



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 118

(2000, chapter 24)

An Act to amend various legislative provisions respecting education as regards confessional matters

Introduced 10 May 2000

Passage in principle 25 May 2000

Passage 14 June 2000

Assented to 16 June 2000

**Québec Official Publisher
2000**

EXPLANATORY NOTES

This bill amends the provisions relating to confessional matters in legislation concerning the education sector.

The bill amends the Act respecting the Conseil supérieur de l'éducation to abolish the Catholic committee and the Protestant committee of the Conseil supérieur de l'éducation and the office of vice-president of the Council. The rules governing the establishment of the Conseil supérieur are amended to enable members to be appointed regardless of their religious beliefs. Under the bill, the functions of Associate Deputy Minister of the Catholic faith and Associate Deputy Minister of the Protestant faith provided for in the Act respecting the Ministère de l'Éducation are abolished. The bill amends the Education Act to introduce provisions establishing the Religious Affairs Committee. This committee is to advise the Minister of Education on any matter relating, in particular, to the place of religion in schools and approve the confessional aspects of certain programs of studies of a confessional nature.

The bill also amends the Education Act to maintain the right for elementary students and students in the first cycle of the secondary level to choose between Catholic or Protestant moral and religious instruction and moral instruction. However, in respect of students in the first cycle of the secondary level, schools may be authorized to provide a local program of studies in oecumenism or a local program of studies in ethics and religious culture. In such a case, the choice to be made will be between such a local program of studies and moral instruction.

Student services providing pastoral care and guidance for Catholics and religious care and guidance for Protestants are replaced by student services in spiritual care and guidance and community involvement. Moreover, the recognition of institutions as Catholic or Protestant by the Catholic committee or the Protestant committee of the Conseil supérieur de l'éducation will cease to have effect on 1 July 2000.

LEGISLATION AMENDED BY THIS BILL :

- General and Vocational Colleges Act (R.S.Q., chapter C-29);

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- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
 - Act respecting private education (R.S.Q., chapter E-9.1);
 - Education Act (R.S.Q., chapter I-13.3);
 - Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
 - Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15).

Bill 118

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING EDUCATION AS REGARDS CONFSSIONAL MATTERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION

1. The preamble to the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60), amended by section 1 of chapter 17 of the statutes of 1999, is again amended by striking out “a Catholic committee, a Protestant committee, and” in the third and fourth lines of the fourth paragraph.

2. Section 2 of the said Act is replaced by the following section :

“2. The Council shall consist of 22 members.”

3. Section 3 of the said Act is amended by replacing “committees” by “committee”.

4. Section 4 of the said Act is amended

(1) by replacing “Twenty-two” in the first line of the first paragraph by “The”;

(2) by striking out “the religious authorities and” in the second line of the first paragraph.

5. Section 6 of the said Act, amended by section 2 of chapter 17 of the statutes of 1999, is repealed.

6. Section 7 of the said Act is amended

(1) by replacing “and the associate deputy ministers shall be *ex officio* associate members, but shall not” in the first and second lines of the first paragraph by “shall be *ex officio* an associate member, but shall not”;

(2) by replacing “They shall supply the Council and its committees and commissions with” in the first line of the second paragraph by “The Deputy Minister of Education shall transmit to the Council and to its committee and commissions”.

7. Section 8 of the said Act is amended

(1) by replacing “from among the members of the Council a president and a vice-president” in the first and second lines of the first paragraph by “a president from among the members of the Council”;

(2) by striking out “, one a Catholic and the other a Protestant” in the second line of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

“The president shall exercise his or her duties on a full-time basis.”

8. Section 12 of the said Act, amended by section 4 of chapter 17 of the statutes of 1999, is again amended

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

(2) by striking out “and the vice-president of the Council” in the first line of the second paragraph;

(3) by striking out “and the chairmen of its two committees referred to in section 15” in the first and second lines of the second paragraph;

(4) in the French text, by replacing “reçoivent” in the second line of the second paragraph by “reçoit”.

9. Section 14 of the said Act, amended by section 83 of chapter 40 of the statutes of 1999, is again amended by replacing “committees” in the first line of the first paragraph by “committee”.

10. Sections 15 to 23 of the said Act are repealed.

11. Section 27 of the said Act, amended by section 6 of chapter 17 of the statutes of 1999, is again amended by striking out “, 18”.

12. Section 28 of the said Act is amended by replacing “committees” by “committee”.

13. Section 29 of the said Act is amended by replacing “a committee” in the first line by “the committee”.

14. Section 30 of the said Act is amended by striking out “subject to the powers of the committees contemplated in section 22,” in the first line of subparagraph *b* of the first paragraph.

15. Section 31 of the said Act is repealed.

16. Section 32 of the said Act, enacted by section 1 of chapter 28 of the statutes of 1999, is repealed.

EDUCATION ACT

17. Section 5 of the Education Act (R.S.Q., chapter I-13.3) is amended

(1) by inserting “a student in the second cycle of the secondary level or” after “than” in the first line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“However, where the school a student attends is authorized, in accordance with section 222.1, to replace programs of Catholic or Protestant moral and religious instruction by a local program of studies in oecumenism or a local program of studies in ethics and religious culture, the student has the right to choose between the local program of studies and moral instruction.”;

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

“A choice made under this section shall be applied in accordance with the organization of the educational services approved under sections 84 to 86 by the governing board of the school where the student is enrolled.”

18. Section 6 of the said Act is replaced by the following section:

“6. Students other than those enrolled in vocational training or adult education are entitled to student services in spiritual care and guidance and community involvement.”

19. Section 36 of the said Act is amended by adding the following sentence at the end of the first paragraph: “A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfilment.”

20. Section 37 of the said Act is amended by adding the following paragraph at the end:

“The educational project of the school must respect the freedom of conscience and of religion of the students, the parents and the school staff.”

21. Section 79 of the said Act is amended by striking out paragraph 3.

22. Section 86 of the said Act is amended by striking out paragraph 2.

23. Section 96.16 of the said Act is amended by striking out the second paragraph.

24. Section 96.21 of the said Act is amended by striking out the second paragraph.

25. Section 218 of the said Act is amended by striking out the last two paragraphs.

26. Section 222.1 of the said Act is amended

(1) by striking out “and to the by-laws of the Catholic committee or Protestant committee” in the third and fourth lines of the second paragraph;

(2) by inserting “such” after “Every” in the second to last line of the third paragraph;

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

“A school board may in addition, with the authorization of the Minister and subject to the conditions determined by the Minister, allow a school to replace, for students in the first cycle of the secondary level, the programs of Catholic or Protestant moral and religious instruction established by the Minister, by a local program of studies in oecumenism or a local program of studies in ethics and religious culture.

Every local program of studies in oecumenism must be approved by the Minister after the confessional aspects of the program have been approved by the Religious Affairs Committee. Every program of local studies in ethics and religious culture must be submitted to the Minister for approval after the Minister obtains the opinion of the committee on the religious aspects of the program.”

27. Section 225 of the said Act is amended

(1) by replacing “Catholic or Protestant moral and religious instruction, or moral instruction, according to the choice of” in the first, second and third lines of the first paragraph by “the instruction chosen, pursuant to section 5, by”;

(2) by striking out the second paragraph.

28. Section 226 of the said Act is amended by replacing paragraphs 1 and 2 by “to all students student services for spiritual care and guidance and community involvement.”

29. Section 227 of the said Act is repealed.

30. Section 228 of the said Act is repealed.

31. Section 230 of the said Act is amended

(1) by striking out “and, where they relate to Catholic or Protestant moral and religious instruction, approved by the Catholic committee or the Protestant committee, as the case may be,” in the second, third and fourth lines of the first paragraph;

(2) by striking out the second paragraph.

32. Section 240 of the said Act is amended by inserting “other than a religious project” after “project” in the third line of the first paragraph.

33. Section 241 of the said Act is amended

(1) by replacing “indicate whether the student is to receive Catholic moral and religious instruction, Protestant moral and religious instruction or moral instruction” in the second, third and fourth lines of the first paragraph by “make the choice provided for in section 5”;

(2) by inserting “, within the scope of the programs offered,” after “year” in the second line of the second paragraph.

34. Section 261 of the said Act is amended by striking out the third paragraph.

35. Sections 262 and 263 of the said Act are repealed.

36. Section 449 of the said Act is repealed.

37. Section 456 of the said Act is amended by striking out the last paragraph.

38. Section 457 of the said Act is repealed.

39. Section 461 of the said Act is amended

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

“The confessional aspects of the programs of Catholic or Protestant moral and religious instruction established by the Minister under this section must be approved by the Religious Affairs Committee. The Committee shall, in addition, give its opinion to the Minister on the religious aspects of a program of studies in ethics and religious culture established by the Minister.”;

(2) in the French text, by replacing “Il” at the beginning of the third paragraph by “Le ministre”.

40. Section 462 of the said Act is amended by striking out “and, where applicable, by the Catholic committee and the Protestant committee,” in the second and third lines of the first paragraph.

41. Section 464 of the said Act is amended by replacing “, the Conseil supérieur de l’éducation, the Catholic committee and the Protestant committee” in the second and third lines by “and the Conseil supérieur de l’éducation”.

42. The said Act is amended by inserting the following after section 477.18:

“§4.1. — *Religious Affairs Committee*

“1. Establishment

“477.18.1. A Religious Affairs Committee is hereby established.

“477.18.2. The committee shall be composed of 13 members, including the committee chair, appointed by the Minister after consultation with groups or bodies active in the religious sector or in the education field, as follows:

(1) two parents of students attending an elementary school and two parents of students attending a secondary school;

(2) four members of the staff of school boards, including a teacher at the elementary level, a teacher at the secondary level, an education sector professional exercising education functions and a member of the management staff whose functions are related to educational services;

(3) four representatives of the university education sector, including two from the field of theology, one from the field of philosophy and one from the field of religious sciences;

(4) an employee of the Ministère de l'Éducation.

The member referred to in subparagraph 4 of the first paragraph may not be appointed as the committee chair.

“2. Mission and functions

“477.18.3. The mission of the committee is to advise the Minister on any matter relating to the place of religion in schools.

The committee may be called upon, in particular, to give its opinion on the orientations to be favoured in this area by the school system and on the adaptation of the school system to the socioreligious evolution of Québec society.

The committee shall approve the confessional aspects of the programs of Catholic or Protestant moral and religious instruction established by the Minister under section 461 and of the local programs of studies in oecumenism; the committee shall also give its opinion on the religious aspects of the local programs of studies in ethics and religious culture submitted to the Minister for approval or established by the Minister.

Before approving the confessional aspects of a program, the committee shall take into account the opinions of the churches concerned; when it is called upon to give its opinion, the committee may consult religious groups and persons or bodies particularly interested in religious issues.”

43. Section 478.4 of the said Act is amended by replacing “, the Deputy Minister and the Associate Deputy Ministers” in the first and second lines by “and the Deputy Minister”.

44. Section 727 of the said Act, enacted by section 1 of chapter 28 of the statutes of 1999, is replaced by the following section :

“727. The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

45. The preamble to the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is amended by striking out “, its Catholic and Protestant committees” in the third line of the fourth paragraph.

46. Section 7 of the said Act is amended by striking out “, and two Associate Deputy Ministers, one after consultation of the Catholic committee and the other after consultation of the Protestant committee of the Conseil supérieur de l'éducation”.

47. Section 8 of the said Act is amended by striking out the last three paragraphs.

48. Section 11 of the said Act is amended by striking out “, an associate deputy minister” in the second and third lines of the first paragraph.

49. Section 12.1 of the said Act is amended by striking out “, an associate deputy minister” in the first and second lines of the first paragraph.

50. Section 17 of the said Act is repealed.

51. Section 18 of the said Act, enacted by section 1 of chapter 28 of the statutes of 1999, is repealed.

CONSEQUENTIAL AMENDMENTS

GENERAL AND VOCATIONAL COLLEGES ACT

52. Section 16 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by striking out the last sentence of the first paragraph.

ACT RESPECTING PRIVATE EDUCATION

53. Section 30 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by striking out “and to the by-laws of the Catholic committee or Protestant committee established by the Act respecting the Conseil supérieur de l’éducation (chapter C-60)” in the second, third and fourth lines of the fourth paragraph.

54. Section 35 of the said Act is amended by striking out “, and that, if such textbooks and material are used in Catholic or Protestant moral and religious instruction, they are approved by the Catholic committee or the Protestant committee, as the case may be” in the fourth, fifth, sixth and seventh lines.

55. Sections 52, 57, 58 and 175 of the said Act are repealed.

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

56. Section 12 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by striking out “, an associate deputy minister” in the second line of the first paragraph.

57. Section 51.1 of the said Act is amended by striking out “or in the case of a change in a school’s status within the meaning of the regulations of the Catholic committee or the Protestant committee of the Conseil supérieur de l’éducation” in the last paragraph.

58. Section 576 of the said Act is amended by striking out “and by the Protestant or by the Catholic committee of the Conseil supérieur de l’éducation” in the third and fourth lines.

59. Section 659 of the said Act is amended by striking out “and by the Protestant or by the Catholic committee of the Conseil supérieur de l’éducation” in the third and fourth lines.

60. Section 712 of the said Act is amended by striking out “and by the Protestant committee or the Catholic committee of the Conseil supérieur de l’éducation” in the third and fourth lines of the first paragraph.

61. Section 721 of the said Act, enacted by section 1 of chapter 28 of the statutes of 1999, is replaced by the following section:

“721. The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

TRANSITIONAL AND FINAL PROVISIONS

62. Notwithstanding section 10 of this Act and the third paragraph of section 477.18.3 of the Education Act, enacted by section 42 of this Act, the Catholic committee and the Protestant committee of the Conseil supérieur de l'éducation may, up to 1 October 2000, complete any work undertaken before 10 May 2000 in connection with a report, opinion or approval they may issue.

The confessional aspects of programs of Catholic or Protestant moral and religious instruction approved under this section by the Catholic committee or the Protestant committee of the Conseil supérieur de l'éducation need not be approved by the Religious Affairs Committee.

63. The recognition of institutions as Catholic or Protestant by the Catholic committee or the Protestant committee of the Conseil supérieur de l'éducation pursuant to the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) ceases to have effect on 1 July 2000.

64. Approvals given by the Minister under section 240 of the Education Act to allow the establishment of schools for the purposes of a specific religious project are annulled as of 1 July 2001.

65. The programs of Catholic or Protestant moral and religious instruction and the moral instruction program taught to students in the second cycle of the secondary level for the school year 2000-2001 shall be offered to those students for the school year 2001-2002, except in schools where a program established by the Minister for the purpose of replacing programs of Catholic or Protestant moral and religious instruction and moral instruction is being introduced on an experimental basis.

66. Notwithstanding sections 18 and 28 of this Act, the student services of pastoral or religious care and guidance to which preschool and elementary students are entitled under the Education Act for the school year 2000-2001 are maintained for the school year 2001-2002.

67. Sections 62 and 64 to 66 of this Act which grant rights and privileges to a religious confession apply notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

68. Sections 62 and 64 to 66 of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).

69. Sections 67 and 68 of this Act cease to have effect on 1 October 2000 as regards section 62, on 1 July 2001 as regards section 64 and on 1 July 2002 as regards sections 65 and 66.

70. The provisions of this Act come into force on 1 July 2000, except the provisions of paragraphs 1 and 3 of section 7 and the provisions of paragraphs 2 and 4 of section 8, which come into force on 1 September 2000, and the provisions of sections 17, 18, 26, 28, 65 and 66, which come into force on 1 July 2001.