

EDUCATION ACT

GOVERNING BOARD

A governing board shall be established for each school.

The governing board, which shall have not more than 20 members, shall include the following persons:

- at least four parents of students attending the school who are not members of the school staff, elected by their peers;
- at least four members of the school staff, including at least two teachers and, if the persons concerned so decide, at least one non-teaching staff member and at least one support staff member, elected by their peers;
- in the case of a school providing education to students in the second cycle of the secondary level, two students in that cycle elected by the students enrolled at the secondary level or, as the case may be, appointed by the students' committee or the association representing those students;
- in the case of a school where childcare is organized for children at the preschool and elementary school level, a member of the staff assigned to childcare, elected by his or her peers;
- two representatives of the community who are not members of the school staff, appointed by the members elected under subparagraphs 1 to 4.

The community representatives on the governing board are not entitled to vote.

The school board shall determine the number of parents' representatives and staff representatives on the governing board after consulting with each group concerned.

The total number of seats for staff representatives referred to in subparagraphs 2 and 4 of the second paragraph of section 42 must be equal to the number of seats for parents' representatives.

Where fewer than 60 students are enrolled in a school, the school board may, after consulting with the parents of the students attending the school and with the school staff, vary the rules governing the composition of the governing board provided in the second paragraph of section 42.

However, the total number of seats for staff representatives must be equal to the total number of seats for parents' representatives.

Commissioners elected or appointed pursuant to the Act respecting school elections cannot be members of the governing board of a school under the authority of the school board.

However, when carrying out a mandate under paragraph 4 of section 176.1, a commissioner may take part in meetings of the governing board but is not entitled to vote.

The principal of the school shall take part in the meetings of the governing board but is not entitled to vote.

Each year during the period beginning on the first day of the school year and ending on the last day of September, the chair of the governing board or, if there is none, the principal shall, by written notice, call a meeting of the parents of the students who attend the school to elect parents' representatives to the governing board. The notice shall be sent at least four days before the meeting is to be held.

At the meeting, the parents shall elect a representative to the parents' committee established under section 189 from among their representatives on the governing board.

At the meeting, a second parents' representative on the governing board may be designated as a substitute to attend and vote at meetings of the parents' committee when the representative elected for that purpose is unable to do so.

The term of a person elected to the parents' committee who is a commissioner shall not end until that person's term of office as commissioner has ended. The person's term of office as commissioner may not however be renewed unless the person was elected under the second paragraph in the year the position of commissioner was to be renewed.

During the month of September each year, the teachers of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in their collective agreement or, failing that, according to the procedure determined by the principal after consulting with the teachers.

During the month of September each year, the members of the non-teaching professional staff who provide services to the students of the school shall hold a meeting to elect their representatives to the governing board according to the procedure set out in the collective agreement of the non-teaching professional staff or, failing that, according to the procedure determined by the principal after consulting with the persons concerned.

During the month of September each year, the members of the support staff who provide services at the school and the members of the school staff who provide childcare for children at the preschool and elementary school level, if any, shall hold meetings to elect their representatives to the governing board according to the procedure set out in the collective agreement of the support staff or, failing

that, according to the procedure determined by the principal after consulting with the persons concerned.

During the month of September each year, the students' committee or the association representing the students, if any, shall appoint students' representatives to the governing board.

Failing that, the principal shall preside over the election of students' representatives to the governing board in accordance with the rules established by the principal after consulting with the students enrolled at the secondary level.

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.

Where the meeting of parents called pursuant to section 47 fails to elect the required number of parents' representatives, the principal shall exercise the functions and powers of the governing board.

The fact that the representatives of any other group fall short of the required number shall not prevent the formation of the governing board.

The members of the governing board shall take office as soon as all members to be elected under subparagraphs 1 to 4 of the second paragraph of section 42 have been elected or not later than 30 September, whichever occurs first.

The term of office of parents' representatives on the governing board is two years and the term of office of the representatives of other groups is one year. However, the term of office of half of the first parents' representatives, elected by the meeting of parents, is one year.

The members of the governing board shall remain in office until they are re-elected, reappointed or replaced.

A parents' representative whose child no longer attends the school may remain a member of the governing board until the next meeting held pursuant to section 47.

A vacancy resulting from the departure of a parents' representative shall be filled, for the unexpired portion of the representative's term, by a parent designated by the other parents' representatives on the governing board.

A vacancy resulting from the departure or disqualification of any other member of the governing board is filled, for the unexpired portion of the term, according to the mode of appointment prescribed for the member to be replaced.

Operation

The governing board shall choose its chair from among the parents' representatives on the governing board who are not members of the personnel of the school board.

The principal shall preside over the governing board until the chair is elected.

The term of office of the chair is one year.

The chair of the governing board shall preside at meetings of the governing board.

If the chair is absent or unable to act, the governing board shall designate a person from among the members who are eligible for the office of chair to exercise the functions and powers of the chair.

A majority of the members of the governing board who are in office, including at least half of the parents' representatives, is a quorum of the governing board.

If the governing board is unable to hold a meeting for lack of a quorum after three consecutive notices have been sent at intervals of at least seven days, the school board may order that the functions and powers of the governing board be suspended for the period determined by the school board and that they be exercised by the principal.

The decisions of the governing board are made by a majority vote of the members present and entitled to vote. If votes are equally divided, the chair has a casting vote.

Every decision of the governing board must be made in the best interests of the students.

The governing board may hold its meetings on the school premises.

The governing board may also use the school's administrative support services and facilities free of charge, subject to the conditions determined by the principal.

The governing board shall adopt and oversee the administration of its annual operating budget and render an account thereof to the school board.

The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the governing board by the school board, on the other.

The governing board shall establish rules for its internal management. The rules shall provide for at least five meetings every school year.

The governing board shall fix the date, time and place of its meetings, and inform the parents and the members of the school staff.

The meetings of the governing board are open to the public; however the governing board may order that a meeting be closed to the public if a matter is to be examined which could cause injury to a person.

The minutes of the proceedings of the governing board shall be recorded in a register kept for that purpose by the principal or by a person specially designated by the principal. The register is open to the public.

The minutes, after being read and approved at the beginning of the following meeting, shall be signed by the person presiding over the meeting and countersigned by the principal or by the person designated by the principal under the first paragraph.

The reading of the minutes is not required provided that a copy of the minutes was delivered to each member present at least six hours before the beginning of the meeting at which the minutes are to be approved.

A copy of an extract from the register may be obtained on payment of a reasonable fee fixed by the governing board.

Every member of the governing board who has a direct or indirect interest in an enterprise that places the member's personal interest in conflict with the interest of the school must, on pain of forfeiture of office, disclose the interest in writing to the principal, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

A disclosure under the first paragraph must be made at the first meeting of the governing board

- after a person having such an interest becomes a member of the governing board;
- after a member of the board acquires such an interest;
- during which the matter is dealt with.

The members of the governing board must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with honesty and loyalty and in the interest of the school, the students, the parents, the school staff and the community.

The members of a governing board may not be prosecuted for an act performed in good faith in the exercise of governing board functions.

The school board shall assume the defence of any member of the governing board who is prosecuted by a third person for an act done in the exercise of governing board functions.

In the case of penal or criminal proceedings, the school board may require a member who has been prosecuted to repay the defence expenses, except if the member had reasonable grounds to believe that the act was in conformity with the law, if the proceedings were withdrawn or dismissed or if the member was discharged or acquitted.

As well, the school board may require repayment of the defence expenses by the member if the member was found liable for damage caused by an act done in bad faith in the exercise of governing board functions.

General functions and powers

The governing board shall analyze the situation prevailing at the school, principally the needs of the students, the challenges tied to student success and the characteristics and expectations of the community served by the school.

Based on the analysis and taking into account the strategic plan of the school board, the governing board shall adopt, oversee the implementation of and periodically evaluate the school's educational project.

In exercising such functions, the governing board shall seek the collaboration of persons having an interest in the school.

To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other school staff members and community representatives, and their collaboration in helping students to achieve success.

The governing board is responsible for approving the school's success plan, and any updated version of the plan, proposed by the principal.
The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member. In addition to any elements the Minister may prescribe by regulation, the plan must include

- an analysis of the situation prevailing at the school with respect to bullying and violence;
- prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;
- measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;
- procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;
- the actions to be taken when a student, teacher or other school staff member or any other person observes an act of bullying or violence;
- measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;
- supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;
- specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and
- the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The governing board shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the principal to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the principal to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.

Every school staff member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the school is a victim of bullying or violence.

The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

- the attitudes and conduct that are required of students at all times;
- the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and
- the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.

The plans, rules and measures provided for in sections 75 to 76 shall be developed in collaboration with the school staff.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

Based on the principal's proposal, the governing board shall establish the principles for determining the cost of the documents mentioned in the second paragraph of section 7. Those principles are taken into account when the choice of textbooks and instructional materials must be approved under subparagraph 3 of the first paragraph of section 96.15.

The governing board shall also approve, on the principal's proposal, a list of the objects mentioned in the third paragraph of section 7.

The principles are established and the list is approved, taking into consideration the school board's policy adopted under section 212.1 and the other financial contributions that may be claimed for services referred to in sections 256 and 292.

The governing board shall advise the school board concerning

- any matter the school board is required to submit to the governing board;

- any matter likely to facilitate the operation of the school;
- any matter likely to improve the organization of the services provided by the school board.

The school board must consult with the governing board concerning

- the amendment or revocation of the deed of establishment of the school;
- the selection criteria for the appointment of the principal;

The governing board may, within the scope of its powers, enter into an agreement with another educational institution of the school board concerning the pooling of goods and services or the holding of joint activities.

The governing board shall furnish to the school board, on the date and in the form specified by the school board, any information required by the school board for the exercise of its functions.

The governing board shall prepare and adopt an annual activity report and shall transmit a copy of the report to the school board.

Each year, the governing board shall inform the parents and the community served by the school of the services provided by the school and report on the level of quality of such services.

The governing board shall make public the educational project and the success plan of the school.

Each year, the governing board shall report on the evaluation of the implementation of the success plan.

A document explaining the educational project and reporting on the evaluation of the implementation of the success plan shall be distributed to the parents and the school staff. The governing board shall see to it that the wording of the document is clear and accessible.

Each year, the governing board shall evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence.

A document reporting on the evaluation must be distributed to the parents, the school staff and the Student Ombudsman.

Functions and powers relating to educational services

The governing board is responsible for approving the approach proposed by the principal for the implementation of the basic school regulation.

The governing board is responsible for approving the overall approach proposed by the principal for the enrichment or adaptation by the teachers of the objectives and suggested content of the programs of studies established by the Minister and for the development of local programs of studies to meet the specific needs of the students at the school.

The governing board is also responsible for approving the conditions and procedures proposed by the principal for integrating, into the educational services provided to the students, the activities or content prescribed by the Minister in the broad areas of learning.

The governing board is responsible for approving the time allocation proposed by the principal for each compulsory or elective subject and shall satisfy itself

- that the compulsory objectives of the programs of studies established by the Minister will be achieved and their compulsory contents will be acquired;
- that the rules governing the certification of studies prescribed by the basic school regulation are complied with.

The governing board is responsible for approving the programming of educational activities, proposed by the principal, which entail changes in the students' regular time of arrival and departure or which require the students to leave school premises.

The governing board is responsible for approving the approach proposed by the principal for the implementation of the student services and special educational services programs prescribed by the basic school regulation and determined by the school board, or provided for in an agreement entered into by the school board.

Proposals under sections 84, 87 and 88 shall be developed in collaboration with the school staff; proposals under sections 85 and 86 shall be developed in collaboration with the teachers.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

Parents on the governing board may consult the parents of the children in the school on any matter relating to educational services, in particular on report cards and on any other way in which parents are to be informed of the academic progress of their children, proposed under section 96.15.

Functions and powers relating to community services

The governing board may organize educational services other than those prescribed by the basic school regulation, including instructional services outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural or sports services.

It may also allow other persons or organizations to organize such services on school premises.

For the purposes of section 90, the governing board may, in the name of the school board and within the scope of the school's budget, contract with a person or body for the provision of goods or services. In addition, it may require a financial contribution from users of such goods and services.

A draft of a contract to be entered into under the first paragraph must be sent to the school board at least 20 days before its conclusion. Within 15 days after receiving it, the school board may indicate its disagreement on the ground of non-compliance with the standards governing the school board; in the absence of such indication, the contract may be concluded.

Revenues derived from the provision of goods and services under section 90 shall be credited to the appropriations allocated to the school.

Functions and powers relating to physical and financial resources

The governing board is responsible for approving the use of the premises or immovables placed at the disposal of the school, proposed by the principal, subject to the obligations imposed by law for the use of the school premises for election purposes and to agreements for the use of school premises entered into by the school board before the issue of the deed of establishment of the school.

Any agreement entered into by the governing board for the use of the premises or immovables placed at the disposal of the school requires prior authorization from the school board if the term of the agreement exceeds one year.

The governing board is responsible for approving the organization by the school board, on the school premises, of cultural, social, sports, scientific or community services.

The governing board may, in the name of the school board, solicit and receive gifts, legacies, grants and other voluntary contributions from any person or public or private organization wishing to provide funding for school activities.

The governing board may not, however, solicit or receive gifts, legacies, grants or other contributions to which conditions incompatible with the mission of the

school are attached, particularly conditions relative to any form of commercial solicitation.

The contributions received shall be paid into a designated fund created for that purpose in respect of the school by the school board; the funds making up the fund and the interest earned shall be appropriated to the school.

The school board shall keep separate books and accounts for the operations of the fund.

The management of the fund shall be supervised by the governing board; the school board must, at the request of the governing board, give access to the records of the fund and provide the governing board with any account, report or other information relating to the fund.

The governing board is responsible for adopting the school's annual budget proposed by the principal, and shall submit the budget to the school board for approval.