



Bill 105

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March 2017

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Summary of Final Version

The final version of Bill 105 was adopted in November 2016. This document summarizes the main changes that the bill will bring to the Education Act.

Strategic Planning

The strategic planning process for school boards and schools/centres will be changed. For a school board, the strategic plan and partnership agreement will be replaced by the commitment-to-success plan. For schools and centres, success plans, management and educational success agreements and centre policies and objectives are eliminated. Every institution, including centres, will now have an educational project only, but with many of the elements from the other plans and agreements incorporated into it.

The school board's commitment-to-success plan must include:

- 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;
- the directions and objectives selected;
- the targets for the period covered by the plan;
- the indicators, particularly Québec-wide indicators, to be used to measure achievement of those objectives and targets;
- a service statement setting out its objectives with regard to the level and quality of the services it provides;
- any other element determined by the Minister.

The new educational project for schools and centres must include:

- the context in which the school acts and the main challenges it faces, particularly with respect to academic success (youth sector);
- 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 (adult education and vocational education);
- the specific policies of the school/centre and the objectives selected for improving student success;
- the targets for the period covered by the educational project;
- the indicators to be used to measure achievement of those objectives and targets;
- the intervals at which the educational project is to be evaluated, determined in collaboration with the school board.

With respect to the educational project, it should be noted that one element that was present in the original version of Bill 105, the determination of the measures used to achieve the objectives and targets, has been removed and will be determined by staff proposal to the principal. This will prevent the governing board from going so far as to dictate specific practices, which was one of the key concerns raised by QPAT.

The Minister will reserve the right to delay the implementation of a commitment-to-success plan

if it does not line up with ministerial objectives. The school board will in turn have the power to delay the implementation of the educational project of a school or centre if it does not fit with the commitment-to-success plan. These delays are to allow the school board or the school/centre, as the case may be, to align their plans with those of the body above them.

Current plans do not have to be updated or modified immediately; they are automatically extended until the implementation of the new plans. The first commitment-to-success plans must be in place by July 1, 2018 and the first new version of the educational project must be in place by July 1, 2019. The timeframe of the commitment-to-success plan must be in line with the timeframe of the ministry's strategic plan. In turn, the timeframe of the educational project must be in line with the commitment-to-success plan.

With respect to the school board's commitment-to-success plans, teachers are one of the groups that must be consulted as the board develops the plan. With respect to the educational project, teachers within the school or centre should be part of a consultation process in order to be able to mandate their representatives at the Governing Board who will have to vote on the project.

Resource Allocation Committee

The resource allocation committee will be established as of July 1, 2017 in each school board. It can have up to fifteen members, the majority of whom must be principals/directors selected by their peers. The Director General and the individual responsible for special needs services are also part of the committee, as well as at least one other individual from another area of management. The committee may invite other members of school personnel to attend the meeting but without voting rights.

The committee will make recommendations to the Council of Commissioners regarding the allocation of the board's revenues as well as the distribution of student and professional services following a consultation process. The commissioners must then vote upon the recommendations and provide reasons should they choose to vote against them. A vote against the recommendations will require only a simple majority of the commissioners, and not the 2/3 majority proposed in the original version of the bill. The committee will also make recommendations regarding the allocation of school surpluses. In short,

this will grant this committee a great deal of potential influence; the degree to which it will actually seek to exert such influence remains to be seen.

The advisory committee on management can assume the functions of the resource allocation committee if so determined by the commissioners, so long as the composition requirements of the resource allocation committee are respected.

Subsidiarity

The final version of Bill 105 retained the notion of subsidiarity, defining it as "...the principle whereby powers and responsibilities must be delegated to the appropriate level of authority so that decision-making centres are adequately distributed and brought as close as possible to the students, citizens and communities concerned". In other words, decisions should be brought as close as possible to those who will be affected, but with the understanding that this may be done differently in each board. Significantly, the main mission of a school board will remain the organization of educational services for all the people it serves, which is not what the original version of the bill contained. Taken as a whole, the final version of Bill 105 responds to some of the concerns expressed by QPAT where we apprehended a negative impact on the equity of educational services across schools if the school board's role in making decisions and organizing services had been diminished.

Ministerial Authority

The Minister will have authority regarding policy objectives, orientations and targets for each school board. The Minister will also have the possibility of giving directives to a school board regarding its administration and operation. He or she will also have the possibility to decide that certain budgetary measures must be transmitted directly or in whole to schools or centres.

School Board Governance

Parent commissioners now have the right to vote at the meetings of the Council of Commissioners. The bill also puts into place co-opted commissioners who represent the sports or health milieus with a view to promoting healthy lifestyles. If the elected commissioners and the parent commissioners wish, they can also seek to add another co-opted commissioner from a different background, such as culture, business, labour or social groups.