

THE BILL AMENDING THE EDUCATION ACT
AND VARIOUS LEGISLATIVE PROVISIONS

A COMPARISON OF CURRENT LEGISLATION, THE DRAFT BILL
AS CONSIDERED BY THE PARLIAMENTARY COMMITTEE
IN SEPTEMBER 1997 AND THE BILL

THE SCHOOL

November 1997

The redefinition of powers is an important part of the reform currently being introduced in education. It involves establishing a new balance between the responsibilities of the school, the school board, the government and the Minister.

The first action to be taken is a review of the legal framework that sets out the responsibilities of these parties. The bill that has been tabled introduces changes that in no way interfere with the application of student and teacher rights already granted under the Education Act.

The objective of educational success compels us to redefine the school's role to make it more autonomous and enable it to adapt its services to the needs and characteristics of its students and the community. The governing board will serve as the main vehicle for realizing this new autonomy on the part of the school and for reinforcing its ties with the community.

The school board, for its part, will be called upon to focus on strategic responsibilities, such as the distribution of resources to its schools, control and evaluation, all of which are in keeping with its function as a body directed by officials elected by universal suffrage.

A draft bill was examined by the parliamentary committee in September 1997. As you will see, the current bill takes into account the useful discussions held as a part of the proceedings of this parliamentary committee.

A handwritten signature in black ink, consisting of stylized initials 'PM' followed by a horizontal line and a small dot.

Pauline Marois
Minister of Education

INTRODUCTION

The bill outlines a new division of responsibilities between the school, the school board, the government and the Minister.

Under this division, each educational institution will be granted greater autonomy so that it can adapt its services to the needs and characteristics of its students.

Three types of institutions are established by school boards:

- schools, which dispense general education to young people;
- vocational education centres, which receive all students enrolled in vocational education;
- adult education centres, which dispense general education to adults.

The educational services offered by each category of institution are governed by a separate basic school regulation.

This document compares the current legislation, the amendments proposed in the draft bill as considered in September 1997, and the bill tabled before the National Assembly.

The School

The "new school," while legally part of the school board, falls under the authority of a governing board and school principal.

It carries out its mandate within the framework of an educational project which contains orientations and measures aimed at implementing, adapting and enriching the provincial educational project.

The governing board and the school principal have powers related to educational services and human, material and financial resources. The governing board also has powers related to community services and responsibility for evaluation.

The governing board makes decisions on the basis of proposals prepared by the school principal in concert with teachers and school personnel.

The school principal makes decisions that are more directly related to educational matters on the basis of proposals made by the teachers, who themselves determine the terms of their participation.

The governing board replaces the school committee and the orientation committee. However, the parents may, at their general meeting, form a participatory organization.

The current orientation committee, the governing board proposed in the draft bill, and the one proposed in the bill are described below.

ORIENTATION COMMITTEE	GOVERNING BOARD UNDER THE DRAFT BILL	GOVERNING BOARD UNDER THE BILL
<ul style="list-style-type: none"> • Composition: <ul style="list-style-type: none"> - parents of students attending the school, appointed by the school committee - at least two teachers - one member of the non-teaching professional staff - one member of the support staff - one community representative - two students in the second cycle of secondary school 	<ul style="list-style-type: none"> • Composition (not more than 14 members): <ul style="list-style-type: none"> - parents of students elected by their peers - at least two teachers - a person, other than a teacher, who provides student services or special educational services - a member of the support staff - a member of the day care staff - two community representatives - two students in the second cycle of secondary school 	<ul style="list-style-type: none"> • Composition (not more than 20 members): <ul style="list-style-type: none"> - parents of students elected by their peers - at least four members of the school staff, including at least two teachers - a member of the day care staff - two community representatives, who are not entitled to vote - two students in the second cycle of secondary school
<ul style="list-style-type: none"> • The number of parents must be equal to or greater than the number of representatives of other groups. 	<ul style="list-style-type: none"> • The number of parents and community representatives must be equal to or greater than the total number of representatives of the other groups. 	<ul style="list-style-type: none"> • The total number of seats for school staff representatives must be equal to the total number of seats for representatives of the other groups who are entitled to vote.
<ul style="list-style-type: none"> • The chair must be a parent. 	<ul style="list-style-type: none"> • The chair must be a parent or a representative of the community. 	<ul style="list-style-type: none"> • The chair must be a parent.
<ul style="list-style-type: none"> • The school principal takes part in committee meetings, but is not entitled to vote. 	<ul style="list-style-type: none"> • The school principal and the commissioner representing the electoral division take part in meetings of the governing board, but are not entitled to vote. 	<ul style="list-style-type: none"> • The school principal takes part in meetings of the governing board but is not entitled to vote. • Commissioners may attend when authorized to do so, but are not entitled to vote.

The School Board

The school board acts as an intermediary between its educational institutions and the ministère de l'Éducation. It is administered by a council of commissioners elected by universal suffrage.

The parents' committee is maintained. It is made up of one representative of each school elected at the parents' general meeting, and a member of the advisory committee on services for students with handicaps and students with learning or adjustment difficulties. Two members of the parents' committee sit on the council of commissioners; they may be replaced by members designated to act as substitutes.

The Government and the Minister of Education

The government and the Minister of Education will retain their powers of general orientation of the education system (basic school regulations, approval of programs of study, etc.), resource allocation, control and evaluation. Nevertheless, the number of administrative controls will be reduced.

A programs council is established, along with a teaching resource evaluation committee, a teacher training program accreditation committee and a teacher training policy committee. Their role is to advise the Minister on matters which come under her jurisdiction.

The methods of intervention of the ministère de l'Éducation will evolve accordingly.

The main current and future powers of the school and school board are presented below.

GENERAL POWERS

SCHOOL

CURRENT LEGISLATION

DRAFT BILL

BILL

<p>OC To determine the aims and objectives of the school and give its opinion as regards the measures likely to ensure their implementation and evaluation</p>	<p>GB To determine the orientations and plan of action of the school, oversee their implementation, and evaluate them</p>	<p>GB To adopt, oversee the implementation of, and evaluate the school's educational project</p>
	<p>GB To enter into agreements with other educational institutions</p>	<p>GB To pool goods and services or hold joint activities with another educational institution of the school board</p>
	<p>GB To temporarily delegate one or more of its powers to the school board</p>	<p>Power replaced by the gradual application, over two years, of duties related to educational services</p>
		<p>GB To approve the student supervision policy</p>
		<p>GB To approve rules of conduct and safety measures (other than those regarding expulsion from school)</p>

For each of the school's powers, the decision-making body is identified as follows:

OC : orientation committee

GB : governing board

SP : school principal

TP : proposal by teachers, approval by principal

GENERAL POWERS

SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To admit students under its jurisdiction to educational services	To admit students under its jurisdiction to educational services	To admit students under its jurisdiction to educational services
To enrol students in its schools	To enrol students in its schools	To enrol students in its schools, with priority given to students under its jurisdiction and whose place of residence is nearest to the school
To establish a three-year plan of allocation and destination of its immovables	To establish a three-year plan of allocation and destination of its immovables	To establish a three-year plan of allocation and destination of its immovables and to send it to each local municipality and regional county municipality in its territory
	To establish a policy regarding the maintenance or closure of its schools	To adopt a policy regarding the maintenance or closure of its schools
To enter into agreements with other school boards or educational institutions	To enter into agreements with other school boards or educational institutions	To enter into agreements with other school boards or educational institutions
To delegate some of its powers to the orientation committee or the principal	To temporarily exercise the powers of a governing board, at its request	To delegate certain powers to the principal

POWERS RELATED TO EDUCATIONAL SERVICES

SCHOOL

CURRENT LEGISLATION	DRAFT BILL	BILL
	GB To approve the approach to the implementation of the basic school regulation	GB To approve the approach to the implementation of the basic school regulation
	GB To approve the overall approach to the enrichment or adaptation of the programs of study and to the development of local programs	GB To approve the overall approach to the enrichment or adaptation of the programs of study and to the development of local programs
	GB To approve the time allocation for each subject	GB To approve the time allocation for each subject
	GB To adopt a student supervision policy	See general powers of the governing board
	GB To establish the programs of student services and special educational services	GB To approve the programs of student services and special educational services
OC To approve programming which entails changes to the regular schedule or which entails taking students off school premises	GB To approve programming which entails changes in the time at which students arrive or leave, or which entails taking them off school premises	GB To approve programming which entails changes in the time at which students arrive or leave, or which entails taking them off school premises
OC To adopt rules of conduct and safety measures (other than those regarding expulsion from school) and have them approved by the school board	GB To adopt rules of conduct and safety measures (other than those regarding expulsion from school)	See general powers of the governing board
		TP To approve local programs of study
	TP To adopt instructional methods	TP To approve standards for the implementation of new instructional methods

For each of the school's powers, the decision-making body is identified as follows:

OC : orientation committee

GB : governing board

SP : school principal

TP : proposal by teachers, approval by principal

POWERS RELATED TO EDUCATIONAL SERVICES













SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To determine the terms and conditions for implementing the basic school regulation	To ensure compliance with the basic school regulation	To ensure compliance with the basic school regulation
To enrich and adapt the programs of study and develop local programs of study	To ensure compliance with the programs of study	To ensure compliance with the programs of study
To determine the time allotted to each subject		
To develop and implement programs for student services and special educational services	To develop programs for student services and special educational services	To develop programs for student services and special educational services
To establish the school calendar	To establish the school calendar	To establish the school calendar
To expel a student from school	To expel a student from school	To expel a student from school
To assign an immovable for the purposes of a specific project	To assign an immovable for the purposes of a specific project	To assign an immovable for the purposes of a specific project at the request of a group of parents, after consulting the parents' committee and with the Minister's approval
	To allow that an exception be made to the provisions of the basic school regulation to allow the implementation of a special school project intended for a group of students	To allow that an exception be made to the provisions of the basic school regulations to allow the implementation of a special school project intended for a group of students; in the case of an exception to the list of subjects, with the Minister's approval
	To exempt a student from the application of a provision of the basic school regulation	To exempt a student from the application of a provision of the basic school regulation
To adopt criteria for the introduction of new instructional methods		

POWERS RELATED TO EDUCATIONAL SERVICES

CONT'D

SCHOOL

CURRENT LEGISLATION	DRAFT BILL	BILL
 To choose textbooks and instructional material in keeping with the criteria established by the school board	 To choose textbooks and instructional material	 To approve textbooks and instructional material
	 To establish standards and procedures for the evaluation of student achievement	 To approve standards and procedures for the evaluation of student achievement
	 To establish rules for the placement of students and their promotion from one grade to a higher one	 To approve rules for the placement of students and their promotion from one cycle to the other in elementary school
 To develop individualized education plans for students with handicaps and students with learning or adjustment difficulties	 To develop individualized education plans for students with handicaps and students with learning or adjustment difficulties	 To establish individualized education plans for students with handicaps and students with learning or adjustment difficulties in keeping with the policy of the school board and the evaluation of the students' abilities
	 To ensure that the minimum time prescribed for moral and religious education is respected	 To ensure that the minimum time prescribed for moral and religious education is respected

For each of the school's powers, the decision-making body is identified as follows:



orientation committee



governing board



school principal



proposal by teachers, approval by principal

POWERS RELATED TO EDUCATIONAL SERVICES























CONT'D

SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To adopt criteria for the selection of textbooks and instructional material		
To establish standards and procedures for the evaluation of student achievement and impose internal examinations in the subjects it prescribes	To ensure that schools evaluate student achievement and administer uniform examinations in the language of instruction, a second language and mathematics at the end of elementary school and at the end of the first cycle of secondary school	To ensure that schools evaluate student achievement and administer internal examinations in the subjects they determine at the end of each cycle of elementary school and at the end of the first cycle of secondary school
To establish rules for the placement of students and their promotion from one grade to a higher one and from elementary school to secondary school	To establish rules for the promotion of students from a cycle to another and from elementary school to secondary school	To establish rules for the promotion of students from elementary school to secondary school and from the first to the second cycle of secondary school
To recognize the learning acquired by a student otherwise than as prescribed in the basic school regulation	To recognize the learning acquired by a student otherwise than as prescribed in the basic school regulation	To recognize the learning acquired by a student otherwise than as prescribed in the basic school regulation
To adopt, by by-law, standards for the organization of educational services for students with handicaps and students with learning or adjustment difficulties	To adopt, by by-law, standards for the organization of educational services for students with handicaps and students with learning or adjustment difficulties	To adopt a policy concerning the organization of educational services for students with handicaps and students with learning or adjustment difficulties which is conducive to their integration into regular classes whenever possible, beneficial to the students and likely to facilitate their learning and integration into society
To adapt the educational services provided to students with handicaps and students with learning or adjustment difficulties	To adapt the educational services provided to students with handicaps and students with learning or adjustment difficulties on the basis of an evaluation of their strengths and weaknesses	To adapt the educational services provided to students with handicaps and students with learning or adjustment difficulties on the basis of an evaluation of their abilities
To establish an advisory committee on services for students with handicaps and students with learning or adjustment difficulties	To establish an advisory committee on services for students with handicaps and students with learning or adjustment difficulties	To establish an advisory committee on services for students with handicaps and students with learning or adjustment difficulties
To provide Catholic religious and moral instruction, Protestant moral and religious education, or moral education, according to the student's or parents' choice	To ensure that schools provide Catholic religious and moral instruction, Protestant moral and religious education, or moral education, according to the student's or parents' choice	To ensure that schools provide Catholic religious and moral instruction, Protestant moral and religious education, or moral education, according to the student's or parents' choice
To offer pastoral animation to Catholic students or guidance services to Protestant students as a part of student services	To ensure that schools offer pastoral animation to Catholic students or guidance services to Protestant students as a part of student services	To ensure that schools offer pastoral animation to Catholic students or guidance services to Protestant students as a part of student services

POWERS RELATED TO HUMAN, MATERIAL AND FINANCIAL RESOURCES

SCHOOL

CURRENT LEGISLATION	DRAFT BILL	BILL
	 To provide academic and administrative leadership	 To provide academic and administrative leadership and see to the implementation of the governing board's decisions
	 To inform the school board of the school's needs in terms of human resources, goods and services, and premises or immovables	 To inform the school board of the school's needs in terms of human resources, goods and services, and premises or immovables
 To prepare the annual budget of the school and submit it to the school board for approval	 To adopt the school's annual budget estimates and submit them to the school board for approval	 To approve the budget and submit it to the school board for approval
 To determine the use of school premises	 To approve the use of school premises and enter into agreements regarding their use	 To approve the use of school premises and enter into agreements regarding their use
	 To require a financial contribution from users for community services	 To require a financial contribution for community services and solicit contributions to be paid into a fund
 To manage the school staff and determine the duties and responsibilities of each staff member	 To manage the school staff and determine the duties and responsibilities of each staff member	 To manage the school staff and determine the duties and responsibilities of each staff member
	 To organize professional development activities as agreed with school staff members	 To see to the organization of professional development activities as agreed with school staff members
	 To see to the maintenance of property placed at the disposal of the school	 To be responsible for the maintenance of property placed at the disposal of the school
 To administer the budget of the school	 To administer the budget of the school	 To administer the budget of the school and render accounts to the governing board

For each of the school's powers, the decision-making body is identified as follows:



OC : orientation committee



GB : governing board



SP : school principal



TP : proposal by teachers, approval by principal

POWERS RELATED TO HUMAN, MATERIAL AND FINANCIAL RESOURCES

SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To assign personnel to its schools, taking into account the staffing requirements submitted by the school principals, and to determine rules and procedures for the allocation of financial resources	According to the needs expressed by the governing boards, to allocate resources among its schools equitably and without discrimination	To allocate resources equitably among its schools, taking into account social and economic inequalities and the needs expressed by the schools
To allocate premises or immovables to each school	To allocate premises or immovables to each school	To allocate premises or immovables to each school
To approve the budget of its schools	To approve the budget of its schools	To approve the budget of its schools
	To see to the maintenance in good condition of property placed at the disposal of its schools	To see to the maintenance in good condition of property placed at the disposal of its schools
	To make separate appropriations for each school's budget and to be accountable for the financial transactions of its schools	To appoint an officer to make separate appropriations for each school's budget and to be accountable for the financial transactions of its schools
To provide student transportation	To provide student transportation	To provide student transportation
To contract short-term loans with prior authorization from the Minister	To contract short-term loans (less than one year) without prior authorization from the Minister	To contract short-term loans with prior authorization from the Minister

POWERS RELATED TO COMMUNITY SERVICES

SCHOOL

CURRENT LEGISLATION	DRAFT BILL	BILL
	GB To organize services other than those prescribed by the basic school regulation	GB To organize services other than those prescribed by the basic school regulation
	GB To organize day care services	not retained
	GB To organize social, cultural or sports activities for its students or for the community	GB To organize social, cultural or sports activities for its students or for the community
	GB To contract with persons or organizations for the provision of goods and services	GB To contract with persons or organizations for the provision of goods and services

POWERS RELATED TO EVALUATION AND CONTROL

SCHOOL

CURRENT LEGISLATION	DRAFT BILL	BILL
	GB To prepare an annual report and transmit a copy to the school board	GB To prepare an annual report and transmit a copy to the school board
	GB To inform the community of the services the school offers and report on the quality of these services	GB To inform the community of the services the school offers and report on the quality of these services

For each of the school's powers, the decision-making body is identified as follows:



orientation committee



governing board



school principal



proposal by teachers, approval by principal

POWERS RELATED TO COMMUNITY SERVICES

SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To organize services other than those prescribed in the basic school regulation		
To provide day care services		At the request of a governing board, to provide day care services on school premises
To enter into an agreement with another school board, an educational institution, a municipality or a community organization to establish sports, cultural or recreation centres or playgrounds	To enter into an agreement with another school board, an educational institution, a municipality or a community organization to establish public libraries, administrative, sports, cultural or recreation centres or playgrounds	To enter into an agreement with another school board, an educational institution, a municipality or a community organization to establish public libraries, administrative, sports, cultural or recreation centres or playgrounds
To contract with persons or organizations for the provision of goods and services		

POWERS RELATED TO EVALUATION AND CONTROL

SCHOOL BOARD

CURRENT LEGISLATION	DRAFT BILL	BILL
To prepare an annual report and transmit a copy to the Minister	To prepare an annual report and transmit a copy to the Minister	To prepare an annual report and transmit a copy to the Minister
To inform the community of the services provided and report on the quality of these services	To inform the community of the services offered and report on the quality of these services	To inform the community of the services offered and report on the quality of these services
	Where an institution fails to comply with the law, to substitute its decisions for the decisions of the institution	Where an institution fails to comply with the law, to substitute its decisions for the decisions of the institution

