



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 32

(2006, chapter 51)

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

Introduced 14 June 2006

Passage in principle 9 November 2006

Passage 14 December 2006

Assented to 14 December 2006

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EXPLANATORY NOTES

This bill proposes amendments to the Act respecting school elections and the Education Act to introduce measures promoting democracy in schools and improving the organization of school elections and election proceedings.

The bill amends the Act respecting school elections so that candidates can include in their nomination papers a minimum amount of information to electors. It provides that a document containing that information is distributed by the returning officer at the same time as a poll reminder to the address of every person on the list of electors who is entitled to vote.

The bill also provides that electors whose children have completed a program of studies in an English language school board are deemed to have chosen to vote in the election of the commissioners of that school board, unless they send in a notice of revocation.

The bill amends the rules applicable to the delimitation of electoral divisions and to election proceedings. It requires that school boards respect the standards relating to the description of the boundaries of electoral divisions established by the Commission de la représentation. It modifies the election calendar, provides for the establishment of mobile polling stations and makes it possible for any elector to vote in the advance poll. The bill also provides that a commissioner's term ends if the commissioner fails to attend three consecutive regular sittings of the council of commissioners.

The bill amends the Education Act in order to introduce changes in the field of school democracy, providing, in particular, for a public consultation to be held on the continued operation or closure of a school board's schools, on changes to the level of instruction or to cycles or parts of cycles of the level of instruction provided by a school, and on the cessation of preschool education services provided by a school. The bill imposes the holding of at least one public consultation meeting preceded by a public notice. It stipulates that, subject to any policy directions the Minister may establish, the school board must adopt a policy on introducing students to democracy in schools.

The bill also amends the Education Act to specify that the person responsible for determining if the code of ethics and professional conduct applicable to the commissioners has been contravened and for imposing a penalty may not be a member of the council of commissioners or an employee of the school board.

The bill amends the Education Act to make it possible for parents on the governing board of a school to consult the parents of the children in the school on any matter relating to educational services, including the procedure for informing parents of the academic progress of their children.

Lastly, the bill amends the Education Act and the Act respecting private education to make it possible, for a child, to have pre-school and primary school extended for one year if there are reasonable grounds to believe that such a measure is necessary to foster the child's academic progress.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting school elections (R.S.Q., chapter E-2.3);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3).

Bill 32

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SCHOOL ELECTIONS

1. Section 7.1 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by inserting “, keeping in mind, as far as possible, any natural community,” after “delimited” in the first line;

(2) by inserting “electoral division” after “each” in the second line;

(3) by inserting “, territorial contiguity” after “boundaries” in the fourth line;

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

“A school board may give a name to each electoral division.”

2. Section 7.5 of the Act is amended by replacing “November” in the second line by “June”.

3. Section 7.6 of the Act is amended

(1) by replacing “, using the names of thoroughfares wherever possible, and it shall” in the second and third lines of the first paragraph by “according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and”;

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

“In the event of non-compliance with the first or second paragraph, the school board shall start the process of dividing its territory into electoral divisions over again, unless it complies with another measure submitted by the Commission de la représentation.”

4. Section 7.7 of the Act is repealed.

5. Section 9.6 of the Act is amended by adding the following paragraph at the end:

“If the Commission de la représentation makes a recommendation to that effect in writing to the school board, and if the number of electors is not affected, the council of commissioners may amend a provision of the resolution referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 7.6. The amendment forms an integral part of the resolution, as if it had been adopted with the resolution by a vote of two thirds of the members of the council who have the right to vote. A certified copy of the amended resolution is transmitted without delay to the Commission de la représentation by the director general of the school board.”

6. Section 9.14 of the Act is amended

(1) by replacing “which has not, in its resolution, complied with section 7.2 or has not adopted the resolution” in the second and third lines of the first paragraph by “whose council has not adopted a resolution to that effect”;

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

“If the Commission does not give its approval to a delimitation that derogates from the numerical criterion under the first paragraph of section 7.2, it may either divide the territory of the school board into electoral divisions or ask the school board to adopt a new division proposal.”

7. Section 10.3 of the Act is amended

(1) by replacing “September” in the first line of the second paragraph by “June”;

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

“The director general of the school board may also, for an electoral division in which a by-election must be held, modify the description of the sectors identified during the preceding general election. On or before the forty-fifth day preceding polling day, the director general shall transmit a description of the modifications to the chief electoral officer, according to the parameters the latter determines.”

8. Section 11.3 of the Act is amended by striking out “in whose respect he has been unable to update the information” in the second line and by adding “whom he has been unable to locate” at the end.

9. Section 11.4 of the Act is amended by replacing “to update the entries in their respect” in the third line by “to find their names”.

10. Section 11.5 of the Act is repealed.

11. Section 12 of the Act is amended by replacing paragraph 5 by the following paragraph:

“(5) has not been convicted within the last five years of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3);”.

12. Section 15 of the Act is amended

(1) by striking out “, as of 1 September preceding polling day,” in the first line of the first paragraph;

(2) by striking out “, as of the same date,” in the first line of the second paragraph;

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

“However, an elector whose child was enrolled in an English language school board when he or she finished school is deemed to have chosen to be registered on the list of electors of that school board and to vote in its elections.”;

(4) by replacing “such voting option” in the first line of the third paragraph by “the voting option described in the second paragraph”.

13. The Act is amended by inserting the following section after section 21.3:

“21.4. A person is ineligible for office as a member of the council of commissioners if, following a judgment that has become *res judicata*, he is disqualified under section 176 of the Education Act (chapter I-13.3).”

14. Section 23 of the Act is amended by adding the following sentence at the end: “The election clerk shall, for that purpose, perform the duties delegated to him by the returning officer.”

15. Section 28 of the Act is repealed.

16. Section 28.1 of the Act is amended by replacing “that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3)” in the first paragraph by “that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3)”.

17. The Act is amended by inserting the following section after section 28.1:

“28.2. In carrying out their duties of office, all election officers may administer the oaths provided for in this Act, and they shall do so without charge.”

18. The Act is amended by inserting the following section after section 30.1:

“30.1.1. The Act respecting labour standards (chapter N-1.1) does not apply to election officers.”

19. Section 31 of the Act is amended by replacing “il” in the third line of the French text by “elle”.

20. Section 34 of the Act is amended by replacing “il” in the third line of the first paragraph of the French text by “elle”.

21. Section 35 of the Act is amended by replacing “that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3)” in the first paragraph by “that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3)”.

22. Section 38 of the Act is amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

“(0.1) every office on the council that is open for nominations;”;

(2) by replacing “place” at the beginning of subparagraph 1 of the first paragraph by “places”;

(3) by striking out subparagraph 2 of the first paragraph;

(4) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) the names of the returning officer’s assistants and of any of the assistants who are authorized to receive nomination papers;”;

(5) by adding the following at the end of subparagraph 7 of the first paragraph: “and the office telephone numbers and addresses of the returning officer’s assistants”;

(6) by striking out “, as of 1 September preceding polling day,” in the first and second lines of the second paragraph;

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

“The returning officer shall transmit, as soon as practicable, a copy of the notice to the chief electoral officer and the Minister of Education, Recreation and Sports.”

23. Section 39 of the Act is amended by replacing “45” in the first line of the first paragraph by “38”.

24. Section 41 of the Act is amended by replacing “33” in the first line by “35”.

25. Section 43 of the Act is amended

(1) by replacing “twenty-sixth” in the first line of the first paragraph by “twenty-eighth”;

(2) by striking out “prepared or” in the second line of the first paragraph.

26. Section 44 of the Act is amended

(1) by striking out the last sentence of the third paragraph;

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

“Where no revision takes place or where a revision is interrupted, the returning officer shall immediately notify in writing the chief electoral officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3).”

27. Section 51 of the Act is amended

(1) by replacing “25” in the first line of the first paragraph by “29”;

(2) by replacing “and” in the first line of subparagraph 3 of the first paragraph by “, presenting the notice referred to in section 18 and”;

(3) by inserting “the chief electoral officer, who shall notify” after “to” in the first line of the third paragraph and by replacing “E-3.3)” in the third line of that paragraph by “E-3.3) of the fact,”.

28. Section 52 of the Act is amended by replacing “25” in the first line of the first paragraph by “29”.

29. Section 54 of the Act is amended

(1) by replacing “24” in the third line of the first paragraph by “29”;

(2) by replacing the second sentence of the second paragraph by the following sentence: “The chair shall notify the returning officer of his decision, and the returning officer shall notify the candidates.”

30. Section 55 of the Act is amended by replacing “seventeenth” in the third line of the first paragraph by “nineteenth”.

31. Section 58.2 of the Act is amended

(1) by replacing “twenty-fourth to the seventeenth” in the first line of the first paragraph by “twenty-ninth to the nineteenth”;

(2) by replacing “addressed” in the first line of the second paragraph by “presented”;

(3) by adding “or, if the English language school board in the territory of the division in which the domicile of the elector is situated has no board of revisors, to a board of revisors of the French language school board” at the end of the second paragraph;

(4) by replacing “seventeenth” in the third line of the third paragraph by “nineteenth”.

32. Section 58.3 of the Act is amended by striking out “including the *de facto* spouse, or” in the second line of the first paragraph.

33. The Act is amended by inserting the following sections after section 58.5:

“58.5.1. Despite the provisions of this subdivision, any person domiciled in a residential facility maintained by an institution operating a residential and long-term care facility governed by the Act respecting health services and social services (chapter S-4.2) or a residence for the elderly entered in the register established under that Act may, not later than the last day fixed for making an application, submit to the returning officer a written application for entry, striking off or correction, along with the documents described in the second paragraph of section 58.4.

The returning officer shall transmit all applications and documents received to the competent board of revisors.

“58.5.2. The returning officer may submit to the board of revisors the cases of persons registered on the list transmitted by the chief electoral officer to the school board under section 11.3.

The board of revisors shall examine such cases as soon as they are received, and shall decide them immediately if it is possible to do so. The board of

revisors has the same powers with respect to these cases as it has for processing an elector's application."

34. Section 58.14 of the Act is amended by adding the following paragraph at the end:

"The information must be transmitted to the chief electoral officer not later than the thirtieth day after the revision of the list of electors is completed or interrupted."

35. Section 60 of the Act is amended by replacing "The returning officer shall give to every candidate, on the day of filing his nomination paper" at the beginning by "Not later than 35 days before polling day, the returning officer shall give to every candidate".

36. Section 62 of the Act is amended

(1) by replacing "thirty-third" in the third line of the first paragraph by "fortieth";

(2) by replacing "twenty-eighth" in the third line of the first paragraph by "thirty-fifth";

(3) by adding "or of the assistant designated by the returning officer" after "returning officer" in the second line of the first paragraph.

37. Section 64 of the Act is repealed.

38. Section 65 of the Act is amended

(1) by replacing "twenty-eighth" in the second line of the first paragraph by "thirty-fifth";

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

"The application must be accompanied by a list of the names, addresses and signatures of at least 10 electors of the school board who support the application."

39. Section 66 of the Act is amended by replacing "sections 64 and" in the second line of the first paragraph by "section".

40. Section 68 of the Act is amended

(1) by striking out the first paragraph;

(2) by striking out "also" in the first line of the second paragraph.

41. Section 72 of the Act is amended by inserting the following paragraph after the first paragraph:

“Proof of identity is an act of birth or any of the following: a certificate of Canadian citizenship, a Canadian passport, a driver’s licence or probationary licence issued as a plastic card by the Société de l’assurance automobile du Québec, a health insurance card issued by the Régie de l’assurance maladie du Québec or a copy of a name change order.”

42. The Act is amended by inserting the following section after section 73:

“73.1. The nomination paper may be accompanied by basic information for the electors.

The information is provided in the manner determined by the chief electoral officer and may include a text provided by the candidate, a photograph of the candidate and the address and number where the candidate may be reached by the electors.

The candidate is responsible for ensuring that the text provided is in compliance with the law and for ascertaining the quality of the language and the accuracy of the information provided. The document distributed under section 86.1 must mention that responsibility.

If the information is not provided in the manner determined by the chief electoral officer, the returning officer may refuse to distribute that information in the mailing referred to in section 86.1 if, having granted the candidate a reasonable time to comply, he does not receive the information duly modified on or before the nineteenth day before polling day.”

43. Section 76 of the Act is amended by replacing “meeting the requirements of this Act” in the second line of the first paragraph by “that is complete and accompanied by the required documents”.

44. Section 82 of the Act is repealed.

45. Section 84.1 of the Act is amended by striking out the second paragraph.

46. Section 86.1 of the Act is amended

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

“86.1. Not later than 10 days before polling day, the returning officer shall have a reminder sent to every person on the list of electors who is entitled to vote at the poll, as well as a document, in the same mailing, containing the information provided by the candidates under section 73.1. The document must be produced in the manner determined by the chief electoral officer and must give equal space to each candidate.”;

(2) by replacing “The reminder shall contain all” at the beginning of the second paragraph by “The reminder must provide either all”.

47. Section 87 of the Act is amended by adding “and determine which, if any, are to be mobile polling stations” at the end of the first paragraph.

48. The Act is amended by inserting the following section after section 87:

“**87.1.** If the returning officer establishes a mobile polling station, the only persons who may be present in that polling station are the deputy returning officer and the poll clerk.”

49. Section 88 of the Act is amended

(1) by replacing “adapted as required, apply to the advance poll” in the second line by “, except section 112, apply to the advance poll, with the necessary modifications”;

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

“For the purposes of section 97.1, in the case of a mobile polling station, the identity verification panel is composed of the deputy returning officer, who is the chair of the panel, and the poll clerk, and decisions must be unanimous.”

50. Section 88.1 of the Act is amended by adding the following paragraphs at the end:

“A person operating a residential facility referred to in section 58.5.1 must ensure that the mobile polling station has access to the electors.

Despite subparagraph 1 of the second paragraph of section 90, while visiting such a facility, a mobile polling station may, on request, go to the room or the apartment of an elector who is unable to move about.”

51. Section 89 of the Act is amended by adding the following paragraph at the end:

“However, a mobile polling station may have access to electors from 8:00 a.m. to 11:00 a.m. and, if the returning officer deems it necessary, on the eighth and sixth days preceding polling day, at the times the returning officer determines.”

52. Section 90 of the Act is replaced by the following section:

“**90.** Any elector registered on the list of electors may vote at the advance poll.

Any person domiciled in a residential facility referred to in section 58.5.1 may vote at a mobile polling station if the following conditions are fulfilled:

(1) the person applies in writing to the returning officer not later than 19 days before polling day;

(2) the person is registered on the list of electors; and

(3) the person is unable to move about.

The returning officer shall draw up a list of the persons who have made an application under the second paragraph and transmit a copy of the list to each recognized ticket and each candidate concerned.”

53. Section 97.1 of the Act is amended by adding the following sentence at the end of the second paragraph: “If there are three polling stations or less in a place, the deputy returning officer and the poll clerk of the polling station may act as panel members.”

54. Section 106 of the Act is amended

(1) by replacing “, in a sealed ballot box, after affixing his initials to the seals” in the third line by “a ballot box”;

(2) by striking out “, the required number of ballot papers” in the fifth and sixth lines;

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

“The returning officer shall also deliver to the deputy returning officer a sealed, initialled envelope containing the required number of ballot papers.”

55. Section 111 of the Act is amended by replacing “9:00 a.m. to 7:00 p.m.” by “10:00 a.m. to 8:00 p.m.”.

56. Section 112.2 of the Act is amended

(1) by replacing “and date of birth and of the address appearing on the list opposite his name or” in subparagraph *a* of subparagraph 3 of the first paragraph by “, his date of birth and”;

(2) by replacing “46” in subparagraph iii of subparagraph *b* of subparagraph 3 of the first paragraph by “58.3”.

57. Section 117 of the Act is amended by striking out “, in accordance with the form provided in Schedule II” at the end of the second paragraph.

58. Section 124 of the Act is amended

(1) by replacing “has not assisted another elector during the poll” in subparagraph 2 of the first paragraph by “has not already assisted any other

elector during the poll other than the person's spouse or relative within the meaning of section 58.3";

(2) by adding the following subparagraph at the end of the first paragraph:

“(3) by the returning officer in the presence of the poll clerk.”;

(3) by replacing “either case” in the second paragraph by “all cases”.

59. Section 126 of the Act is amended by replacing the first paragraph by the following paragraph:

“**126.** The returning officer or election clerk may give written authorization to vote to an elector

(1) whose name does not appear on the list of electors used at the polling station but appears on the list of electors in the possession of the returning officer;

(2) whose name was transcribed incorrectly following the decision of the board of revisors; or

(3) whose name was struck off the list of electors due to confusion with another elector.”

60. Section 137 of the Act is amended by striking out “according to the form provided in Schedule III” in the second line of the first paragraph.

61. Section 156 of the Act is amended

(1) by replacing “shall fix the dates for nominations and for the poll” at the end of the second paragraph by “set the date of the poll so that it is held as rapidly as possible after the judge has rendered a decision. As soon as possible, the returning officer shall inform each person who was a candidate in the election that resulted in a tie of the date of the poll”;

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

“The second and third paragraphs of section 200 apply to the election, with the necessary modifications. The list of electors in force is used and no new list need be prepared. The list is deposited as soon as practicable after publication of the notice of election and the list need not be revised.”

62. Section 159 of the Act is amended by replacing the last sentence by the following sentence: “He shall send a copy of the declaration to each candidate and to the chief electoral officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) of the fact.”

63. Section 160.1 of the Act is amended by replacing “4:30 p.m. 28 days” in the first line of the first paragraph by “5:00 p.m. 35 days”.

64. Section 161 of the Act is replaced by the following section:

“**161.** The returning officer shall transmit the documents relating to the election to the secretary general of the school board after the declaration of election. The secretary general shall keep the documents for one year from their transmission or, if the election is contested, for one year from the decision on the contestation.”

65. Section 169 of the Act is amended

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

“If the ticket or candidate promoted by prohibited partisan publicity refuses or neglects to stop or remove the publicity after being requested to do so, the returning officer may have it stopped or removed at the expense of the ticket or candidate.”;

(2) by striking out “waiting in line” in the third line of the second paragraph.

66. Section 171 of the Act is amended by replacing “activities” in the first line by “work”.

67. Section 172 of the Act is amended by replacing “are not partisan activities” in the third line of the first paragraph by “is not partisan work”.

68. Section 191 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) upon his failure to attend three consecutive regular sittings of the council of commissioners, unless the council decides otherwise under section 193;”.

69. Section 193 of the Act is replaced by the following section:

“**193.** The term of a commissioner who fails to attend three consecutive regular sittings of the council of commissioners ends at the close of the following sitting unless the commissioner attends that sitting.

The council may, at that sitting, grant the commissioner a period of grace until the next regular council sitting if he was in fact unable to attend the sittings. In such a case, the commissioner’s term ends on the day of that next sitting, if he is not in attendance.

The council may also in due time order that a commissioner’s failure to attend sittings of the council for serious reasons beyond his control that cause no prejudice to the electors of the school board or the commissioner’s electoral division, does not entail the end of his term.

The first three paragraphs do not apply if the commissioner is unable to attend the sittings by reason of the provisional execution of a judgment declaring his disqualification or ouster from office.”

70. Section 194 of the Act is amended by replacing “The school board itself” in the third paragraph by “The Attorney General and the school board”.

71. Section 200 of the Act is amended

(1) by replacing the second sentence of the second paragraph by the following sentence: “Within 30 days from the date on which the seat becomes vacant, the returning officer must set as polling day a Sunday in the four months following that date.”;

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

“The returning officer shall send a copy of the notice of election as soon as possible to the council of commissioners, the chief electoral officer and the Minister of Education, Recreation and Sports.”

72. Section 206.1 of the Act is amended by striking out “or, in the case of a by-election, on the day following the publication of the notice of election” in the definition of “election period” in the first paragraph.

73. Section 206.7 of the Act is amended by adding the following at the end of subparagraph 3 of the first paragraph: “, if that address differs from the address under subparagraph 1”.

74. Section 206.9 of the Act is amended

(1) by adding “or the candidate produces before then a financial report establishing that the candidate’s debts arising from election expenses have been paid in full and that there are no sums remaining in the candidate’s electoral fund” at the end of the first paragraph;

(2) by replacing “by that date” in the second line of the second paragraph by “by 31 December of the year following the year of the election”.

75. Section 206.21 of the Act is amended by striking out “, up to a maximum of \$3,000 per elector for the same school board” at the end.

76. Section 206.27 of the Act is amended by replacing “équivalent” in the sixth line of the first paragraph of the French text by “équivalent”.

77. Section 206.40 of the Act is amended by adding the following paragraph at the end:

“The candidate must deposit the sums paid into the election fund in an account opened for that purpose at a Québec branch of a financial institution.”

78. Section 209.7 of the Act is amended by replacing “as soon as practicable,” in the first and second lines by “on request,”.

79. Section 211 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, in the case of a by-election, a public notice shall be published in one or more newspapers having general circulation in the territory of the electoral division.”

80. Section 213 of the Act is amended by replacing “whose name is entered on the list of electors for” in the first and second lines of paragraph 2 by “in”.

81. The Act is amended by inserting the following section after section 213:

“**213.1.** Every employer who contravenes any of the provisions of section 112 is guilty of an offence.”

82. The Act is amended by inserting the following section after section 219.19:

“**219.20.** Every person who contravenes a provision of this Act or of a regulation made under this Act, not otherwise covered by another provision of this Chapter, is guilty of an offence.”

83. The Act is amended by inserting the following section after section 221:

“**221.0.1.** Every person who is guilty of an offence referred to in section 213.1 is liable,

(1) for a first offence, to a fine of not less than \$100 or more than \$1,000 in the case of a natural person or a fine of not less than \$300 or more than \$3,000 in the case of a legal person; and

(2) for any subsequent conviction, to a fine of not less than \$200 or more than \$2,000 in the case of a natural person or a fine of not less than \$600 or more than \$6,000 in the case of a legal person.”

84. Section 221.1 of the Act is amended by replacing “équivalent” in the fourth line of the second paragraph of the French text by “équivalent”.

85. The Act is amended by inserting the following section after section 221.3:

“**221.4.** Every person who is guilty of an offence under section 219.20 is liable to a fine of not less than \$100 or more than \$500.”

86. Schedule I to this Act is replaced by the following schedule:

“SCHEDULE

“(Section 99)

“BALLOT PAPER

OBVERSE

			<div>●</div> <div>Rolland DANSEREAU</div>	<div>●</div> <div>Claudette DENIS</div> <div>Recognized ticket</div>
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REVERSE

0000	0000	<div>Deputy returning officer's initials</div> <div></div>	<div>Name of school board</div> <div>Name or No. of electoral division</div> <div>November 4, 2007</div> <div>Maxime Tremblay, printer 117, rue Notre-Dame Est Montréal (Québec) H9R 1B5</div>
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87. Schedule II and Schedule III to the Act are repealed.

EDUCATION ACT

88. Section 39 of the Education Act (R.S.Q., chapter I-13.3) is amended by adding the following sentence at the end of the second paragraph: “It shall also state the cycle or, exceptionally, the part of cycle of the level of instruction concerned and specify if the school provides preschool education.”

89. The Act is amended by inserting the following section after section 89:

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

90. Section 96.15 of the Act is amended

(1) by striking out “and after consulting with the governing board in the case of proposals under subparagraph 3” in the third and fourth lines of the first paragraph;

(2) by inserting “, in particular, how parents are to be informed of the academic progress of their children,” after “achievement” in the first line of subparagraph 4 of the first paragraph;

(3) by inserting the following paragraph after the first paragraph:

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

91. Section 96.17 of the Act is amended

(1) by replacing “Following a request, with reasons, from the parents” in the first line by “Exceptionally, in the interest”;

(2) by inserting “and following a request, with reasons, made by the child’s parents,” after “education,” in the second line;

(3) by replacing “such measure will enable the child to achieve those objectives” in the sixth line by “such a measure is necessary to foster the child’s academic progress”.

92. Section 96.18 of the Act is amended

(1) by replacing “Following a request, with reasons, from the parents” in the first line by “Exceptionally, in the interest”;

(2) by inserting “and following a request, with reasons, made by the student’s parents,” after “secondary school,” in the fourth line;

(3) by replacing “such measure will enable the student to achieve those objectives or master those notional contents” in the seventh and eighth lines by “such a measure is necessary to foster the student’s academic progress”.

93. Section 145 of the Act is amended

(1) by replacing “third” in the first line of the first paragraph by “first”;

(2) by replacing “third” in the first line of the third paragraph by “first”.

94. Section 155 of the Act is amended by inserting the following paragraph after the first paragraph:

“The chairman is the official spokesman for the school board. As official spokesman, the chairman shall publicly state the position of the school board on any subject affecting it, in particular where the chairman is involved, on behalf of the school board, with the various organizations devoted to local and regional development.”

95. Section 175.1 of the Act is amended

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

“No member of the council of commissioners or employee of a school board may be responsible for determining if the code has been contravened or for imposing a penalty.”;

(2) by replacing “revoked or suspended” in the fourth and fifth lines of the fourth paragraph by “divested of office by a court”;

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

“This section must not be construed so as to restrict the freedom of speech inherent in a commissioner’s function.”

96. Section 176 of the Act is amended by inserting the following paragraphs at the beginning:

“176. A person is not qualified to hold office as a member of the council of commissioners if convicted of an offence that is a corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification continues for five years from the day on which the judgment convicting the person becomes *res judicata*.”

97. Section 193 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school;”.

98. Section 211 of the Act is amended by replacing “The school board shall transmit the plan to every municipality or metropolitan community consulted.” at the end of the first paragraph by the following: “The plan must specify, for each school and each vocational training and adult education centre, the name and address of the school or centre, the premises at its disposal, the level of instruction provided, any purpose it may have other than its educational purpose, its capacity and the school enrolment forecast for the duration of the plan.

The school board shall transmit the plan to every municipality or metropolitan community consulted.”

99. The Act is amended by inserting the following section after section 211:

“**211.1.** Subject to any policy directions the Minister may establish, the school board must adopt a policy on introducing students to democracy in schools, providing, in particular, for a form of student representation with the council of commissioners.”

100. Section 212 of the Act is replaced by the following section:

“**212.** Subject to any policy directions the Minister may establish and after holding a public consultation and consulting the parents’ committee, the school board shall adopt a policy on

(1) the continued operation or closure of schools; and

(2) changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

The policy must include a public consultation process, to take place prior to any change, that must provide for

(1) the consultation timetable;

(2) the manner in which the public, and more particularly the parents and the students of full age concerned, are to be informed, including the place where relevant information on the project, particularly its budgetary and

educational impact, may be consulted by any person interested, and the place where additional information may be obtained;

- (3) at least one public consultation meeting and the related procedure; and
- (4) the presence at the consultation meetings of the chairman of the school board and the commissioner of the electoral division concerned.

The policy must also specify that the public consultation process must start with a public notice of the consultation meeting, to be issued

- (1) not later than 1 July of the year preceding the year during which the school would be closed; or
- (2) not later than 1 April of the year preceding the year during which a change under subparagraph 2 of the first paragraph would be made.”

101. Section 217 of the Act is amended by adding the following at the end: “, and hold the public consultations prescribed in this Act”.

ACT RESPECTING PRIVATE EDUCATION

102. Section 27 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

- (1) by inserting “Exceptionally, in the interest of the child,” at the beginning;
- (2) by replacing “will allow the child’s integration into a regular class in elementary school education” at the end by “is necessary to foster the child’s academic progress”.

103. Section 28 of the Act is amended

- (1) by inserting “Exceptionally, in the interest of the student,” at the beginning;
- (2) by replacing “will allow the child’s integration into a regular class in secondary school education” at the end by “is necessary to foster the student’s academic progress”.

FINAL PROVISIONS

104. Amendments made by a school board to a deed of establishment of a school to comply with section 39 of the Education Act, as amended by section 88 of this Act, are not subject to the public consultation referred to in the policy adopted under section 212, enacted by section 100 of this Act, unless changes are made to the nature of the educational services provided at the school compared with the educational services provided on 14 December 2006.

105. This Act comes into force on 14 December 2006, except sections 1 to 3, 5 and 6, which come into force on the date or dates to be set by the Government. However, section 100 applies from the school year 2008-2009.