

Regulations and other Acts

Gouvernement du Québec

O.C. 136-2022, 9 February 2022

Education Act
(chapter I-13.3)

Designation of members of the boards of directors of school service centres

Regulation respecting the designation of members of the boards of directors of school service centres

WHEREAS, under the first paragraph of section 455.2 of the Education Act (chapter I-13.3), the Government may, by regulation, determine the terms, conditions and standards for designating the members of a French-language school service centre's board of directors and for designating the members of an English-language school service centre's board of directors referred to in subparagraph 3 of the first paragraph of section 143.1 of the Act;

WHEREAS, under the second and third paragraphs of section 455.2 of the Act, the regulation may, in particular, prescribe the criteria and terms applicable to the division of a French-language school service centre's territory into districts, the time limits and terms applicable to the process for designating members of a school service centre's board of directors as well as the conditions they must satisfy and the regulation may establish standards that vary according to the categories of members on school service centres' boards of directors and allow certain designation terms to be determined by the persons responsible for designating a category of members;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the designation of members of the boards of directors of school service centres was published in Part 2 of the *Gazette officielle du Québec* of 3 November 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

It is ordered, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting the designation of members of the boards of directors of school service centres, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the designation of members of the boards of directors of school service centres

Education Act
(chapter I-13.3, s. 455.2)

DIVISION I GENERAL

§1. *Functions of the director general*

1. The director general of the school service centre, in accordance with the Education Act (chapter I-13.3), sees to the application of the designation rules prescribed by the Act and by this Regulation.

2. In addition to the functions provided for in the Education Act and this Regulation, the director general exercises, in particular, the following functions:

(1) ensures that useful information on the terms, conditions and standards for designating members of the school service centre's board of directors and the results of the designations are published on the school service centre's website;

(2) sends to persons who request it any useful information on the terms, conditions and standards for designating members of the school service centre's board of directors;

(3) at their request or on the director general's own initiative, makes suggestions to the other persons to whom this Regulation assigns responsibilities in respect to designating members of the school service centre's board of directors;

(4) verifies the compliance of the nominations that are sent to the director general pursuant to Divisions 3 and 4 and, as the case may be,

(a) allows a candidate to provide any missing information provided for in this Regulation within the period the director general indicates; or

(b) after informing the candidate that his or her nomination appears to the director general not to comply with a requirement of section 4 and after allowing the candidate to submit written observations within the period the director general indicates, rejects a nomination.

3. The director general may be assisted by any person the director general designates.

§2. Eligibility requirements to be a member of a school service centre's board of directors

4. In addition to having, as the case may be, the qualifications required by section 143 of the Education Act and subparagraph 3 of the first paragraph of section 143.1 of the Act, a candidate for a seat on a school service centre's board of directors covered by this Regulation must

(1) be a Canadian citizen who is 18 years of age or over and not under curatorship;

(2) not have been convicted within the last 5 years 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 to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) or the Election Act (chapter E-3.3);

(3) not be disqualified within the meaning of section 21 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, with the necessary modifications, except subparagraph 4 of the first paragraph, which does not apply to a candidate for a staff representative seat;

(4) not be a member of another school service centre's board of directors and not be a candidate for another seat on a school service centre's board of directors;

(5) in the case of a candidate for a community representative seat, be domiciled in the school service centre's territory; and

(6) in the case of a candidate for a staff representative seat, meet the conditions set out in section 19 and not be an employee, officer or otherwise representative of an association representing employees of a school service centre.

§3. Other general provisions

5. Nomination forms provided for in this Regulation must contain sections for a candidate, in particular, to

(1) provide the candidate's name and contact information;

(2) specify the seat for which the candidate is filing nomination papers;

(3) attest that the candidate has the qualifications set out in section 4 and meets the conditions referred to in that section; and

(4) set out the candidate's reasons for filing nomination papers.

6. If a time limit provided for in this Regulation to perform an act expires on a Saturday, a Sunday or a holiday, the act may be validly performed on the next following working day.

**DIVISION II
DESIGNATION OF PARENT REPRESENTATIVES**

§1. Division into districts

7. If parent representatives must be designated to fill seats on the school service centre's board of directors for terms beginning the next school year, the director general ensures the adequate division of the school service centre's territory into five districts in accordance with section 143.8 of the Education Act, modifies the division as needed and informs the parents' committee, not later than 31 March of the current school year, of the division determined for the next designation of parent representatives.

For the purposes of the division referred to in the first paragraph, the director general ensures

(1) that each school is situated in a single district;

(2) that at least 1 school is situated in each of the districts;

(3) that all of a district's schools form a consistent geographic territory by each serving a part of the territory that is contiguous to part of the territory of one or more of the other schools in the same district; and

(4) the fairest possible distribution of the number of schools and students in each of the districts.

The director general may take into account other factors such as the existence of common characteristics or physical barriers and the territorial limits of the municipalities served by the school service centre.

8. Each district is described by the list of schools situated within it.

The director general may assign names to the districts.

9. The director general must, before dividing the school service centre's territory into districts, consult the parents' committee when the director general

(1) intends to modify the division in force at the last designation of parent representatives to the board of directors;

(2) intends to modify a district's name or assign a name to a district that did not previously have one; or

(3) intends to add a new school to a district.

The parents' committee must submit its observations within the period of at least 15 days that the director general indicates.

10. Modifying the division of the territory into districts may not terminate a parent representative's current term.

If modifying a division leads to 2 parent representatives whose respective terms have not expired representing the same district, the parents' committee must assign 1 of the 2, after having consulted them, to represent another district and inform the director general.

The parent representative who is assigned a new district is entitled to apply for the renewal of his or her term as a parent representative in the new district if the parent representative meets the conditions that would have allowed him or her to become a candidate again in his or her former district.

§2. Designation of parent representatives

11. The designation process for a parent representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each member of the parents' committee.

The notice of designation contains

(1) the list of the districts for which a designation must take place and the description of the districts;

(2) the qualifications required and conditions to be met to become a candidate; and

(3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that provides spaces for the candidate to enter, in addition to the information listed in section 5, the condition provided for in the first paragraph of section 13 that the candidate meets.

In this subdivision, a provision referring to a "member of the parents' committee" also refers to a member of the school service centre's board of directors sitting on the board as a parent representative, referred to in section 143.4 of the Education Act, with the necessary modifications.

12. The members are designated in accordance with the terms determined by the parents' committee, subject to this subdivision.

The terms referred to in the first paragraph may not add personal qualifications or conditions in addition to those referred to or set out in sections 4 and 13.

13. Parents' committee members may become candidates in a district if they

(1) sit on the governing board of a school situated in that district or, in a case referred to in section 143.4 of the Education Act, one of their children is still attending the school in the district of whose governing board he or she was a member; or

(2) represent the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities and have a handicapped child or a child with social maladjustments or learning disabilities who attends a school situated in that district.

A parents' committee member becomes a candidate by sending the form referred to in the third paragraph of section 11, duly completed, to the parents' committee member responsible for the designation process or, if there is none, to the chair of the parents' committee not later than 1 May of the current school year.

14. If no person has come forward to become a candidate to represent a district in accordance with section 13, a new call for nominations must be made by the parents' committee, which will specify the applicable time limit for filing nomination papers.

In such a case, a parents' committee member sitting on the governing board of a school situated in another district may become a candidate for the district by sending the form referred to in the third paragraph of section 11, duly completed, to the parents' committee member responsible for the designation process or, if there is none, to the chair of the parents' committee within the time indicated. That member may not, however, be designated if the new call for nominations allowed a parents' committee member sitting on the governing board of a school situated in the district concerned to become a candidate within the time prescribed.

A parents' committee member from another district designated under the second paragraph may be a candidate again in the district that he or she represented, even if there are other candidates from the district, if the parents' committee member meets the conditions that would have allowed him or her to come forward to become a candidate in the district where the school of whose governing board he or she was a member is situated.

15. Each candidate is designated by all the members of the parents' committee not later than 1 June of the current school year.

16. The parents' committee must notify the director general as soon as possible of the result of the designations.

The notice must contain the names of the persons who were designated and indicate the district each person represents.

The notice must be accompanied, for each person designated, by the nomination form or part of the form containing the statement attesting that the person has the qualifications and meets the conditions required by section 4.

17. Where regional parents' committees are established under section 191 of the Education Act, all the members of those committees are deemed to form the parents' committee for the purposes of this subdivision.

The chair of that committee is the chair of the central parents' committee.

DIVISION III DESIGNATION OF STAFF REPRESENTATIVES

18. The designation process for a staff representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each staff member referred to in the relevant paragraph of section 19.

The notice of designation contains

- (1) the list of the seats for which a designation must take place;
- (2) the qualifications required and conditions to be met to become a candidate; and
- (3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that, in addition to the information listed in section 5, provides spaces for the candidate to enter, as applicable, the school of whose governing board the candidate is a member, the school of which the candidate is the principal or the candidate's position as an officer of the school service centre.

19. The teaching staff representative is designated by and from among the teaching staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The non-teaching professional staff representative is designated by and from among the non-teaching professional staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The support staff representative is designated by and from among the support staff members sitting in that capacity or as staff members assigned to childcare services, at the time of the designation, on a governing board of the school service centre.

The principals' representative is designated by and from among all the principals of the educational institutions of the school service centre.

In the case of a French-language school service centre, the executive staff representative is designated by and from among all the executive staff members.

20. Staff representatives are designated in accordance with the terms determined by the director general, subject to this Division.

The terms referred to in the first paragraph may not add personal qualifications or conditions in addition to those referred to or set out in section 4.

21. A staff representative becomes a candidate by sending the form referred to in the third paragraph of section 18, duly completed, to the director general not later than 1 May of the current school year.

22. If no staff member has come forward in a category in accordance with section 21, a new call for nominations must be made by the director general, who will specify the applicable time limit for filing nomination papers.

23. The director general must send the nominations received for a seat as soon as possible to each member of the staff category referred to in section 19, along with the instructions for designation.

24. Each candidate is designated by all the members of his or her category referred to in section 19 not later than 1 June of the current school year.

DIVISION IV DESIGNATION OF COMMUNITY REPRESENTATIVES

25. The designation process for a community representative for a term beginning the next school year starts with the director general publishing, not later than 15 April of the current school year, a notice on the school service centre's website, inviting the persons who are domiciled in the school service centre's territory to become a candidate.

26. The notice must indicate the number of seats to be filled, the profiles sought, the qualifications required and conditions to be met, the 15 May time limit for filing nomination papers and the other instructions necessary for filing them.

27. A nomination form must be made available at the school service centre's head office and on the school service centre's website.

28. The community representatives are designated by co-optation by the parent representatives and staff representatives referred to in the first paragraph of section 29, at a meeting called by the director general and held not later than 15 June of the current school year.

29. The parent representatives and staff representatives who may attend the co-optation meeting referred to in section 28 are parent representatives and staff representatives who have been designated for terms beginning the next school year as well as parent representatives and staff representatives who are already in office and whose term continues for the next school year.

At least 3 parent representatives and 3 staff representatives must attend the meeting, which is to be chaired by the director general.

30. The director general must make available to the representatives referred to in the first paragraph of section 29 the nomination forms he or she received at least 5 days before the meeting referred to in section 28.

31. The members in attendance at the meeting determine the procedure to be followed.

The director general is not entitled to vote. The director general acts as secretary of the meeting and draws up minutes of the meeting which he or she enters in the school service centre's Minutes of Proceedings. The director general informs the candidates of their designation or otherwise as soon as possible.

32. The designations take effect the next 1 July.

33. If none of the community representative seats was able to be filled at the meeting referred to in section 28, due to a lack of nominations, any unfilled seat must be the subject of a new notice inviting the persons domiciled in the school service centre's territory to become a candidate.

Sections 25 to 31 apply in such a case, with the necessary modifications, subject to the following:

(1) the notice referred to in section 26 must be published in the period between 15 August and 1 September of the current school year and candidates have 30 days to become a candidate;

(2) the co-optation takes place at a regular or special meeting of the board of directors and all members in attendance, except community representatives, are entitled to vote.

34. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 141-2022, 9 February 2022

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Fees to be paid under section 106.6 of the Act —Amendment

Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife

WHEREAS, under the first paragraph of section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), every agency that is a party to a memorandum of agreement and on whose behalf a legal person certified by the Minister of Forests, Wildlife and Parks acts as the representative must pay to the legal person a part of the fees that devolve to the agency under the Act as a contribution toward the financing of the legal person;