notice is hereby given that at a meeting of the commissioners of this municipality, held on the ... day of the month of, 19....., it was resolved: *(Enter the resolution adopted)*.

(Date)

(Signature)

R. S. 1964, c. 235, Form 20; 1989, c. 36, s. 279; 1990, c. 35, s. 16.

FORM 20

(Repealed).

R. S. 1964, c. 235, Form 25; 1989, c. 36, s. 257.

FORM 21

(Repealed).

R. S. 1964, c. 235, Form 26; 1989, c. 36, s. 257.

FORM 22

(Repealed).

R. S. 1964, c. 235, Form 27; 1989, c. 36, s. 257.

FORM 23

(Repealed).

R. S. 1964, c. 235, Form 28; 1989, c. 36, s. 257.

FORM 24

(Section 5)

Oath of persons appointed to Official Examinations

I, the undersigned (*Christian name, surname, occupation*) ... residing at (*address of domicile*) ... declare under oath that I will fulfil in all honesty the duties of my office of in respect to the examinations of and that I will do so faithfully, in accordance with the law and established regulations, without favour or partiality.

(Signature)

Sworn before me, this at

(Signature)

(Qualification of the person receiving the oath).

R. S. 1964, c. 235, Form 29; 1971, c. 67, s. 95; 1996, c. 2, s. 728; 1999, c. 40, s. 159.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 235 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed, except paragraph 3 of section 16, the second paragraph of section 252 and sections 455 to 465, effective from the coming into force of chapter I-14 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 763 to 765, 790 and 792 of chapter 235 of the Revised Statutes, 1964, in force on 31 December 1981, are repealed effective from the coming into force of the updating to 31 December 1981 of chapter I-14 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 766 to 779, 782 to 789, 791, 793 and 794 of chapter 235 of the Revised Statutes, 1964, in force on 1 September 1985, are repealed effective from the coming into force of the updating to 1 September 1985 of chapter I-14 of the Revised Statutes.