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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

**Bill 73**

(2004, chapter 38)

**An Act to amend the Education Act  
and the Act respecting private education**

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**Introduced 10 November 2004  
Passage in principle 26 November 2004  
Passage 16 December 2004  
Assented to 17 December 2004**

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**Québec Official Publisher  
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**EXPLANATORY NOTES**

*This bill amends the Education Act to allow the commissioners and the members of the executive committee of a school board to participate in a council or executive committee meeting through a means of communication.*

*A further purpose of the bill is to enable a school board and a private educational institution, in the cases and on the conditions determined by a regulation of the Minister of Education, to permit a departure from the provisions of a basic regulation that relate to the list of subjects so that a special school project may be carried out.*

## Bill 73

### AN ACT TO AMEND THE EDUCATION ACT AND THE ACT RESPECTING PRIVATE EDUCATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 168.1 of the Education Act (R.S.Q., chapter I-13.3) is repealed.

**2.** Section 169 of the said Act is replaced by the following section:

**“169.** The council of commissioners may provide that, in the cases and on the conditions determined by by-law, a commissioner may participate in a meeting of the council of commissioners through a means that allows the persons participating in or attending the meeting to communicate directly with each other.

The person presiding over the meeting and the director general must be physically present at the place of the meeting.

A commissioner who participates in a meeting through such a means is deemed to be present at the meeting.”

**3.** Section 222 of the said Act is amended by replacing the second sentence of the third paragraph by the following sentence: “However, a departure from the list of subjects may only be permitted in the cases and on the conditions determined by a regulation of the Minister made under section 457.2 or with the authorization of the Minister given in accordance with section 459.”

**4.** The said Act is amended by inserting the following section after section 457.1:

**“457.2.** The Minister may determine by regulation the cases in which and the conditions on which a school board may permit a departure from the provisions of a basic regulation that relate to the list of subjects so that a special school project may be carried out.

The regulation must prescribe that a report be made to the Minister, at intervals determined by the Minister, on departures from those provisions granted to carry out special school projects.”

- 5.** Section 30 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by replacing the second sentence of the second paragraph by the following sentence: “However, the institution may only permit a departure from a list of subjects in the same cases and on the same conditions as those determined by a regulation made by the Minister under section 457.2 of the Education Act or with the authorization of the Minister given in accordance with the rules set out in section 459 of that Act.”
- 6.** The first regulation under section 457.2 of the Education Act enacted by section 4 of this Act may not be made until 60 days after its publication in the *Gazette officielle du Québec*.
- 7.** This Act comes into force on 17 December 2004.