

Regulations and other Acts

Gouvernement du Québec

O.C. 522-2020, 13 May 2020

An Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1)

Postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions

Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions

WHEREAS the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1) was assented to on 8 February 2020;

WHEREAS, under section 331 of the Act, the Government may, by regulation, take, before 8 August 2021, any measure useful for carrying out the Act or fully achieving its purpose;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and suspended educational and instructional services;

WHEREAS the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020 and until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020 and until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions:

— the public health emergency declared by the Government on 13 March 2020 and renewed since then involves physical distancing and a cessation of activities which may make the smooth establishment of the first school service centres' boards of directors difficult within the periods provided for in the Act to amend mainly the Education Act with regard to school organization and governance;

— considering that the designation of certain categories of members of boards of directors must take place, under the Act, not later than 1 June, it is important to postpone that period to allow as many interested and qualified people as possible to make themselves available to hold that office crucial during a period of transition and implementation of measures to improve school governance provided for in the Act;

— the date of coming into force of sections 166,167, 176 and 177 must be clarified considering their inclusion in two separate paragraphs of coming into force where only one coming into force on 1 July 2020 for all was desired, rather than different dates of coming into force according to the type of school service centre, that is, 15 June 2020 or 5 November 2020;

WHEREAS it is expedient to make the Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education and Higher Education:

THAT the Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the postponement of the designation and taking office of members of school service centres' boards of directors and the coming into force of certain provisions

An Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1, s. 331)

- 1.** The Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1) is amended in section 317 by adding the following sentence at the end of the first paragraph: "From 15 June 2020 to 15 October 2020, the director general assumes the functions assigned by law to the school service centre's board of directors and its members."
- 2.** Section 318 is amended by replacing "15 June 2020" by "15 October 2020".
- 3.** Section 321 is amended by striking out "of the institutions that come under the jurisdiction of an English-language school board".
- 4.** Section 325 is amended by inserting "of a French-language school service centre's board of directors must be held not later than 23 October 2020 and that" after "sitting".
- 5.** Section 329 is amended by replacing "15 June 2020 in the case of a French-language school board" in the second paragraph by "15 October 2020 in the case of a French-language school board or school service centre".
- 6.** Section 332 is amended by replacing "15 June 2020" in subparagraph 3 of the first paragraph by "15 October 2020".
- 7.** Section 335 is amended by replacing "163 to 181" in paragraph 1 by "163 to 165, 168 to 176, 178 to 181".

- 8.** Schedule I is amended in section 7 by replacing
 - (1) "1 May 2020" in the first paragraph by "22 September 2020";
 - (2) "1 June 2020" in the third paragraph by "6 October 2020".
 - 9.** Schedule I is amended in section 15 by replacing "1 June 2020" by "6 October 2020".
 - 10.** Schedule I is amended in section 17 by replacing "1 May 2020" by "1 September 2020".
 - 11.** Schedule I is amended in section 20 by replacing "10 June 2020" by "14 October 2020".
 - 12.** Schedule I is amended in section 25 by replacing "which of them will have a two-year term" by "which of them will have a term that will end on 30 June 2022 and which of them will have a term that will end on 30 June 2023".
 - 13.** Schedule II is amended in section 3 by replacing "1 June 2020" by "1 November 2020".
 - 14.** The designation of a person made in accordance with a Schedule to the Act to amend mainly the Education Act with regard to school organization and governance before 14 May 2020 remains valid.

Despite the foregoing, the taking office of that person as a member of a school service centre's board of directors complies with the rules prescribed by the Act as it reads as of that date.
 - 15.** This Regulation comes into force on 14 May 2020.
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