



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 12
(2019, chapter 9)

**An Act to clarify the scope of the right
to free education and to allow
the regulation of certain financial
contributions that may be required**

Introduced 21 February 2019
Passed in principle 4 April 2019
Passed 6 June 2019
Assented to 7 June 2019

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EXPLANATORY NOTES

This Act amends the Education Act in order to clarify the financial contributions that may be required of students and their parents.

Financial contributions may thereby be required in regard to certain services provided within the scope of special school projects determined by regulation of the Minister and certain school activities determined by such regulation.

The Act clarifies the scope of the right to free instructional material and empowers the Minister to determine, by regulation, the material to which this right does or does not apply.

Furthermore, the governing board must approve the financial contributions that are proposed by the principal. The Minister is empowered to determine, by regulation, the standards for those contributions.

Under the Act, school boards must see to it that their schools and vocational training centres do not require payment of fees contrary to law, including administrative fees.

The school's governing board must form, at the parents' request, a parents' committee so as to make recommendations regarding the childcare services provided by the school board.

The Government is empowered to set, by regulation, standards relating to the financial contributions required for student transportation and childcare services provided at school.

Lastly, consequential amendments and transitional measures are set out.

LEGISLATION AMENDED BY THIS ACT:

- Education Act (chapter I-13.3).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting childcare services provided at school (chapter I-13.3, r. 11).

Bill 12

AN ACT TO CLARIFY THE SCOPE OF THE RIGHT TO FREE EDUCATION AND TO ALLOW THE REGULATION OF CERTAIN FINANCIAL CONTRIBUTIONS THAT MAY BE REQUIRED

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 3 of the Education Act (chapter I-13.3) is amended by adding the following paragraphs at the end:

“The right to free educational services provided for in this section does not extend to services provided within the scope of special school projects determined by regulation of the Minister or to school activities determined by such regulation, to the extent and on the conditions provided in the regulation. However, the right to free services does extend in all cases to administrative fees such as selection, file opening and examination fees as well as staff training fees.

Despite the fourth paragraph, schools may require a financial contribution for a service provided within the scope of a special school project only if they offer the choice of an educational pathway exempt from such a contribution. This paragraph does not apply to schools established under section 240.”

2. Section 7 of the Act is amended

(1) in the first paragraph,

(a) by inserting “the implementation of programs of activities or for” after “required for”;

(b) by inserting “, except in the cases provided in the applicable basic regulation” at the end;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The instructional material referred to in the first paragraph includes laboratory equipment, physical education equipment, art supplies and technological devices.

The right of free use does not extend to documents in which students write, draw or cut out, nor to material for personal use, except documents and material specified by regulation of the Minister and to the extent and on the conditions provided in the regulation.

“Material for personal use” includes school supplies, such as pencils, erasers and day planners, material for personal organization, such as pencil cases and school bags, and clothing items, such as school uniforms and physical education clothing.”

3. The Act is amended by inserting the following section after section 75:

“75.0.1. The governing board is responsible for approving any financial contribution, proposed by the principal, required under section 3, the third paragraph of section 7 or the third paragraph of section 292. Before approving any contribution, the governing board shall take into account the other contributions that it has approved or that are being proposed to it.

The proposals relating to contributions required under section 3 or the third paragraph of section 7 shall be developed in collaboration with the teachers and be accompanied by a justification for the nature and amount of the required fees.

A required contribution may not exceed the actual cost of the good or service concerned.”

4. Section 77.1 of the Act is amended

(1) by replacing “mentioned in the second” in the first paragraph by “referred to in the third”;

(2) by replacing “, on the principal’s proposal, a list of the objects mentioned in the third” in the second paragraph by “the list, proposed by the principal, of the material for personal use referred to in the fourth”;

(3) by adding the following sentence at the end of the second paragraph: “That list shall be developed in collaboration with the teachers.”

5. Section 212.1 of the Act is amended by replacing “second and third” in the first paragraph by “third and fourth”.

6. The Act is amended by inserting the following section after section 212.1:

“212.2. The school board shall see to it that its schools and vocational training centres comply with the conditions applicable to required financial contributions and that the schools and centres do not, under any circumstances, require payment of fees contrary to law, including administrative fees.”

7. Section 222.1 of the Act is amended by inserting “of activities or” after “programs” in the first paragraph.

8. Section 230 of the Act is amended by inserting “the implementation of programs of activities or for” after “used for” in the second paragraph.

9. Section 243 of the Act is amended by inserting “of activities or” after “programs”.

10. Section 256 of the Act is amended by adding the following paragraphs at the end:

“If childcare is so provided, the governing board shall, at the request of parents, form a childcare parents’ committee that is composed of the childcare provider, the principal or his representative and three to five parents elected by and from among the parents of students attending childcare.

The committee may make recommendations to the principal, governing board and school board regarding childcare services, including the financial contributions required for those services.”

11. Section 453 of the Act is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) set standards for the cost that may be claimed for the service.”

12. Section 454.1 of the Act is amended by replacing “and the general organizational framework for childcare provided at school” in the second paragraph by “childcare provided at school as well as its general organizational framework and the financial contributions that may be required for the service”.

13. The Act is amended by inserting the following section after section 457.2:

“457.2.1. The Minister may, by regulation,

(1) determine the services and school activities to which the right to free educational services, provided for in section 3, does not apply;

(2) specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7, does or does not apply; and

(3) establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3, section 7 or the third paragraph of section 292, does not apply.

The standards provided for in the first paragraph may vary according to the basic regulation, level of instruction or school project to which they apply.”

14. The Act is amended by inserting the following section after section 475.1:

“475.2. The Minister shall also, in the budgetary rules referred to in section 472, provide for the allocation, to school boards, of a subsidy allowing, in the Minister’s opinion, the financing of two school activities, including transportation, for each student enrolled in preschool education services or in elementary or secondary school instructional services.

The allocation of the subsidy provided for in the first paragraph may take into account special conditions applicable to certain school boards, in particular their geographic location.”

REGULATION RESPECTING CHILDCARE SERVICES PROVIDED AT SCHOOL

15. Division V of Chapter II of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), comprising section 18, is repealed.

TRANSITIONAL AND FINAL PROVISIONS

16. The first regulation made by the Minister under section 457.2.1 of the Education Act (chapter I-13.3), enacted by section 13 of this Act, is not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1).

Two years after the regulation comes into force, it must be examined by the competent committee of the National Assembly for a period not exceeding three hours.

17. This Act comes into force on 1 July 2019, except section 1, to the extent that it enacts the fifth paragraph of section 3 of the Education Act, which comes into force on 1 July 2020.

