Bill 105: Changes to the Education Act

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| Current Provision | Proposed Change | Impact of Change |
| **36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community. A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfilment.In keeping with the principle of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.A school shall pursue its mission within the framework of an educational project implemented by means of a success plan. | **36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community. A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfilment.In keeping with the principle of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.A school shall pursue its mission within the framework of an educational project. | Reference only to educational project as success plan no longer exists as a separate notion |
| **36.1.** The educational project shall be defined, implemented and periodically evaluated with the participation of the students, the parents, the principal, the teachers and other school staff members, representatives of the community and the school board.**37.** A school's educational project shall set out the specific aims and objectives of the school, and objectives for improving student success. It may include actions to promote those aims and objectives and integrate them into the life of the school.The aims and objectives of the project objectives shall be designed to ensure that the provincial educational policy defined by law, the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched.The educational project of the school must respect the freedom of conscience and of religion of the students, the parents and the school staff.**37.1.** The success plan of a school shall reflect the strategic plan of the school board and comprise (1) the measures to be taken based on the aims and objectives of the educational project, in particular, those relating to the supervision of students; (2) methods for evaluating the implementation of the success plan.The success plan shall be reviewed each year and updated, if necessary. | **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 measures selected to achieve the objectives and targets;****(5) the indicators to be used to measure achievement of those objectives and targets; and****(6) 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, the basic school regulation and 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.** | Identical in essence to original proposal of Bill 86Streamlining of strategic planning – elimination of school success plan and MESA, educational project remains.Educational project, however, now largely focuses on elements that were more typical of the MESA.Educational project must not only respect Quebec laws and regulations, it must be consistent with a board’s commitment-to-success plan, which now replaces the school board’s strategic plan and partnership agreement.Even though it retains MESA-like criteria, the project does not need to be reviewed every year. It must match up with the board plan’s timeframe. |
| **74.** 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. | **74.** 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 commitment-to-success plan** of the school board, the governing board shall **adopt the school’s educational project, oversee the project’s implementation and evaluate the project at the intervals specified in it.****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.** | Identical in essence to original proposal of Bill 86Concordance with new terminology, project must specify when it will be evaluatedDevelopment and implementation of project involves all those who have a stake. GB is to encourage collaboration – of what, however, it is not clearHow is collaboration ensured, particularly for students who are also the object of actions? |
| **75.** The governing board is responsible for approving the school's success plan, and any updated version of the plan, proposed by the principal. | **75. The governing board shall send the school’s educational project to the school board and make it public on the expiry of at least 60 days after sending it. 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 comes into force on the date of its publication.** | No school success planElements shifted from elsewhere in Bill 86 |
| **77.** 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. | **77.** The **plan**, rules and measures provided for in sections **75.1** 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. | Adjustment due to elimination of success plan |
| **83.** 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. | **83.** 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. | Deleted elements largely covered elsewhere |
| **96.13.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall (1) coordinate the analysis of the situation prevailing at the school and the development, implementation and periodical evaluation of the school's educational project; (1.1) coordinate the development, the review and any updating of the school's success plan; (1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan; (2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval; (2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter; (3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering success; (4) inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal. | **96.13.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall (1) coordinate the analysis of the situation prevailing at the school and the development, implementation and periodical evaluation of the school's educational project; (1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan; (2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval; (2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter; (3) encourage concerted action between the parents, the students and the staff, their participation in the life of the school and their collaboration in fostering success; (4) inform the governing board on a regular basis concerning the proposals approved by the principal under section 96.15.If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal. | Elimination of reference to school success plan |
| **96.14.** In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board's policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school.The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis. | **96.14.** In the case of a handicapped student or a student with a social maladjustment or a learning disability, the principal, with the assistance of the student's parents, of the staff providing services to the student, and of the student himself, unless the student is unable to do so, shall establish an individualized education plan adapted to the needs of the student. The plan must be consistent with the school board's policy concerning the organization of services for handicapped students and students with social maladjustments or learning disabilities and in keeping with the ability and needs of the student as evaluated by the school board before the student's placement and enrollment at the school. **In addition, the plan must state that the school board has a complaint examination procedure if the parent or child is not satisfied.**The principal shall see to the implementation and periodical evaluation of the education plan and inform the student's parents on a regular basis. | Same as in Bill 86An IEP must state that there is a complaint mechanism at the school board for dissatisfaction – could put great stress on certain schools in particular and some staff, particularly given broad integration of students. |
| **96.24.** The principal shall prepare the annual budget of the school, submit it to the governing board for adoption, administer the budget and render an account thereof to the governing board.The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school's own revenues, on the other.The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.At the end of every fiscal year, the school's surpluses shall be transferred to the school board. However, the surpluses must be added to the school's appropriations for the following fiscal year if the management and educational success agreement entered into under section 209.2 so provides.If a school closes, the school's surpluses and funds shall be transferred to the school board. | **96.24.** The principal shall prepare the annual budget of the school, submit it to the governing board for adoption, administer the budget and render an account thereof to the governing board.The budget must maintain a balance between expenditures, on the one hand, and the financial resources allocated to the school by the school board and the school's own revenues, on the other.The approved school budget shall constitute separate appropriations within the school board's budget, and the expenditures for that school shall be charged to those appropriations.At the end of every fiscal year, the school's surpluses shall be transferred to the school board. **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.**If a school closes, the school's surpluses and funds shall be transferred to the school board. | Same in intent as Bill 86School surpluses could be reattributed to other schools or kept centrally if recommended by the new resource allocation committee. School council would have final say with reason for not adopting – considerable power to principals who form majority of committee and have two members at school council to advocate for the agenda. |
| **97.** Vocational training centres are educational institutions whose mission is to provide the educational services prescribed by the basic vocational training regulation established by the Government under section 448.Adult education centres are educational institutions whose mission is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic adult education regulation established by the Government under section 448.Centres shall pursue their mission within the framework of the policies and the objectives determined pursuant to section 109 and implemented by means of a success plan.It is also the mission of centres to contribute to the social and cultural development of the community. | **97.** Vocational training centres are educational institutions whose mission is to provide the educational services prescribed by the basic vocational training regulation established by the Government under section 448.Adult education centres are educational institutions whose mission is to provide to persons entitled thereto under section 2 the educational services prescribed by the basic adult education regulation established by the Government under section 448.Centres shall pursue their mission within the framework of **an educational project**.It is also the mission of centres to contribute to the social and cultural development of the community. | Centres, like schools, now have educational projects; success plans are removed. |
| **97.1.** The success plan of the centre shall reflect the strategic plan of the school board and comprise (1) the measures to be taken based on the policies and objectives determined under section 109; (2) methods for evaluating the implementation of the success plan.The success plan shall be reviewed each year and updated, if necessary | **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 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 measures selected to achieve the objectives and targets;****(5) the indicators to be used to measure achievement of those objectives and targets; and****(6) 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.** | Essentially same as Bill 86Same notion that applies to schools with respect to new educational project |
| **109.** The governing board shall analyze the situation prevailing at the centre, particularly the challenges tied to student success and the characteristics and expectations of the community served by the centre. Based on the analysis and taking into account the strategic plan of the school board, the governing board shall determine, oversee the implementation of and periodically evaluate the centre's specific policies and objectives for improving student success. The governing board may also determine actions to promote those policies and integrate them into the life of the centre.In exercising those functions, the governing board shall seek the collaboration of persons having an interest in the centre.To that end, the governing board shall encourage the communication of information, dialogue and concerted action between students, parents, the principal, teachers and other staff members and community representatives.**109.1.** The governing board is responsible for approving the centre's success plan, and any updated version of the plan, proposed by the principal.The proposals shall be developed in collaboration with the staff of the centre.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. | **109.** The governing board shall analyze the situation prevailing at the centre, particularly the challenges tied to student success and the characteristics and expectations of the community served by the centre. **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.****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.****109.1. The governing board shall send the centre’s educational project to the school board and make it public on the expiry of at least 60 days after sending it. 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 comes into force on the date of its publication.** | Same changes as for youth sectorCompared to Bill 86, it has dropped the reference to employers participating in the formulation of the project |
| **110.3.1.** Each year, the governing board shall inform the community served by the centre of the services provided by the centre and report on the level of quality of such services.The governing board shall make public the policies, objectives and success plan of the centre.Each year, the governing board shall report on the evaluation of the implementation of the success plan.A document explaining the policies and objectives of the centre and reporting on the evaluation of the implementation of the success plan shall be distributed to the students and the staff. The governing board shall see to it that the wording of the document is clear and accessible.**110.10.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall (1) coordinate the analysis of the situation prevailing at the centre and the development, implementation and periodical evaluation of the objectives of the centre; (1.1) coordinate the development, the review and any updating of the centre's success plan; (2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval; (2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter.If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal. | **110.3.1.** Each year, the governing board shall inform the community served by the centre of the services provided by the centre and report on the level of quality of such services.**110.10.** The principal shall assist the governing board in the exercise of its functions and powers and, for that purpose, the principal shall (1) coordinate the analysis of the situation prevailing at the centre and the development, implementation and periodical evaluation **of the centre’s educational project;** (2) ensure that the proposals required under this chapter are prepared and submitted to the governing board for approval; (2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter.If the principal fails or refuses to submit to the governing board a proposal concerning a matter within the purview of the governing board within 15 days of the date on which the governing board requests the proposal, the governing board may act without such a proposal. | Same changes as for youth sector |
| **118.3.** The provisional council shall be responsible for taking the preliminary measures necessary to put the new school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.For such purposes, it shall exercise the functions and powers of the new school board as if it were the council of commissioners. However, the co-opted commissioners and the representatives of a parents' committee who are members of a provisional council are not entitled to vote at sittings of the council. | **118.3.** The provisional council shall be responsible for taking the preliminary measures necessary to put the new school board into operation in its territory from the coming into force of the order as well as the measures required for the organization of the first school year which begins on the same date.For such purposes, it shall exercise the functions and powers of the new school board as if it were the council of commissioners. However, **any co-opted commissioner who is a member of the provisional council is** not entitled to vote at sittings of the council. | Parent commissioners acquire the right to vote |
| **143.** Every school board shall be administered by a council of commissioners composed of the following persons as and when they are appointed or elected: (1) 8 to 18 commissioners, including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3); (2) three commissioners or, if the number of commissioners referred to in paragraph 1 is greater than 10, four commissioners representing the parents' committee, at least one of whom is chosen from among the representatives of elementary schools, another from among the representatives of secondary schools and another from among the parents of handicapped students or students with social maladjustments or learning disabilities, elected under this Act; (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 social, cultural, business and labour sectors in the region. | **143.** Every school board shall be administered by a council of commissioners composed of the following persons as and when they are appointed or elected: (1) 8 to 18 commissioners, including a chair, elected or appointed under the Act respecting school elections (chapter E-2.3); (2) three commissioners or, if the number of commissioners referred to in paragraph 1 is greater than 10, four commissioners representing the parents' committee, at least one of whom is chosen from among the representatives of elementary schools, another from among the representatives of secondary schools and another from among the parents of handicapped students or students with social maladjustments or learning disabilities, elected under this Act;**(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;** (3) if the members of the council of commissioners referred to in paragraphs 1 and 2 consider it necessary, **a co-opted commissioner elected by****a majority** of the council members, after consulting with the groups most representative of the social, cultural, business and labour sectors in the region.**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 fifth 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 general director 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.** | Co-opted commissioner from sports and healthCo-opted commissioner by simple majoritySelection process for co-opted sports and health commissioner |
| **143.2.** The term of office of commissioners appointed under paragraph 3 of section 143 shall not exceed four years.They shall remain in office until re-appointed or replaced.However, their term shall end on the date of the first meeting of the council of commissioners following a general election held under the Act respecting school elections (chapter E-2.3). Furthermore, their term may be revoked at any time by a vote of at least two thirds of the members of the council of commissioners referred to in paragraphs 1 and 2 of section 143. | **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 prescribed 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.** | Term of office for co-opted commissioners and replacement |
| **145.** Every two years, before the first Sunday in November, the chair of the parents' committee or, in the chair's absence, the secretary general of the school board shall convene the members of the parents' committee or of the parents' central committee, as the case may be, to elect from among their members a commissioner for each of the positions provided for in paragraph 2 of section 143.However, the commissioner representing the parents of handicapped students or students with social maladjustments or learning disabilities is elected from among the parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.A member of the personnel of the school board may not be elected as a representative under this section.The representative shall be elected by a majority vote of the members present.The elected representative shall take office on the first Sunday in November following his election. His term of office shall be two years.Within 35 days from taking office, every elected representative shall swear before the director general, or the person designated by him, to fulfill his duties faithfully and to the best of his judgment and ability.An entry of the oath shall be made in the Minutes of Proceedings of the school board. | **145.** Every two years, before the first Sunday in November, the chair of the parents' committee or, in the chair's absence, the secretary general of the school board shall convene the members of the parents' committee or of the parents' central committee, as the case may be, to elect from among their members a commissioner for each of the positions provided for in paragraph 2 of section 143.However, the commissioner representing the parents of handicapped students or students with social maladjustments or learning disabilities is elected from among the parents who are members of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities.**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.**The representative shall be elected by a majority vote of the members present.The elected representative shall take office on the first Sunday in November following his election. His term of office shall be two years.Within 35 days from taking office, every elected representative shall swear before the director general, or the person designated by him, to fulfill his duties faithfully and to the best of his judgment and ability.An entry of the oath shall be made in the Minutes of Proceedings of the school board. | Broader grounds for disqualification since parent members will have right to vote |
| **148.** Every co-opted commissioner or commissioner representing the parents' committee shall have the same rights, powers and obligations as those prescribed for the other commissioners.However, subject to paragraph 3 of section 143 and the third paragraph of section 143.2, the commissioner is not entitled to vote at meetings of the council of commissioners or of the executive committee, or to be appointed vice-chair of the school board. | **148.** Every co-opted commissioner shall have the same rights, powers and obligations as those prescribed for the other commissioners.However, the commissioner is not entitled to vote at meetings of the council of commissioners or of the executive committee, or to be appointed vice-chair of the school board. | No vote for co-opted commissioners, but vote for parent members |
| **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. | **169.** The council of commissioners may provide that, in the cases and on the conditions determined by by-law, **any** 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.**At least one commissioner or the director general must however 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. | Greater flexibility for virtual meetings of council of commissioners |
| **174.** The council of commissioners may, by by-law, delegate some of its functions and powers to the director general, an assistant director general, a school principal, the principal of a centre or any other member of the executive staff.The functions and powers so delegated shall be performed under the direction of the director general. | **174.** The council of commissioners may, by by-law, delegate some of its functions and powers to the director general, an assistant director general, a school principal, the principal of a centre or any other member of the executive staff.The functions and powers so delegated shall be performed under the direction of the director general.**The council of commissioners may also delegate certain functions and powers to a governing board or to the resource allocation committee.** | Council of commissioners could choose to give certain powers not only to the resource allocation committee, as Bill 86 proposed, but to a governing board (note the individual GB, not necessarily all GBs). |
| **176.1.** The members of the council of commissioners shall exercise their functions and powers with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government. To that end, the role of the members of the council of commissioners includes (1) informing the council of the needs and expectations of the population of their electoral division or their sector, as part of their contribution to defining the school board's directions and priorities; (2) seeing to the relevance and quality of the educational services offered by the school board; (3) making sure that the school board's human, material and financial resources are managed effectively and efficiently; (4) carrying out any mandate entrusted to them by the council of commissioners, on a proposal by the chair, for the purpose of providing information to the other council members on any specific matter. | **176.1.** The members of the council of commissioners shall exercise their functions and powers, **with due regard for everyone’s role and responsibilities,** with a view to improving the educational services provided for by this Act and by the basic school regulations made by the Government. To that end, the role of the members of the council of commissioners includes (1) informing the council of the needs and expectations of the population of their electoral division or their sector, as part of their contribution to defining the school board's directions and priorities;**(1.1) ensuring that the schools and centres receive adequate support;** (2) seeing to the relevance and quality of the educational services offered by the school board; (3) making sure that the school board's human, material and financial resources are managed effectively and efficiently; (4) carrying out any mandate entrusted to them by the council of commissioners, on a proposal by the chair, for the purpose of providing information to the other council members on any specific matter. | Warning to council of commissioners to not overstep?An attempt to ensure that board still has some role to ensure equity through adequate support? Or attempt to make boards more responsive to individual schools’ needs? |
| **179.** The council of commissioners shall establish an executive committee composed of the number of voting members of the council it determines, including the chair of the school board, and a co-opted commissioner, if any, and a commissioner representing the parents' committee.The council of commissioners shall determine the term of office of the members of the executive committee.The seat of a member of the executive committee who is entitled to vote becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections (chapter E-2.3). The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term. | **179.** **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.**The council of commissioners shall determine the term of office of the members of the executive committee.The seat of a member of the executive committee who is entitled to vote becomes vacant in the same cases as those provided for commissioners elected under the Act respecting school elections (chapter E-2.3). The vacancy is then filled following the procedure provided for the designation of a commissioner, but only for the unexpired portion of the term. | Some change to composition of executive committee, but it still exists, unlike what Bill 86 proposed |
| **183.** For the purposes of sections 96.25 and 110.13, every school board shall establish, under the direction of the director general, an advisory committee on management composed of the school principals, the principals of vocational training centres, the principals of adult education centres and of members of the executive staff of the school board. | **183.** For the purposes of sections 96.25 and 110.13, every school board shall establish, under the direction of the director general, an advisory committee on management composed of the school principals, the principals of vocational training centres, the principals of adult education centres and of members of the executive staff of the school board.**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.** | Possibility for the advisory committee to act as the resource allocation committee, which would help ensure that all principals have a more equal voice by comparison. |
| **187.** The functions of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities are (1) to advise the school board on a policy for the organization of educational services to handicapped students and students with social maladjustments or learning disabilities; (2) to advise the school board on the allocation of financial resources to the services intended for those students.The committee may also advise the school board on the implementation of an individualized education plan for a handicapped student or a student with social maladjustments or learning disabilities. | **187.** The functions of the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities are (1) to advise the school board on a policy for the organization of educational services to handicapped students and students with social maladjustments or learning disabilities; (2) to advise **the resource allocation committee and** the school board on the allocation of financial resources to the services intended for those students.**(3) to advise the school board on its commitment-to-success plan.**The committee may also advise the school board on the implementation of an individualized education plan for a handicapped student or a student with social maladjustments or learning disabilities. | Advisory committee must also talk to resource allocation committee and advise on commitment-to-success plan |
| **190.** Each year, before 31 October, the chair of the parents' committee or, in his absence, the secretary general of the school board shall call a meeting of the parents' committee to elect the chair of the parents' committee. | **190.** Each year, **by the first Sunday in November**, the chair of the parents' committee or, in his absence, the secretary general of the school board shall call a meeting of the parents' committee to elect the chair of the parents' committee. |  |
| **193.** The parents' committee shall be consulted on the following matters: (1) the division, annexation or amalgamation of the territory of the school board; (1.1) the school board's strategic plan and any updated version of the strategic plan; (2) the three-year plan of allocation and destination of the immovables of the school board, the list of schools and the deeds of establishment; (3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school; (3.1) the financial contributions policy adopted under section 212.1; (4) *(paragraph repealed)*; (5) the distribution of educational services among the schools; (6) the criteria referred to in section 239 for the enrollment of students in schools; (6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school; (7) the school calendar; (8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level; (9) the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees; (10) the learning activities established by the school board and intended for parents. | **193.** The parents' committee shall be consulted on the following matters: (1) the division, annexation or amalgamation of the territory of the school board;**(1.1) the school board’s commitment-to-success plan;** (2) the three-year plan of allocation and destination of the immovables of the school board, the list of schools and the deeds of establishment; (3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school; (3.1) the financial contributions policy adopted under section 212.1; (4) *(paragraph repealed)*; (5) the distribution of educational services among the schools;**(5.1) the school board’s by-law on the complaint examination procedure established under section 220.2;** (6) the criteria referred to in section 239 for the enrollment of students in schools; (6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school; (7) the school calendar; (8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level; (9) the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees; (10) the learning activities established by the school board and intended for parents.**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.** | Some extra matters for the parent committee to be consulted on, notably the complaints mechanism |
| **193.1.** The council of commissioners must establish the following committees: (1) a governance and ethics committee; (2) an audit committee; and (3) a human resources committee.The governance and ethics committee shall, among other things, assist the commissioners, if necessary, in selecting persons whose competence and qualifications are considered to be useful for the administration of the school board for the purposes of co-optation under paragraph 3 of section 143, and in developing and updating the code of ethics and professional conduct provided for in section 175.1.The audit committee shall, among other things, assist the commissioners in seeing to the establishment of internal control mechanisms and the optimal use of the school board's resources. The committee must secure the assistance of at least one person who has competency in accounting or financial matters.The human resources committee shall, among other things, assist the commissioners in developing an expertise and experience profile and selection criteria for persons to be appointed by the school board under sections 96.8, 110.5 and 198.The council of commissioners may establish other committees to assist it in the exercise of its functions or the examination of specific matters. | **193.1.** The council of commissioners must establish the following committees: (1) a governance and ethics committee; (2) an audit committee; and (3) a human resources committee.The governance and ethics committee shall, among other things, assist the commissioners, if necessary, in selecting persons whose competence and qualifications are considered to be useful for the administration of the school board for the purposes of co-optation under paragraph 3 of section 143, and in developing and updating the code of ethics and professional conduct provided for in section 175.1.The audit committee shall, among other things, assist the commissioners in seeing to the establishment of internal control mechanisms and the optimal use of the school board's resources. The committee must secure the assistance of at least one person who has competency in accounting or financial matters.The human resources committee shall, among other things, assist the commissioners in developing an expertise and experience profile and selection criteria for persons to be appointed by the school board under sections 96.8, 110.5 and 198.The council of commissioners may establish other committees to assist it in the exercise of its functions or the examination of specific matters.**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. 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. 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.****The school principals and principals of centres shall be chosen by their peers.****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 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 committee must submit recommendations to 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 recommendation of the committee concerning the school board’s annual allocation of revenues is deemed to be adopted by the council of commissioners unless the latter rejects the recommendation by a vote of at least two-thirds of the commissioners present and entitled to vote.****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 the first paragraph of 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 the first paragraph of section 193.2.****The advisory committee on management shall then act in the place and stead of the resource allocation committee.** | Establishment of resource allocation committee, specifying maximum numbers and that majority must be principals selected by peers.Consultation process for objectives and principles regarding allocation as well as distribution of professional servicesCommittee submits recommendations to council of commissioners. If council does not implement recommendations, it must explain why.Commissioners must rally a two thirds majority against a proposal regarding the annual allocation of revenues; this is an exceptional degree of power to resource allocation committee. The question of what are considered “revenues” could be very important.Makes recommendations regarding surplusesThe board may give these functions to the advisory committee on management, where all principals are present. This would at least give all principals an equal voice, which is closer to what QPAT recommended |
| **207.1.** The mission of a school board is to organize, for the benefit of the persons who come under its jurisdiction, the educational services provided for by this Act and by the basic school regulations made by the Government.The mission of a school board is also to promote and enhance the status of public education within its territory, to see to the quality of educational services and the success of students so that the population may attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to the social, cultural and economic development of its region. | **207.1. The mission of a school board is to promote, and enhance the status of, public education in its territory, plan and coordinate educational services for the benefit of the persons who come under its jurisdiction, and ensure the quality of those services, with due respect for the principle of subsidiarity and with a view to providing support to educational institutions in the exercise of their responsibilities.****A further mission of a school board is to see to the effective and efficient management of its human, physical and financial resources, as well as the success of students, with a view to enabling the population to attain a higher level of formal education and qualification, and to contribute, to the extent provided for by law, to its region’s social, cultural and economic development.** | Same as Bill 86Some change in focus of school board’s mission. It is not primarily about organizing services, it is to promote public education and coordinating educational services while providing support to individual educational institutions. Part of its mission is to be efficient to enable greater levels of education and contribution to regional development. The notion of subsidiarity still causes concern in terms of equity. |
| **209.1.** For the exercise of its functions and powers, every school board shall adopt a strategic plan covering a period of up to five years stating (1) the context in which it acts, particularly the needs of its schools and centres, and the characteristics and expectations of the community it serves; (2) the main challenges it faces, including success issues, in line with the national indicators established by the Minister pursuant to section 459.1; (3) strategic directions and objectives in line with the directions and objectives of the strategic plan established by the Ministère de l'Éducation, du Loisir et du Sport as well as the other directions, goals or measurable objectives determined by the Minister under section 459.2; (4) the lines of intervention selected for the achievement of the objectives; (5) the results targeted over the period covered by the plan; and (6) methods for assessing the achievement of objectives.A draft strategic plan shall be presented to the public during a public information meeting.Public notice specifying the date, time and place of the meeting must be given at least 15 days before the meeting.The strategic plan must be updated to take into account any change in the school board's situation that could render any part of the strategic plan inaccurate or outdated. A draft of the updated strategic plan must be presented to the public in the manner provided for in the second and third paragraphs.Every school board shall send a copy of its strategic plan and, where applicable, its updated plan to the Minister and shall make them public.**209.2.** Every year, the school board and the principal of each of its educational institutions shall agree, within the scope of a management and educational success agreement, on the measures required to achieve goals and measurable objectives set out in the partnership agreement between the school board and the Minister.A draft of the management and educational success agreement must be submitted to the governing board for approval after consultation with the personnel of the institution.The management and educational success agreement shall take into account the institution's success plan and particular situation. It shall include (1) the terms of the institution's contribution; (2) the resources to be allocated by the school board specifically to enable the institution to achieve goals and measurable objectives; (3) the support and assistance measures to be made available to the institution; (4) the monitoring and accountability mechanisms to be put in place by the institution. | **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 consistent with that of 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 at least 60 days after sending it. The commitment-to-success plan comes into force on the date of its publication.****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 to defer publication of the educational project or to amend it.** | Creation of commitment-to-success plan to replace all the other strategic planning. Emphasis on targets and compliance with ministerial plan and directivesTeachers would be consulted, mechanism not clear; may have to be determined at local level.Not clear what the reason for specifying that two of the groups being consulted can make recommendations but not specifying it for the others – is there a legal distinction? If so, why?The board has the authority to require a school or centre to revise its educational project in order to ensure that its policies and objectives are in line with the commitment-to-success plan. This may provide boards with more oversight of individual schools and ensure that individual educational projects do not go too far off track. |
| **218.** Every school board shall facilitate the implementation, by means of the success plan, of the educational project of each school and of the aims and objectives of each centre. | **218.** Every school board shall facilitate the implementation **of the educational project of each school and** each centre. | Same as Bill 86 |
| **220.** Every school board shall inform the population in its territory of the educational and cultural services provided by the school board and report on the level of quality of such services. It shall make public a service statement setting out its objectives with regard to the level and quality of the services it provides.Every school board shall prepare an annual report giving the population in the territory an account of the implementation of its strategic plan and the results obtained with regard to the goals and measurable objectives set out in the partnership agreement entered into with the Minister.The report shall also give an account to the Minister of the results obtained with regard to the directions and objectives of the strategic plan established by the Ministère de l'Éducation, du Loisir et du Sport.In the report, the school board shall state separately for each school the nature of the complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman.The school board shall send a copy of the report to the Minister and make the report public no later than 31 December each year. | **220. 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.**In the report, the school board shall state separately for each school the nature of the complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman.The school board shall send a copy of the report to the Minister and make the report public no later than 31 December each year. | Broader than Bill 86 in that the board must report on all its targets, not just those set by MEES, in its annual report. Clear emphasis on numerical elements. |
| **220.1.** Every school board must invite the public to an information meeting at least once a year. The meeting may be held concurrently with one of the meetings provided for in section 162.Public notice specifying the date, time and place of the meeting must be given not less than 15 days before it is held.During the meeting, the commissioners must present the content of the annual report provided for in section 220 and answer any questions concerning the report. | Repealed | Same as Bill 86. Annual report made public but not necessarily at a special meeting. |
| **220.2.** After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints from students or their parents.The complaint examination procedure must enable a complainant who is dissatisfied with the handling of a complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the council of commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the school board's annual report.The school board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred. | **220.2.** After consulting with the parents' committee, every school board shall establish, by by-law, a procedure for the examination of complaints **related to its functions**.The complaint examination procedure must enable **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** complaint or with the outcome to refer the complaint to a person designated by the school board as the Student Ombudsman. The Student Ombudsman is designated after consultation with the parents' committee and on the recommendation of the governance and ethics committee. Neither a member of the council of commissioners nor a member of the personnel of the school board may act as Student Ombudsman.In addition to the measures the Minister may establish by regulation, the complaint examination procedure must provide that the Student Ombudsman must refuse or cease to examine a complaint upon becoming aware or being informed that the complaint concerns a fault or an act for which a complaint has been filed with the Minister under section 26. The procedure must also provide that, within 30 days after the complaint is referred, the Student Ombudsman must give the council of commissioners an opinion on the merits of the complaint and recommend any appropriate corrective measures.The Student Ombudsman must send the school board an annual report stating the number of complaint referrals received and their nature, the corrective measures recommended and any action taken. The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence. The report must be attached to the school board's annual report.The school board may enter into an agreement with another school board to designate the same person as Student Ombudsman and determine how to share the expenses incurred. | Same as Bill 86Complaints can be filed by students, homeschooled children or parents of either and if they are unsatisfied, they can avail themselves of the ombudsman’s services. This is with regard to the services provided by the board. |
| **221.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on schools, that each school has adopted an educational project to be implemented by means of a success plan. | **221.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on schools, that each school has adopted an educational project. | Concordance |
| **245.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on centres, that each centre has adopted policies and objectives to be implemented by means of a success plan. | **245.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on centres, that each centre has adopted **an educational project.** | Concordance |
| **261.** Every school board shall, in assigning personnel to its schools, vocational training centres and adult education centres, take into account the staffing requirements submitted to it by the school principals and the principals of the centres, and the applicable collective agreements.Every school board shall ensure that any person it hires to provide preschool education services or to teach at the elementary or secondary level holds a teaching licence issued by the Minister, except in cases where such a licence is not required. | **261.** Every school board shall, in assigning personnel to its schools, vocational training centres and adult education centres, take into account the staffing requirements submitted to it by the school principals and the principals of the centres, **the recommendations of the resource allocation committee under section 193.3** and the applicable collective agreements.Every school board shall ensure that any person it hires to provide preschool education services or to teach at the elementary or secondary level holds a teaching licence issued by the Minister, except in cases where such a licence is not required. | Modified from Bill 86. The resource allocation committee still makes recommendations but reference to the collective agreements is not qualified as it was in Bill 86. |
| **275.** After consulting with the governing boards and the parents' committee, the school board shall establish objectives and principles governing the allocation of subsidies, school tax proceeds and its other income among its educational institutions.The allocation shall be carried out in an equitable manner and reflect the needs expressed by the institutions and the social and economic disparities with which they must contend, the partnership agreement between the school board and the Minister and the management and educational success agreements between the school board and the institutions.The allocation shall include amounts for the operation of governing boards and amounts to meet the needs of the school board and its committees.The school board shall make public the objectives and principles governing the allocation and the criteria used to determine the amounts allocated. | **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 and in accordance with the rule prescribed by the fifth paragraph of that section.****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.** | Addition of the consultative process with resource allocation committee before establishing principles regarding allocation of money.Allocation must be equitable, taking into account the commitment-to-success plan, needs expressed by schools/centres and socio-economic concerns. Fine in principle, but commitment-to-success plans could have elements that contradict this notion of equity by creating incentives to meet targets by not providing as much service to certain students. |
| **402.** The Comité shall consist of members designated in the following manner: (1) each school board on the island of Montréal shall designate one person from among its elected commissioners; (2) the Minister shall designate two persons, one person chosen from among the managerial staff of the Ministère de l'Éducation, du Loisir et du Sport and another person domiciled on the island of Montréal, chosen after consultation with the parents' committees of the school boards on the island of Montréal.If a school board fails to make the designation as provided in subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the commissioners of that school board. | **402.** The Comité shall consist of members designated in the following manner: (1) each school board on the island of Montréal shall designate one person from among **commissioners elected or appointed under the Act respecting school elections (chapter E-2.3)** (2) the Minister shall designate two persons, one person chosen from among the managerial staff of the Ministère de l'Éducation, du Loisir et du Sport and another person domiciled on the island of Montréal, chosen after consultation with the parents' committees of the school boards on the island of Montréal.If a school board fails to make the designation as provided in subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the commissioners of that school board. | Parent commissioners are not elected. |
|  | **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 physical integrity of students and the safety and integrity of their property.** | Same as Bill 86 with slightly different numberMinister gives himself the authority to determine or limit specific activities that take place in school related to prevention and safety. This seems to be largely in reaction to the whole “strip search” issue. Does this mean that things like rainbow alliances will be mandated or prevented, for example? |
| **459.1.** After consultation with the school boards, the Minister shall establish national indicators and make them available to all school boards, particularly so that they may define, in their strategic plans, the main challenges they face. | **459.1.** After consultation with the school boards, the Minister shall establish national indicators and make them available to all school boards, particularly so that they may define, in their **commitment-to-success plans,** the main challenges they face. | As in Bill 86; Concordance |
| **459.2.** The Minister may determine, based on the situation of each school board, the ministerial directions and the goals and measurable objectives it must incorporate into its strategic plan.**459.3.** The Minister and the school board, within the scope of a partnership agreement, shall agree on the measures required to implement the school board's strategic plan.The partnership agreement shall include (1) the terms of the school board's contribution toward achieving the goals and measurable objectives determined by the Minister under section 459.2; (2) the means the school board intends to use to achieve the specific objectives it established under subparagraph 3 of the first paragraph of section 209.1; (3) the monitoring and accountability mechanisms to be put in place by the school board.**459.4.** The Minister shall evaluate the results obtained under each school board's strategic plan, at intervals determined by the Minister, and send the evaluation to the school board concerned.The Minister and the school board shall agree on any corrective measures to be put in place to ensure that the goals and measurable objectives set out in the partnership agreement between the school board and the Minister are achieved.If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve those goals or measurable objectives, the Minister may prescribe any additional measures to be put in place by the school board within a specified period. | **459.2. The Minister may determine, for all school boards or based on the situation of one or certain school boards, policy directions, objectives and 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 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.****459.4.** The Minister shall evaluate the results obtained under each school board's **commitment-to-success plan,** at intervals determined by the Minister, and send the evaluation to the school board concerned.The Minister and the school board shall agree on any corrective measures to be put in place to ensure that the **policy directions, objectives or targets set out in the commitment-to-success plan** are achieved.If, despite the corrective measures, the Minister considers it unlikely that the school board will be able to achieve **those policy directions, objectives or targets,** the Minister may prescribe any additional measures to be put in place by the school board within a specified period.**459.5. The Minister shall prepare a decentralized management practices guide for school boards and 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.** | Same as Bill 86. The Minister can set directions, objectives and targets for boards to take into account. Slight change in emphasis from them being individualized to them being the same but with provision for individualization.More detailed version but same principle as in Bill 86. Ministerial authority to determine the entire strategic planning process, including the possibility to have board amend plan prior to publication to make it consistent with the MEES’s strategic plan, its timeline and any expectations the minister has given the board.Reference in Bill 86 was only to what was imposed by minister under 459.2. Now, it is the entire plan which means that the minister could also put pressure on the board to achieve other elements that he/she did not determine; this could make it less likely for the board to add too much beyond whatever in imposed by the minister/ministry. The minister may also determine additional measures if targets are not met.Same as Bill 86Decentralized management guide prepared by MEESR. However, when one reads the next article, it appears that the intent is for a uniform approach to decentralization, at least in cases that the Minister deems have gone astray. It may present an opportunity to ensure that boards use the money that is attributed for specific purposes for those purposes, but at ministerial directive only. |
| **473.1.** The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal, in order to take into account special situations or to carry out certain projects or activities.Such subsidies may (1) be granted on the basis of general or special standards; (2) be subject to general conditions applicable to every school board, or to special conditions applicable to one or some of them; (3) be granted only to one or some of the school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal.For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l'Éducation, du Loisir et du Sport to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) does not apply to such an authorization. | **473.1.** The budgetary rules may, subject to the conditions or according to the criteria prescribed therein or determined by the Minister, provide for the granting of subsidies or authorize the Minister to grant subsidies to school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal, in order to take into account special situations or to carry out certain projects or activities. **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.**Such subsidies may (1) be granted on the basis of general or special standards; (2) be subject to general conditions applicable to every school board, or to special conditions applicable to one or some of them; (3) be granted only to one or some of the school boards or to the Comité de gestion de la taxe scolaire de l'île de Montréal.For the purposes of this section, the Minister may authorize any holder of a position at the Ministère de l'Éducation, du Loisir et du Sport to exercise functions or powers vested by the budgetary rules with respect to the subsidies granted under this section; section 11 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) does not apply to such an authorization. | Same as Bill 86Budgetary rules may indicate specific dollar amounts to schools/centres. If so, this could be very significant and would represent possible direct transfers for certain programs (NANS, full-time 4 year-old kindergarten). |
| **475.1.** The Minister shall also provide, in the budgetary rules referred to in section 472, for the payment of equalization grants to a school board on the island of Montréal equal to the amount obtained by subtracting the amount paid to the school board by the Comité de gestion de la taxe scolaire de l'île de Montréal under subparagraph 1 of the first paragraph of section 439 from the maximum yield of the school tax obtained, for the school board, by effecting the calculations set out in the second and third paragraphs of section 308.For the purposes of this section, any amount that exceeds the amount per student referred to in section 308 that has been approved by a referendum or that a school board must submit to its electors for approval shall not be taken into account. | **475.1.** The Minister shall provide, in the budgetary rules referred to in section 472, for the payment of equalization grants to a school board on the island of Montréal equal to the amount obtained by subtracting the amount paid to the school board by the Comité de gestion de la taxe scolaire de l'île de Montréal under subparagraph 1 of the first paragraph of section 439 from the **school board’s maximum tax proceeds, computed in accordance with section 308.** | Concordance |
|  | **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.** | Identical to Bill 86. Minister grants himself power to tell boards to apply correctives or oversight measures.  |
| **479.** The Government may, during or after the verification or investigation, order all or part of the powers and functions of a school board or of the Comité de gestion de la taxe scolaire de l'île de Montréal suspended for a period not exceeding six months and appoint an administrator to exercise the powers of the council of commissioners or of the Comité de gestion de la taxe scolaire de l'île de Montréal.The administrator appointed by the Government may, subject to the rights of third persons in good faith, annul any decision made by the school board or by the Comité de gestion de la taxe scolaire de l'île de Montréal under the powers which have been suspended.The Government may extend the suspension and the term of office of the administrator for a period not exceeding six months. | **479.** The Government may, during or after the verification or investigation, order all or part of the powers and functions of a school board or of the Comité de gestion de la taxe scolaire de l'île de Montréal suspended for a period not exceeding six months and appoint an administrator to exercise the powers of the council of commissioners or of the Comité de gestion de la taxe scolaire de l'île de Montréal.**The administrator appointed by the Government may not be prosecuted for acts performed in good faith in the exercise of his functions.**The administrator appointed by the Government may, subject to the rights of third persons in good faith, annul any decision made by the school board or by the Comité de gestion de la taxe scolaire de l'île de Montréal under the powers which have been suspended. |  |

Transitional and miscellaneous provisions

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| 53. The school boards’ strategic plans, the partnership agreements, the management and educational success agreements, the schools’ educational projects, the centres’ policies and the 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 33 of this Act, 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 9 and 41. | Current strategic planning that exists still stands until the first commitment-to-success plan is in place. The last sentence suggests that they need not be redone until then.An exception to the above is any surpluses that the MESA foresees to be carried over within the school; these sums will be dealt with by the resource allocation committee as of July 1, 2017 (presumably for 2018-2019 school year). |
| 54. 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 to allow them to 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 boardto amend it to make it consistent with the expectations communicated underthe third paragraph. | First commitment-to-success plan must take effect on July 1, 2018; school/centre’s educational project must take effect within one year of that date (July 1, 2019). This means that the 2017-2018 year will involve a strategic planning process at the school board and that schools and centres will have to develop their own plans over the following year. |
| 55. In any regulation made under the Education Act, “action plan” is replaced by “educational project”. |  |
| 56. 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.” | Transitional measures for any co-opted commissioner prior to the next school board elections. |
| 57. The provisions of this Act come into force on (*insert the date that is 30 days after the date of assent to this Act*), except(1) sections 8, 9, 24, 25, 27, paragraph 1 of section 28, sections 31, 32, 37,40 and 41, which come into force on 1 July 2017;(2) sections 1 to 7, 10 to 16, paragraph 2 of section 28, paragraph 1 of section 30, sections 33 to 35, 38, 39, 44 to 46, section 47 to the extent that it enacts section 459.5 of the Education Act, and section 55, which come into force on 1 July 2018;(3) sections 18 to 20 and paragraph 2 of section 21, which come into force on 4 November 2018. | All elements not specified otherwise come into effect 30 days after assent of ActEstablishment of resource allocation committee and its powers, change in mission of SB (subsidiarity), complaints mechanismChanges in definition of strategic planning terminology, expectations, reporting mechanisms, and ministerial power to add elementsFinal provisions for selection of co-opted commissioners  |

Elements of Bill 86 that have been dropped in Bill 105

* All the proposed elements where the governing board would have “adopted” rather than “approved” are gone: anti-bullying and anti-violence plan, rules of conduct and safety, school supplies and materials list, approach for implementing the BSR, approach for enrichment of programs, the incorporation of content required by the minister into the Broad Areas of Learning, and activities that change the student timetable. These would remain status quo.
* The governing board’s increased role in the evaluation of the principal and the selection of the principal are gone. The governing board would continue to indicate to the board its criteria for a principal, as is currently the case.
* A number of elements that would have made vocational education centres more directly influenced by employers have been removed: its responsibility to contribute to economic development, requiring the participation of employers in formulating the educational project, the minister specifically addressing labour market needs in voc ed when making the list of programs (though this last one could be done without having to change the law anyway).
* The elements that would have given the minister more direct control over a school board’s DG have been removed: direct reporting to the minister, five year limit to a contract, evaluation based primarily on management of board’s resources (regulation, so could be changed without changes to EA), possibility of naming replacement for up to 180 days, extension of suspension for up to a year.
* The new school council has been dropped and council of commissioners will remain with voting rights for parent commissioners.
* All the changes to the limits of taxation have been dropped and the possibility of having referendums for surtax remains.
* The school board would still have an executive committee, where Bill 86 proposed eliminating it.
* The addition of the teacher as a “key pedagogical figure”, whatever that may have meant, is gone.
* The requirement to explore sharing resources between boards, looking at joint management of buildings, playgrounds, etc. has also been dropped. Boards can still continue to explore this as they wish, but without the requirement.
* Students will not have to be consulted on the commitment-to-success plan.
* The elements that would have made it easier for some non-residents to receive free tuition have been removed.
* Certain technical changes to the proceedings of governing boards, including naming substitute members, are no longer proposed.
* The requirement to evaluate the principal primarily on the implementation of the educational project is gone, but this is within a regulation so it could be changed without changing the EA.