



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 105

(2016, chapter 26)

An Act to amend the Education Act

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Passed 17 November 2016
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EXPLANATORY NOTES

This Act amends the Education Act, in particular to grant commissioners representing parents' committees the right to vote at meetings of the council of commissioners and allow them to be appointed to the office of school board vice-chair. In addition, the rules concerning co-opted commissioners are revised to ensure that one of their two seats is reserved for a person who is active in the sports or health sector and has filed a nomination.

The Act also introduces certain measures to ensure the participation of school, vocational training centre and adult education centre principals in certain school board decisions concerning the allocation of school board resources. It also specifies that school boards must fulfil their mission with due respect for the principle of subsidiarity and with a view to providing support to educational institutions in the exercise of their responsibilities.

The Act simplifies the planning and accountability reporting mechanisms imposed on schools, education centres and school boards.

Lastly, the Minister is given the power to issue directives to school boards.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting private education (chapter E-9.1);
- Education Act (chapter I-13.3).

Bill 105

AN ACT TO AMEND THE EDUCATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:
EDUCATION ACT

1. Section 36 of the Education Act (chapter I-13.3) is amended by striking out “implemented by means of a success plan” in the third paragraph.

2. Sections 36.1 to 37.1 of the Act are replaced by the following sections:

“37. The school’s educational project, which may be updated if necessary, shall contain

(1) the context in which the school acts and the main challenges it faces, particularly with respect to academic success;

(2) the specific policies of the school and the objectives selected for improving student success;

(3) the targets for the period covered by the educational project;

(4) the indicators to be used to measure achievement of those objectives and targets; and

(5) the intervals at which the educational project is to be evaluated, determined in collaboration with the school board.

The policies and objectives required under subparagraph 2 of the first paragraph shall be designed to ensure that the Québec education policy framework defined by law, by the basic school regulation and by the programs of studies established by the Minister is implemented, adapted and enriched. They must also be consistent with the school board’s commitment-to-success plan.

The educational project must respect students’, parents’ and school staff’s freedom of conscience and of religion.

“37.1. The period covered by the educational project must be harmonized with the period covered by the school board’s commitment-to-success plan in accordance with any terms prescribed under the first paragraph of section 459.3.”

3. The Act is amended by inserting the following section after section 51:

“51.1. Any meeting called in accordance with sections 47 to 50 may elect substitute members to the governing board to replace the members who are unable to take part in a governing board meeting. Likewise, substitute members may be appointed or elected during the process carried out in accordance with section 51. The number of substitute members cannot be greater than the number of governing board members.”

4. Section 74 of the Act is amended

(1) by replacing “strategic plan” in the first paragraph by “commitment-to-success plan” and by replacing “adopt, oversee the implementation of and periodically evaluate the school’s educational project” in that paragraph by “adopt the school’s educational project, oversee the project’s implementation and evaluate the project at the intervals specified in it”;

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

“Each of these stages shall be carried out through concerted action between the various participants having an interest in the school and in student success. To that end, the governing board shall encourage the collaboration of students, parents, teachers, other school staff members, and community and school board representatives.”

5. Section 75 of the Act is replaced by the following section:

“75. The governing board shall send the school’s educational project to the school board and make it public on the expiry of 60 to 90 days after sending it or of another period if the governing board and school board so agree. It shall also make public the evaluation of the school’s educational project. The educational project and any evaluation of it shall be communicated to the parents and the school staff.

The educational project takes effect on the date of its publication.”

6. Section 77 of the Act is amended by replacing “The plans, rules and measures provided for in sections 75 to 76” in the first paragraph by “The plan, rules and measures provided for in sections 75.1 to 76”.

7. Section 83 of the Act is amended by striking out the second, third and fourth paragraphs.

8. Section 96.8 of the Act is amended by inserting the following paragraph after the first paragraph:

“The principal must hold a teaching licence, subject to the conditions, procedures and exceptions prescribed by the regulations of the Minister made under section 451.”

9. Section 96.13 of the Act is amended by striking out subparagraph 1.1 of the first paragraph.

10. Section 96.14 of the Act is amended by adding the following sentence at the end of the first paragraph: “In addition, the plan must state that recourse to the school board’s complaint examination procedure provided for in section 220.2 is an option if the parent or student is not satisfied.”

11. Section 96.15 of the Act is amended

(1) by replacing “in subparagraph 5” in the introductory clause of the first paragraph by “in subparagraphs 5 and 6”;

(2) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) the measures selected to achieve the objectives and targets set out in the educational project.”;

(3) by replacing “15” in the fourth paragraph by “30”.

12. Section 96.24 of the Act is amended by replacing the second sentence of the fourth paragraph by the following sentences: “However, the school board may, for the following fiscal year, credit all or part of the surpluses to the school or another educational institution if the resource allocation committee established under section 193.2 recommends it and the council of commissioners implements that recommendation. If the council of commissioners fails to implement the recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected.”

13. Section 96.25 of the Act is amended by replacing “strategic plan” by “commitment-to-success plan”.

14. Section 97 of the Act is amended by replacing “of the policies and the objectives determined pursuant to section 109 and implemented by means of a success plan” in the third paragraph by “of an educational project”.

15. Section 97.1 of the Act is replaced by the following sections:

“**97.1.** The centre’s educational project, which may be updated if necessary, shall contain

(1) the context in which the centre acts and the main challenges it faces, particularly with respect to academic success and, in the case of a vocational training centre, the relevance of the training to regional or provincial labour market needs;

(2) the specific policies of the centre and the objectives selected for improving student success;

(3) the targets for the period covered by the educational project;

(4) the indicators to be used to measure achievement of those objectives and targets; and

(5) the intervals at which the educational project is to be evaluated, determined in collaboration with the school board.

The policies and objectives required under subparagraph 2 of the first paragraph shall be designed to ensure that the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched. They must also be consistent with the school board's commitment-to-success plan.

“97.2. The period covered by the educational project must be harmonized with the period covered by the school board's commitment-to-success plan in accordance with any terms prescribed under the first paragraph of section 459.3.”

16. Section 109 of the Act is amended

(1) by replacing the second and third sentences of the first paragraph by the following sentence: “Based on the analysis and taking into account the school board's commitment-to-success plan, the governing board shall adopt the centre's educational project, oversee the project's implementation and evaluate the project at the intervals specified in it.”;

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

“Each of these stages shall be carried out through concerted action between the various participants having an interest in the centre and in student success. To that end, the governing board shall encourage the collaboration of students, parents, teachers, other centre staff members, and community and school board representatives.”

17. Section 109.1 of the Act is replaced by the following section:

“109.1. The governing board shall send the centre's educational project to the school board and make it public on the expiry of 60 to 90 days after sending it or of another period if the governing board and school board so agree. It shall also make public the evaluation of the centre's educational project.

The educational project and any evaluation of it shall be communicated to the students and the centre staff members.

The educational project takes effect on the date of its publication.”

18. Section 110.3.1 of the Act is amended by striking out the second, third and fourth paragraphs.

19. Section 110.10 of the Act is amended, in the first paragraph,

(1) by replacing “of the objectives of the centre” in subparagraph 1 by “of the centre’s educational project”;

(2) by striking out subparagraph 1.1.

20. Section 110.12 of the Act is amended

(1) by inserting “or, in the case of the matters referred to in subparagraph 4, of the staff members concerned” after “teachers” in the introductory clause of the first paragraph;

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) the measures selected to achieve the objectives and targets set out in the educational project.”;

(3) by inserting “or of the staff members concerned” after “teachers” in the second, third and fourth paragraphs;

(4) by replacing “15” in the third paragraph by “30”.

21. Section 118.3 of the Act is amended by replacing “the co-opted commissioners and the representatives of a parents’ committee who are members of a provisional council are” in the second paragraph by “any co-opted commissioner who is a member of the provisional council is”.

22. Section 143 of the Act is amended

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

“(2.1) a co-opted commissioner who is active in the sports or health sector, elected in accordance with section 143.0.2, with a view to promoting consideration for healthy lifestyles in school board decisions;”;

(2) by replacing “a maximum of two commissioners co-opted by a majority of at least two thirds” in paragraph 3 by “a co-opted commissioner elected by a majority”.

23. The Act is amended by inserting the following sections after section 143:

“143.0.1. To be eligible for a co-opted commissioner seat, persons must be domiciled in the territory of the school board and must not be disqualified under section 21 of the Act respecting school elections (chapter E-2.3).

“143.0.2. With a view to electing by co-optation a commissioner who is active in the sports or health sector, the secretary general of the school board shall issue a call for nominations by giving a public notice within 10 days following a general election held under the Act respecting school elections (chapter E-2.3).

The notice shall state that the seat is open for nominations until the 30th day following publication of the notice. In addition, it shall set out the eligibility criteria and the procedure for filing nominations.

A nomination must be supported by a body or organization that is active at the provincial, regional or local level in the sports or health sector. The body or organization must certify that the candidate is active in one of these sectors.

Not later than the 30th day following the end of the nomination period, the secretary general shall send the list of persons who filed a valid nomination to the chair of the school board.

If only one valid nomination is received, the secretary general shall declare that candidate elected and inform the chair and the director general of the school board. If there is more than one valid nomination, a vote must be held by the council of commissioners at the following meeting to determine which candidate will be elected to the seat; the person who receives the most votes is declared elected. The elected candidate must take the oath set out in section 145 as though he were elected in accordance with that section.

If no valid nominations are received, the secretary general must repeat, once, the election procedure set out in this section. In such a case, the public notice given under the first paragraph shall be given within 45 days following the end of the initial nomination period.”

24. Section 143.2 of the Act is replaced by the following section:

“143.2. The term of office of a co-opted commissioner shall end on the date of the first general election held under the Act respecting school elections (chapter E-2.3) following his election.

The seat of such a commissioner becomes vacant in the same cases as those provided for commissioners elected or appointed under the Act respecting school elections.

If, in the case of the seat of a co-opted commissioner who is active in the sports or health sector, more than 12 months remain before the date set for the

next general election, the vacancy shall be filled in accordance with the procedure set out in section 143.0.2, but only for the unexpired portion of the term. In such a case, the public notice referred to in the first paragraph of that section shall be given within 45 days of the date on which the office becomes vacant. Furthermore, the sixth paragraph of that section does not apply in such a situation.”

25. Section 145 of the Act is amended

(1) by replacing “des parents” in the first paragraph in the French text by “de parents”;

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

“The grounds for disqualification set out in section 21 of the Act respecting school elections (chapter E-2.3) apply to the seats of commissioners representing the parents’ committee.”

26. Section 148 of the Act is amended

(1) by striking out “or commissioner representing the parents’ committee” in the first paragraph;

(2) by striking out “subject to paragraph 3 of section 143 and the third paragraph of section 143.2,” in the second paragraph.

27. Section 169 of the Act is amended

(1) by replacing “a commissioner” in the first paragraph by “any commissioner”;

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

“At least one commissioner or the director general must however be physically present at the place of the meeting.”

28. Section 174 of the Act is amended by adding the following paragraph at the end:

“The council of commissioners may also delegate certain functions and powers to a governing board or to the resource allocation committee.”

29. Section 176.1 of the Act is amended

(1) by inserting “, with due regard for everyone’s role and responsibilities,” after “powers” in the introductory clause;

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

“(1.1) ensuring that the schools and centres receive adequate support;”.

30. Section 179 of the Act is amended by replacing the first paragraph by the following paragraph:

“The council of commissioners shall establish an executive committee composed of the number of commissioners it determines, including the chair, at least one commissioner representing the parents’ committee and at least one co-opted commissioner, if any.”

31. Section 183 of the Act is amended by adding the following paragraph at the end:

“Where the advisory committee on management acts in the place and stead of the resource allocation committee under section 193.5, it shall add to its members the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities appointed under section 265 if that person is not already a member of the advisory committee on management.”

32. Section 187 of the Act is amended, in the first paragraph,

(1) by inserting “the resource allocation committee and” after “advise” in subparagraph 2;

(2) by adding the following subparagraph after subparagraph 2:

“(3) to advise the school board on its commitment-to-success plan.”

33. Section 190 of the Act is amended by replacing “31 October” by “the first Sunday in November”.

34. Section 193 of the Act is amended

(1) by replacing paragraph 1.1 by the following paragraph:

“(1.1) the school board’s commitment-to-success plan;”;

(2) by inserting the following paragraph after paragraph 5:

“(5.1) the school board’s by-law on the complaint examination procedure established under section 220.2;”;

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

“Moreover, the parents’ committee may make recommendations to the school board regarding the matters referred to in the first paragraph and childcare

provided at school. It may also waive a consultation on a matter referred to in the first paragraph. In such a case, it shall so inform the school board in writing, and it shall do the same if it wishes to put an end to the waiver.”

35. The Act is amended by inserting the following sections after section 193.1:

“193.2. The school board must establish a resource allocation committee composed of not more than 15 members, including the director general of the school board, who is responsible for its direction. Subject to the third paragraph, the committee members must be members of the school board’s executive staff.

The majority of the committee members must be school principals or principals of centres, including at least one principal of a school providing preschool education or elementary education, one principal of a school providing secondary education and one principal of a centre. These principals of institutions shall be chosen by their peers.

The person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities, appointed under section 265, must also be on the committee.

At least one committee member must be a member of the school board’s executive staff not expressly mentioned in any of the first three paragraphs.

At the committee’s request, other members of the school board’s personnel may also take part in committee sittings, but are not entitled to vote.

“193.3. The resource allocation committee must set up a consultation process with a view to establishing objectives and principles governing the annual allocation of revenues in accordance with section 275, determining how those revenues are to be allocated in accordance with section 275.1, including by setting out the criteria to be used to determine the amounts allocated, and determining how student services are to be distributed in accordance with section 261.

In addition to student services, the committee may also submit the distribution of other professional services to the consultation process.

Each school board and educational institution must provide the committee with any information or document necessary for the exercise of its functions.

At the conclusion of the consultation process, the director general or any other member designated by the committee must present recommendations at a meeting of the council of commissioners concerning the objectives and principles to govern the allocation of revenues, the annual allocation of those revenues and the distribution of student services and other professional services, as applicable. If the council of commissioners fails to implement a recommendation, it must give reasons for its decision at the meeting at which the recommendation is rejected. A copy of the minutes of the meeting of the

council of commissioners containing the decision with reasons must be sent to the resource allocation committee.

“193.4. The resource allocation committee must annually make a recommendation to the council of commissioners regarding the allocation of the surpluses of the school board’s educational institutions in accordance with section 96.24.

“193.5. A school board may entrust the functions assigned to the resource allocation committee under this Act to the advisory committee on management provided the latter complies with the composition requirements set out in section 193.2. It may also do so if it must add the person responsible for educational services for handicapped students and students with social maladjustments or learning disabilities to its members in order to comply with the composition requirements of section 193.2.

The advisory committee on management shall then act in the place and stead of the resource allocation committee.”

36. Section 207.1 of the Act is replaced by the following section:

“207.1. The mission of a school board is to organize educational services for the benefit of the persons who come under its jurisdiction and ensure the quality of those services, to see to the success of students so that the population may attain a higher level of formal education and qualification, and to promote and enhance the status of public education in its territory. A further mission of the school board is to contribute, to the extent provided for by law, to its region’s social, cultural and economic development.

In fulfilling its mission, the school board must show due regard for the principle of subsidiarity, supporting the educational institutions in the exercise of their responsibilities and seeing to the effective and efficient management of its human, physical and financial resources.

For the purposes of the second paragraph, “principle of subsidiarity” means the principle whereby powers and responsibilities must be delegated to the appropriate level of authority so that decision-making centres are adequately distributed and brought as close as possible to the students, citizens and communities concerned.”

37. Sections 209.1 and 209.2 of the Act are replaced by the following sections:

“209.1. For the exercise of its functions and powers, every school board shall establish a commitment-to-success plan that is consistent with the strategic directions and objectives of the department’s strategic plan. The commitment-to-success plan must also meet any expectations communicated under section 459.2. In addition, the period covered by the plan must be harmonized

with the period covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph of section 459.3.

This plan, which the school board may update if necessary, must contain

- (1) the context in which the school board acts, particularly the needs of its schools and centres, the main challenges it faces, and the characteristics and expectations of the community it serves;
- (2) the directions and objectives selected;
- (3) the targets for the period covered by the plan;
- (4) the indicators, particularly Québec-wide indicators, to be used to measure achievement of those objectives and targets;
- (5) a service statement setting out its objectives with regard to the level and quality of the services it provides; and
- (6) any other element determined by the Minister.

In preparing its commitment-to-success plan, the school board shall consult, in particular, the parents' committee, the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities, the advisory committee on management, the governing boards, the teachers and other staff members, and the students. The parents' committee and advisory committee on management may, among other things, make recommendations on what should be included in the school board's commitment-to-success plan.

The school board shall send its commitment-to-success plan to the Minister and make it public on the expiry of 60 to 90 days after sending it or of another period if the school board and the Minister so agree. The commitment-to-success plan takes effect on the date of its publication. The school board shall present the content of its commitment-to-success plan to the public at the meeting following the effective date of the plan. Public notice specifying the date, time and place of the meeting must be given not less than 10 days before it is held.

“209.2. The school board shall ensure that the policies and objectives set out in the educational projects of its educational institutions are consistent with its commitment-to-success plan, and that any terms prescribed by the Minister under the first paragraph of section 459.3 are complied with. For those purposes, the school board may, after receiving an institution's educational project, require it, within the period prescribed by section 75 or 109.1, as applicable, to defer publication of the educational project or to amend it.”

38. Section 218 of the Act is amended by replacing “, by means of the success plan, of the educational project of each school and of the aims and objectives of” by “of the educational project of each school and”.

39. Section 220 of the Act is amended by replacing the first, second and third paragraphs by the following paragraph:

“Every school board shall prepare an annual report giving the population in its territory an account of the implementation of its commitment-to-success plan and the results obtained measured against the objectives and targets it contains. The school board shall, in the report, inform the population of the educational and cultural services it provides and the level of quality of those services.”

40. Section 220.1 of the Act is amended by replacing “may be held” in the first paragraph by “shall be held”.

41. Section 220.2 of the Act is amended

(1) by replacing “from students or their parents” in the first paragraph by “related to its functions”;

(2) by replacing “a complainant who is dissatisfied with the handling of a” in the second paragraph by “a complainant who is a student, a homeschooled child or a parent of either and who has filed a complaint with regard to the services the school board provides to him under this Act and who is dissatisfied with the handling of the”.

42. Section 221.1 of the Act is amended by striking out “to be implemented by means of a success plan”.

43. Section 245.1 of the Act is amended by replacing “policies and objectives to be implemented by means of a success plan” by “an educational project”.

44. Section 261 of the Act is amended by inserting “, the recommendations of the resource allocation committee under section 193.3” after “ of the centres,”.

45. Section 275 of the Act is replaced by the following sections:

“275. After consulting with the governing boards and the parents’ committee and taking into account the recommendations of the resource allocation committee under the fourth paragraph of section 193.3, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other revenues.

“275.1. The school board shall determine the allocation of the revenues referred to in section 275 for every school year taking into account the recommendations of the resource allocation committee under the fourth paragraph of section 193.3.

The allocation must be carried out in an equitable manner and reflect the needs expressed by the educational institutions, the social and economic

disparities they must deal with, the school board's commitment-to-success plan and the educational projects of its schools and centres.

The allocation must include amounts for the operation of the governing boards and amounts to meet the needs of the school board, its educational institutions and its committees.

“275.2. The school board shall include in its annual report a description of the objectives and principles governing the allocation of its revenues and the criteria used to determine the amounts allocated.”

46. Section 402 of the Act is amended by replacing “elected commissioners” at the end of subparagraph 1 of the first paragraph by “commissioners elected or appointed under the Act respecting school elections (chapter E-2.3)”.

47. Section 451 of the Act is amended by inserting the following paragraph after the first paragraph:

“In the same way, the Minister may also establish conditions, procedures and exceptions for the purposes of the second paragraph of section 96.8.”

48. The Act is amended by inserting the following section after section 457.4:

“457.5. The Minister may, by regulation, provide for and regulate the carrying out of information and prevention activities related to safety at school. The Minister may also, by regulation, prescribe or limit the application by school authorities of certain measures relating to safety at school and to the safety and well-being of students and the safety and integrity of their property.”

49. Section 459.1 of the Act is amended by replacing “strategic plans” by “commitment-to-success plans”.

50. Sections 459.2 and 459.3 of the Act are replaced by the following sections:

“459.2. The Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives or targets they must take into account in preparing their commitment-to-success plans.

“459.3. The Minister may, for any school board, prescribe terms governing the coordination of the entire strategic planning process between the educational institutions, the school board and the department.

The Minister may also, after receiving a school board's commitment-to-success plan, require the school board, within the period prescribed by section 209.1, to defer publication of the plan or to amend it to harmonize the period covered by the plan with that covered by the department's strategic plan in accordance with any terms prescribed under the first paragraph. The Minister

may also impose such a requirement to ensure that the plan is consistent with the strategic directions and objectives of the department's strategic plan or that it meets the expectations communicated under section 459.2.”

51. Section 459.4 of the Act is amended

(1) by replacing “strategic plan” in the first paragraph by “commitment-to-success plan”;

(2) by replacing “goals and measurable objectives set out in the partnership agreement between the school board and the Minister” in the second paragraph by “policy directions, objectives or targets set out in the commitment-to-success plan”;

(3) by replacing “those goals or measurable objectives, the Minister may prescribe any additional measures” in the third paragraph by “those policy directions, objectives or targets, the Minister may prescribe any additional measure”.

52. The Act is amended by inserting the following sections after section 459.4:

“459.5. The Minister shall prepare a guide for the school boards on good management practices, in particular with respect to decentralization, that takes into account such factors as the number of students they have and the size of their territory, and shall see that it is distributed.

“459.6. Within the scope of the Minister's responsibilities, the Minister may issue directives to a school board concerning its administration, organization, operation and actions. Such directives may also complement or clarify the budgetary rules during a school year.

The directives may apply to one or more school boards and contain different elements according to the school board concerned.

The directives must be submitted to the Government for approval. Once approved, they are binding on the school board. Such directives must be tabled in the National Assembly within 30 days of being approved by the Government or, if the Assembly is not sitting, within 30 days of resumption.”

53. Section 473.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The budgetary rules may also, subject to the conditions or in accordance with the criteria prescribed in them or determined by the Minister, stipulate that certain budgetary measures are intended for a transfer to the budget of educational institutions.”

54. The heading of Division III of Chapter VII of the Act is replaced by the following heading:

“CONTROL MEASURES”.

55. The Act is amended by inserting the following section after section 478.4:

“478.5. The Minister may, during or after a verification or inquiry, recommend or order that a school board or the Comité de gestion de la taxe scolaire de l’île de Montréal comply with oversight or monitoring measures or apply the corrective measures the Minister specifies.”

56. Section 479 of the Act is amended by inserting the following paragraph after the second paragraph:

“The administrator appointed by the Government may not be prosecuted for acts performed in good faith in the exercise of his functions.”

ACT RESPECTING PRIVATE EDUCATION

57. Section 112 of the Act respecting private education (chapter E-9.1) is amended by adding the following paragraph at the end:

“(7) provide for and regulate the carrying out of information and prevention activities related to safety at school as well as prescribe or limit the application by school authorities of certain measures relating to safety at school and to the safety and well-being of students and the safety and integrity of their property.”

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

58. The school boards’ strategic plans, the partnership agreements, the management and educational success agreements, the schools’ educational projects, the centres’ policies and objectives determined under section 109 of the Education Act (chapter I-13.3) and the schools’ and centres’ success plans approved, established or entered into in accordance with that Act are extended until the effective date of the commitment-to-success plan established under section 209.1 of that Act, replaced by section 37, with the necessary modifications. Despite any provision to the contrary in the Education Act, those plans, agreements, projects, policies and objectives need not be updated, renewed or entered into again until that date.

However, any measure in a management and educational success agreement concerning a school’s surpluses that, under section 96.24 of the Education Act, are to be added to its appropriations for the following fiscal year and the requirement that this agreement be reflected when applying section 275 of that Act lapse on the coming into force of the amendments made to those sections of the Education Act by sections 12 and 45.

59. A school board’s first commitment-to-success plan takes effect on 1 July 2018 or on another date if the Minister so decides in accordance with the fifth paragraph. The plan shall be published within 15 days following its effective date.

A school's or centre's first educational project after that date must be prepared so as to take effect not later than one year following the effective date of the school board's commitment-to-success plan.

For the establishment and adoption of the first commitment-to-success plans and educational projects, the Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives or targets they must take into account in preparing their commitment-to-success plan.

The Minister may also, for any school board, prescribe terms governing the coordination of the entire strategic planning process between the educational institutions, the school board and the department, including the date the commitment-to-success plans must be sent to the Minister before they take effect.

The Minister may, in addition, after receiving a school board's commitment-to-success plan, decide to defer its effective date and require the school board to amend it so that it is consistent with the strategic directions and objectives of the department's strategic plan or that it meets with the expectations communicated under the third paragraph.

60. In any regulation made under the Education Act, “action plan” is replaced by “educational project”.

61. Until 4 November 2018,

(1) section 143 of the Education Act is to be read as if paragraph 3 were replaced by the following paragraph:

“(3) if the members of the council of commissioners referred to in paragraphs 1 and 2 consider it necessary, a maximum of two commissioners co-opted by a majority of at least two-thirds of the council members, after consulting with the groups most representative of the region's social, cultural, business, labour, health and sports sectors.”;

(2) section 143.1 of the Act is to be read as follows:

“143.1. Co-optation under paragraph 3 of section 143 must enable persons to sit on the council of commissioners who are active in the sports or health sector, with a view to promoting consideration of healthy lifestyles in school board decisions, or who are active in other sectors and whose competence and qualifications are considered complementary to those of the commissioners or useful for the administration of the school board. Such persons must meet any selection criteria the Minister may determine by regulation.”

62. The provisions of this Act come into force on 23 December 2016, except

(1) sections 3, 10, 12, 28, 29, 31, paragraph 1 of section 32, and sections 35, 36, 41, 44 and 45, which come into force on 1 July 2017;

(2) sections 1, 2, 4 to 7, 9, 11, 13 to 20, paragraph 2 of section 32, paragraph 1 of section 34, sections 37 to 39, 42, 43, 49 to 51, section 52 to the extent that it enacts section 459.5 of the Education Act, and section 60, which come into force on 1 July 2018;

(3) sections 22 to 24 and paragraph 2 of section 25, which come into force on 4 November 2018;

(4) sections 8 and 47, which come into force on the date to be set by the Government.