



**POLICY CONCERNING THE MODIFICATION OR REVOCATION OF
A DEED OF ESTABLISHMENT**
(Adopted April 6, 2001)

1.0 Purpose :

- 1.1 The purpose of this policy is to set out the principles and procedures for the Central Québec School Board concerning the modification or the revocation of the deed of establishment of one or more primary or secondary schools in accordance with sections 211 and 212 of the Education Act (see appendix 1).
- 1.2 The decision to modify or to revoke the deed of establishment of a school rests with the Council of Commissioners following appropriate consultation.

2.0 Legal framework :

- 2.1 Sections 36, 39, 40, 79, 193 (3), 211, 212, 236 of the Education Act (see appendix 1)
- 2.2 Basic School Regulations
- 2.3 Relevant collective agreements

3.0 Objectives :

- 3.1 To identify the criteria that will guide administrators and commissioners during the process leading to the decision to modify or revoke the deed of establishment of a school and to identify consultation and communication procedures.
- 3.2 To maintain the highest possible quality of educational services in a pedagogically viable environment.
- 3.3 To ensure the effective use of human, financial and material resources including school buildings.
- 3.4 Notwithstanding the above, to continue to provide English education services for a given community.
- 3.5 To respect the stipulations of the Education Act, collective agreements, and contractual obligations.

4.0 General Principles :

- 4.1 It is the School Board's primary mandate to provide educational programs and services in suitable facilities and within a balanced budget. The School Board shall implement the consolidation of school enrolment where reorganisation is considered to be educationally advantageous and economically viable.

When the consolidation of school enrolment results in the possibility of school closure, the School Board shall consider alternatives such as changing school organisation and programs, and all possible funding sources.

- 4.2 Within the limits of the resources allocated to a school according to the principles of equity as set out in the Budget Management Process Book, solutions adapted to each community will be sought.
- 4.3 The decision to substantially modify the educational services offered in a school or to close a school must be supported by a study, carried out by the school board, of the evolution of the projected student population over a five-year period.

5.0 Factors to be considered :

- 5.1 Programs to be offered and sustained.
- 5.2 Class size, the distribution of classes, and the number of levels in multi-level classes.
- 5.3 The particular needs of the students and the community.
- 5.4 The cost and feasibility of organising special programs, including services for students with special needs, complementary services, and other services such as supervision and day care.
- 5.5 Costs related to the operation of the school building and the estimation of costs related to major repairs, over a five-year period, in relation to the probable evolution of the student population.
- 5.6 The allocation of human resources including staffing ratios.
- 5.7 Transportation times and distances to the nearest alternative school.

6.0 Procedure :

- 6.1 The Council of Commissioners will appoint an ad hoc committee to review the criteria and to formulate a recommendation to the Council.
- 6.2 The ad hoc committee will be composed of a minimum of three commissioners, the principal(s) of the school(s) concerned, the chair of the governing board(s) concerned, and Board Office administrators as designated by the Director General.

- 6.3 The ad hoc committee will report to the Council of Commissioners according to the timeline below.

7.0 Calendar (time line) :

- 7.1 Before June of one school year: Following receipt of the official enrolment projections for the following school year, the School Board administration shall study these projections in light of educational program requirements, school population changes, financial constraints, collective agreements, and any other matters, including recommendations received from the governing boards or the parents' committee.

- 7.2 By August : The Council of Commissioners is informed, by the school board administrators, of the names of all schools for which a modification or the revocation of the deed of establishment is proposed, and an ad hoc committee will be formed as in section 6.0.

- 7.3 October : Presentation, at a working session of the Council of Commissioners, by the ad hoc committee, of a draft report on the modification or the revocation of the deed of establishment of schools for the following year or years.

- 7.4 November : The Council of Commissioners receives the draft report and launches the consultation process with the governing boards concerned, the Parents' Committee and associations/unions representing staff members.

Consultations may include general meetings with parents and staff, presentations by other concerned groups, reception of briefs, small group meetings with governing boards, school councils, etc., and presentations to the school board.

- 7.5 January : A working session for commissioners will be held followed by a regular or special meeting of the council to adopt the three-year plan.

- 7.6 July of the next school year : The decision to modify or revoke the deed of establishment of a school takes effect.

- 7.7 However, a decision may be made to close a school or to substantially modify the services offered at any time when general assemblies of parents and staff have been held and the governing board(s) agree.

- 7.8 Within the constraints of its contractual obligations, the board reserves the right to modify the usual time frame and/or sequence when special circumstances are identified.

8.0 Communication :

- 8.1 The principal, staff, staff associations, and governing board will be notified and informed in writing of the process to take place. Information will be sent, by letter, to the parents of children who would normally attend the school(s) concerned, as soon as the three-year plan is adopted.

9.0 Review of policy :

9.1 This policy will be reviewed at least every two years.

Policy concerning the modification or revocation of a deed of establishment

Extracts from the Education Act (R.S.Q., ch. I-13.3)

Object.

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.

Mission.

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.

Educational project.

A school shall pursue its mission within the framework of an educational project implemented by means of a success plan.

1988, c. 84, s. 36; 1990, c. 78, s. 54; 1997, c. 96, s. 13; 2000, c. 24, s. 19; 2002, c. 63, s. 2.

Educational project.

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.

2002, c. 63, s. 3.

Establishment.

39. Schools shall be established by the school board.

Deed.

The deed of establishment shall state the name and address of the school, indicate the premises or immovables placed at the school's disposal and specify the level of instruction the school is to provide.

1988, c. 84, s. 39; 1997, c. 96, s. 13.

Revocation.

40. A school board may, after consulting with the governing board or at its request, amend or revoke the deed of establishment of a school in keeping with the three-year plan of allocation and destination of the school board immovables.

1988, c. 84, s. 40; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

Consultation.

79. The school board must consult with the governing board concerning

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

1988, c. 84, s. 79; 1997, c. 96, s. 13; 2000, c. 24, s. 21.

Consultation.

193. The parents' committee shall be consulted on the following matters:

- 3) the policy in respect of the continued operation or closing of schools;

1988, c. 84, s. 193; 1990, c. 8, s. 17; 1990, c. 78, s. 54; 1997, c. 47, s. 14; 1997, c. 96, s. 37; 2002, c. 63, s. 23.

Immovables.

211. Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school board shall establish a three-year plan for the allocation and destination of its immovables. The school board shall transmit the plan to every municipality or metropolitan community consulted.

Deed of establishment.

The school board shall then draw up, in accordance with the plan, a list of its schools, and of its vocational training and adult education centres, if any, and shall issue a deed of establishment to them.

Allocation of premises.

Where two or more educational institutions are established in the same premises or immovables, the school board shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.

Coordinating committee.

In the case described in the third paragraph, the school board may, at the request of the governing boards concerned, establish a coordinating committee composed of representatives of the governing boards and determine the distribution of powers and functions between the governing boards and the coordinating committee, as well as the administrative and operating rules applicable to the coordinating committee.

Single principal.

The school board may also appoint a single principal for all the institutions and one or more vice principals for each institution. In such a case, the school board, after consulting with the governing boards concerned, shall determine the distribution of powers and functions between the principal and the vice principals.

1988, c. 84, s. 211; 1990, c. 8, s. 22; 1997, c. 96, s. 50; 2000, c. 56, s. 159; 2002, c. 68, s. 52; 2003, c. 19, s. 203.

Educational services.

236. Every school board shall determine the educational services to be provided by each of its schools.

1988, c. 84, s. 236.