

## Regulations and other acts

Gouvernement du Québec

**O.C. 642-98, 13 May 1998**

Education Act  
(R.S.Q., c. I-13.3)

### Student transportation — Amendments

Regulation to amend the Regulation respecting student transportation

WHEREAS under section 453 of the Education Act (R.S.Q., c. I-13.3), the Government may regulate student transportation to determine the stages of the process for awarding contracts, provide restrictions and conditions, to limit the carriers with whom a school board may make agreements, to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration;

WHEREAS the Regulation respecting student transportation was made by Order in Council 647-91 dated 8 May 1991;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication where the authority that has made it is of the opinion that the urgency of the situation in the requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and the coming into force of the Regulation on the date of its publication in the *Gazette officielle du Québec*:

— since 1 April 1998, the Minister of Education is now responsible for student transportation;

— the new contracts must be negotiated in May and June 1998 in order to be entered into no later than 1 July 1998 which is, under section 13 of the Education Act, the first day of the school year;

— certain contracts may be subject to the public tenders procedure prescribed by regulation, which is likely to cause delay;

— those contracts must be approved at the last meeting of the council of commissioners of each school board, held each year at the end of June;

WHEREAS it is expedient to amend the Regulation respecting student transportation to increase to 5 school years the maximum duration of a contract for the transportation of students, to amend the method for indexing those contracts and to provide that new school boards may negotiate contracts for the transportation of students by agreement on the basis of contracts already entered into by existing school boards for the 1997-1998 school year;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

That the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting student transportation (\*)

Education Act  
(R.S.Q., c. I-13.3, s. 453, 1st par.)

**1.** The Regulation respecting student transportation is amended by inserting the following after section 15:

\* The Regulation respecting student transportation, made by Order in Council 647-91 dated 8 May 1991 (1991, *G.O.* 2, p. 1699), was last amended by the Regulation made by Order in Council 754-97 dated 4 June 1997 (1997, *G.O.* 2, p. 2497). For previous amendments, refer to the "Tableau des modifications et Index sommaire", Éditeur officiel du Québec, 1998, updated to 1 March 1998.

**“15.1** The provisional council of a new school board within the meaning of paragraph 2 of section 509 of the Education Act is authorized to negotiate a contract by agreement with a carrier, before proceeding with public tenders, if the following conditions are met:

(1) for the 1997-1998 school year, that carrier has entered into a contract for the transportation of students with an existing school board within the meaning of paragraph 1 of section 509 of the Act, whose territory wholly or partly coincides with that of the new school board; and

(2) most of the transportation stipulated in a contract referred to in paragraph 1 takes place on the territory of the new municipality.”.

**2.** The following section is inserted after section 16:

**“16.1** A new school board that avails itself of section 15.1 is not authorized to negotiate with the carrier a contract that would increase, on its territory, the total number of buses or minibuses required from the carrier under the contracts referred to in paragraphs 1 and 2 of section 15.1, except:

(1) where the contract is for the transportation of handicapped students or for the transportation of students with social maladjustments and learning disabilities where that transportation must be provided by means of a bus or minibus adapted to such transportation; or

(2) where the contract provides for the addition of one vehicle only and was previously offered on the same conditions to any carrier one contract of which for a bus or minibus was cancelled during the preceding school year or was not renewed for a reason not related to the quality of service by an existing school board whose territory wholly or partly coincides with that of the new school board.

**3.** The following is inserted after section 17:

**“17.1** After the regular period of classes has begun, a new school board is authorized, notwithstanding sections 13, 14, 15.1 and 16.1, before proceeding with public tenders to meet new transportation requirements not anticipated at the beginning of that period, to negotiate a contract by agreement with a carrier to which it was bound by a contract entered into in accordance with section 15.1.

However, the contract thus negotiated may not result in an increase in the total number of buses or minibuses required from that carrier under section 16.1, except:

(1) where the contract is for the transportation of handicapped students or for the transportation of students with social maladjustments and learning disabilities where that transportation must be provided by means of a bus or minibus adapted to such transportation;

(2) where the contract is granted for a period not exceeding 40 days and may not be renewed;

(3) where the contract takes effect only from the first day of December following the beginning of the regular period of classes; or

(4) where the contract provides for the addition of one vehicle only and was previously offered on the same conditions to any carrier one contract of which for a bus or minibus was cancelled during the preceding school year or was not renewed for a reason not related to the quality of service by an existing school board whose territory wholly or partly coincides with that of the new school board.”.

**4.** The words and numbers “, paragraph 2 of section 16.1, subparagraph 4 of the second paragraph of section 17 or subparagraph 4 of the second paragraph of section 17.1” are substituted for “and of subparagraph 4 of the second paragraph of section 17” in the first paragraph of section 18.

**5.** The numbers “16 to 17.1” are substituted for “16 and 17” in section 19.

**6.** The number 17.1”” is substituted for “17” in section 20.

**7.** The following is substituted for section 33:

**“33.** A contract referred to in sections 31 and 32 must also, where its duration exceeds one year, contain a clause stipulating that the price of the contract must be adjusted annually according to the variation of the consumer price index between 1 January and 31 December of the preceding school year in Canada, as indicated in the publication by Statistics Canada, “Consumer prices and price indexes”, catalog number 62-001.

The duration of a contract for the transportation of students may not exceed 5 school years.”.

**8.** The word “paragraph” is substituted for the words “and second paragraphs” in the first paragraph of section 34.

**9.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.