

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 68
AN ACT RESPECTING PRIVATE EDUCATION

Bill 141

Introduced by Mr Michel Pagé, Minister of Education

Introduced 15 May 1991

Passage in principle 11 June 1991

Passage 18 December 1992

Assented to 22 December 1992

Coming into force: 1 July 1993, except

(1) the provisions of sections 154, 162, 163 to 166 and 168 and the second paragraph of section 177, which will come into force on 22 December 1992;

(2) the provisions of the second and third paragraphs of section 171 and section 172, which will come into force on 1 January 1993

Acts amended:

Charter of the French language (R.S.Q., chapter C-11)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Taxation Act (R.S.Q., chapter I-3)

Education Act (R.S.Q., chapter I-13.3)

Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15)

Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)

(Cont'd on next page)

Act replaced:

Act respecting private education (R.S.Q., chapter E-9) (*with exceptions*)



CHAPTER 68

An Act respecting private education

[Assented to 22 December 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE AND INTRODUCTORY PROVISIONS

Applicability

1. This Act applies to every private educational institution dispensing all or some of the educational services belonging to one or more of the following categories:

- (1) preschool developmental and cognitive learning services;
- (2) elementary school instructional services;
- (3) secondary school instructional services in general education;
- (4) secondary school instructional services in vocational education in the vocational education programs appearing on the list established by the Minister of Education under section 463 of the Education Act (R.S.Q., chapter I-13.3) the purpose of which is to lead to a diploma, certificate or other official attestation awarded by the Minister;
- (5) secondary school adult education services in general education;
- (6) secondary school adult education services in vocational education, in the same programs and for the same purposes as those mentioned in paragraph 4;
- (7) instructional services in general education at the college level;

(8) instructional services in vocational training at the college level the purpose of which is to lead to a diploma or certificate awarded by the Minister of Higher Education and Science or to an attestation of college studies awarded by the institution pursuant to the Regulation respecting the Basis of College Organization enacted under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(9) supplementary vocational training, namely vocational training in the fields appearing on the list established for that purpose by government regulation and not intended to lead to a diploma, certificate or other official attestation awarded by the Minister of Education or the Minister of Higher Education and Science or to an attestation of college studies awarded by the institution.

References **2.** Paragraphs 1 to 3, 5 and 7 of section 1 refer to education or instruction intended mainly to develop students' abilities in subjects preparing them for studies at the elementary, secondary, postsecondary, college or university level, as the case may be.

Object Vocational education or vocational training is intended mainly to develop students' abilities so as to prepare them for an occupation, a trade or a profession.

Presumption **3.** Any person or body dispensing, for profit or non-profit purposes, educational services for his or its own account shall be deemed to be operating an educational institution.

Applicability **4.** In addition to the exclusions provided for by government regulation, this Act does not apply

(1) to an institution operated under an Act by a government department or a body which is a mandatory of the Government;

(2) to institutions whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1);

(3) to natural persons dispensing alone, at home, educational services to children exempted from compulsory school attendance, as provided in subparagraph 4 of the first paragraph of section 15 of the Education Act;

(4) to natural persons dispensing alone to less than five students at any one time certain subjects of a category of educational services

mentioned in section 1, provided that those of the students who are subject to compulsory school attendance under Division II of Chapter I of the Education Act otherwise fulfil that obligation;

(5) to an establishment with regard to supplementary vocational training dispensed to persons who participate at their employer's request for the purposes of their work.

Functions
and powers

5. The Minister of Education shall exercise the functions and powers of the Minister provided for in this Act with regard to preschool education and elementary school and secondary school education, adult education and supplementary vocational training, the Minister of Higher Education and Science with regard to college level education, and the Minister of Transport with regard to student transportation.

Interpreta-
tion

6. The word institution, where used in this Act to refer to the subject of rights or obligations, means the person operating the institution to which the provision concerned applies.

Body
without
legal
personality

7. In the case of a body not endowed with legal personality, the provisions of this Act shall apply as if the body were endowed with legal personality; the obligation to comply with such provisions lies with the persons responsible for the administration of the body.

Civil part-
nership

In the case of a civil partnership, the obligation lies with both the partnership and the partners.

Statutory
instrument

8. Every reference to a statutory instrument made under the Education Act or the General and Vocational Colleges Act includes present and future amendments.

Interpreta-
tion

For the purposes of those statutory instruments, the terms "school board" and "college" mean a private educational institution or the person operating such an institution, as the case may be.

Interpreta-
tion

9. In this Act, "school year" means the period beginning on 1 July of one year and ending on 30 June of the following year.

CHAPTER II

PERMITS

Permit

10. No person may operate a private educational institution to which this Act applies unless he is the holder of a permit, issued by

the Minister, for the institution and the educational services or categories of educational services mentioned in section 1 that are dispensed.

Prohibi-
tions

11. Unless otherwise mentioned in the permit, its holder is not authorized to operate

(1) an institution dispensing, as distance education, educational services or categories of educational services mentioned in the permit ;

(2) an institution limiting admission to all or some of the educational services or categories of educational services mentioned in the permit to handicapped persons, within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), or to students with social maladjustments or learning disabilities.

Eligibility

12. The Minister shall issue, after consulting the Commission consultative de l'enseignement privé, for a particular institution and for particular educational services or categories of educational services, a permit to any person

(1) who applies therefor in writing to the Minister within the time limit fixed by government regulation and furnishes, within that time limit, the information and documents prescribed by such regulation ;

(2) who establishes to the Minister's satisfaction that the institution will have at its disposal the adequate human and material resources required for dispensing the educational services for which the permit is issued and sufficient financial resources for that purpose ;

(3) who has not been convicted of or pleaded guilty to, or whose chief executive officer has not been convicted of or pleaded guilty to an offence under this Act, or a criminal offence committed in relation to the operation of an educational institution in the three years preceding the application ;

(4) who pays the fees fixed by government regulation ;

(5) who furnishes security, except in the case of an institution accredited for purposes of subsidies, to guarantee the performance of its obligations under Chapter IV in accordance with government regulations.

Refusal

However, the Minister may refuse to issue a permit if, during the three years preceding the application, a permit held by the applicant was revoked.

Refusal

13. Notwithstanding section 12, the Minister may refuse to issue a permit authorizing, in elementary school or in general education at the secondary school level, instruction limited to certain subjects or classes, or he may subject the issue of such a permit to the conditions he determines.

Distance
education

14. The Minister may, if he deems it expedient and, where applicable, on the conditions he determines,

(1) authorize an institution to dispense, as distance education, the educational services or categories of educational services he determines, provided that the institution dispenses the same services to the students who attend the institution and provided that the person applying for the permit furnishes the information and documents determined by regulation of the Minister;

(2) authorize the institution to limit admission to all or some of the educational services or categories of educational services mentioned in the permit to students referred to in paragraph 2 of section 11 and belonging to the category he determines.

Number of
students

15. The Minister, after consulting the Commission, may determine the maximum number, not below the capacity of the facilities at the disposal of the institution, of students who may be admitted to educational services or categories of educational services dispensed by the institution.

Capacity

The capacity of the facilities at the disposal of an institution is the capacity determined by the applicant for a permit at the Minister's request and approved by the Minister. Where the applicant fails to determine such capacity, the Minister may refuse to issue the permit.

Separate
permit

16. Any educational service may, where deemed expedient by the Minister, be dispensed under a permit that is separate from the permit issued for dispensing other educational services.

Separate
permit

The same applies for the authorization to dispense educational services in the form of distance education or to limit admission to students referred to in paragraph 2 of section 11.

Content

17. The permit shall mention, in addition to the name of the holder, the name and address of the institution, the address of the buildings or premises at its disposal and, where applicable, their names and the educational services or categories of educational services the institution is authorized to dispense and, where applicable, the authorizations and conditions determined under

sections 13 and 14 and the maximum number of students who may be admitted under section 15.

Vocational
education

The permit shall specify

(1) where it concerns secondary school instructional services in vocational education or adult vocational education, the vocational education programs that the institution is authorized to dispense;

(2) where it concerns supplementary vocational training, the fields for which the permit is granted;

(3) where it concerns general or vocational education at the college level, the programs that the institution is authorized to dispense.

Validity

18. A permit is valid for a period of three years.

Renewal

The Minister shall renew for five years, and subsequently for the same period, a permit held by a person who

(1) applies therefor in writing to the Minister within the time limit prescribed by government regulation and furnishes, within that time limit, the information and documents prescribed by such regulation and, with regard to distance education, by regulation of the Minister;

(2) meets the conditions set out in subparagraph 2 and, where applicable, in subparagraph 5 of the first paragraph of section 12;

(3) has complied with the provisions of this Act and its regulations for the period of validity preceding the renewal.

Renewal

However, the Minister may issue or renew a permit for a different period or without a date of expiry where he deems it expedient.

Consulta-
tion

19. Before exercising his powers under section 18, the Minister shall consult the Commission in the cases appearing on the list established by the Commission and transmitted to the Minister before 1 September each year.

Modifica-
tion

20. The Minister may, at the request of a permit holder, modify the permit upon payment of the fees fixed by government regulation.

Modifica-
tion

To modify the educational services mentioned in his permit, the holder must meet the conditions for the issue of a permit which apply to the educational services for which the request is made.

Modification Before granting a modification, the Minister shall consult the Commission, unless the modification concerns the name of an institution or one of its facilities.

Transfer **21.** No permit may be transferred except with the written authorization of the Minister.

Information **22.** The holder of a permit must inform the Minister of any change which renders the information provided for the issue, renewal or modification of a permit inaccurate or incomplete.

Information He must in addition inform the Minister whenever the institution fails to dispense all or some of the educational services mentioned in its permit.

Information Every legal person or body holding a permit must inform the Minister of any amalgamation, sale or transfer affecting it, as well as of any change in its firm name.

CHAPTER III

RULES GOVERNING THE ACTIVITIES OF INSTITUTIONS

DIVISION I

PRESCHOOL, ELEMENTARY SCHOOL AND SECONDARY SCHOOL EDUCATION

Application **23.** This division governs preschool developmental and cognitive learning services, elementary school instructional services and secondary school instructional services in general education or vocational education dispensed by private educational institutions, with the exception of adult education services.

Age of admission **24.** The age of admission to preschool education is 5 years on or before the date prescribed by the basic school regulations referred to in section 25; the age of admission to elementary school is 6 years on or before the same date.

Basic school regulation **25.** The basic school regulation which applies to the educational services contemplated in this division shall be the basic school regulation prescribed under the Education Act which applies to the educational services of the category dispensed by school boards, in all matters concerning

(1) the subjects to be taught, subject to restrictions mentioned in the permit;

(2) admission, enrollment and school attendance, including rules governing promotion from one level of instruction to another;

(3) the school calendar and prescribed time, except the maximum time prescribed for preschool education;

(4) the evaluation of students' learning achievement and the certification of studies;

(5) the diplomas, certificates and other official attestations awarded by the Minister, as well as the conditions governing their issue.

Basic
school
regulation

The basic school regulation shall be applied in the manner established by the Minister under section 459 of the Education Act.

Exceptions

26. In the cases determined by regulation of the Minister under section 457.1 of the Education Act, the institution may, for humanitarian reasons or to avoid serious prejudice to a child who has not reached the age of admission, upon an application from the child's parents giving the reasons on which it is based,

(1) admit the child to preschool education for the school year in which he reaches 5 years of age, or to elementary school education for the school year in which he reaches 6 years of age;

(2) admit to elementary school education a child already admitted to preschool education who has reached 5 years of age.

Exceptions

27. Where a child has not achieved the objectives of preschool education, the institution may, on an application from the child's parents giving the reasons on which it is based and in accordance with the terms and conditions determined by regulation of the Minister pursuant to section 457.1 of the Education Act, admit that child to preschool education for the school year in which he would be eligible for elementary school education, if there is reasonable cause to believe that such a measure will allow the child's integration into a regular class in elementary school education.

Exceptions

28. In the case of a student who has not achieved the objectives and mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for promotion to secondary school education, the institution may, on an application from the parents giving the reasons on which it is based and in accordance with the terms and conditions determined by regulation of the Minister under section 457.1 of the Education Act, admit that student to elementary school education for an additional

school year, if there is reasonable cause to believe that such a measure will allow the child's integration into a regular class in secondary school education.

Report **29.** The institution must report to the Minister, not later than 1 March each year, on the number of students admitted in each of the cases referred to in sections 26 to 28.

Exceptions **30.** The Minister may allow exceptions to the provisions of the basic school regulation in order to further the realization of a special school project in any subject prescribed in the basic school regulation.

Applicability In addition, the provisions of the basic school regulation concerning exemptions or exceptions shall apply to private educational institutions.

Exemption Furthermore, the institution may, subject to the rules on certification of studies prescribed in the basic school regulation and to the by-laws of the Catholic committee or Protestant committee established by the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60), exempt from a subject prescribed in the basic school regulation a student who needs support in the programs relating to the language of instruction, a second language or mathematics; the student cannot be exempted, however, from any of these programs.

Preschool program **31.** The preschool developmental and cognitive learning program shall be the program established by the Minister under section 461 of the Education Act or an institutional program approved by the Minister.

Elementary school program **32.** The elementary school program of studies and the secondary school program of studies in general education, except moral and religious instruction of a religious affiliation other than Catholic or Protestant, shall, for compulsory subjects, be the programs established by the Minister under section 461 of the Education Act.

Program of studies However, a program of studies established by the Minister may, with the Minister's authorization and on the conditions he determines, be replaced by a program of studies developed by the institution for any student or category of students unable to profit from the program of studies established by the Minister. Every institutional program shall be submitted to the Minister for approval.

Program of studies In addition, the programs of studies established by the Minister may be replaced by an institutional program of studies approved by

the Minister if the institution is operated under a permit restricted to some of the subjects prescribed in the basic school regulations.

Program of studies

The program of studies in moral and religious instruction of a religious affiliation other than Catholic or Protestant shall be the program developed by the institution. However, the program must include the objectives and mandatory content of the program of studies in moral instruction established by the Minister.

Elective subject

33. The secondary school program of studies in general education developed by an institution may, with the Minister's authorization, assign to an elective subject a number of credits that exceeds the number prescribed in the basic school regulations.

Vocational education programs

34. The secondary school programs of studies in vocational education shall be the programs established by the Minister under section 461 of the Education Act or the institutional programs of studies approved by the Minister.

Vocational education programs

The institution shall dispense the entire program of studies for each vocational education program mentioned in its permit.

Textbooks and instructional material

35. Every institution shall ensure that, for the teaching of the programs of studies established by the Minister, only textbooks and instructional material or categories of instructional material approved by the Minister under section 462 of the Education Act are used, and that, if such textbooks and material are used in Catholic or Protestant moral and religious instruction, they are approved by the Catholic committee or the Protestant committee, as the case may be.

Examinations

36. Every institution shall see to the administration of the examinations imposed by the Minister.

Examinations

The Minister shall impose examinations in the same subjects or vocational education programs as those determined under section 463 of the Education Act; he shall exercise, in that respect, the same powers as those provided for in section 470 of the said Act.

Exceptions

37. The institution, in accordance with the criteria or conditions established by the Minister under section 469 of the Education Act, shall recognize any learning acquired by a student otherwise than as prescribed in the basic school regulation.

Cancellation of contract

38. An institution which cancels the educational service contract of a student subject to compulsory school attendance shall inform the school board responsible for that student of the cancellation.

DIVISION II

ADULT EDUCATION SERVICES

Admission
to adult
education

39. No private educational institution may admit a student to secondary school adult education while that student is subject to compulsory school attendance.

Basic
school
regulation

40. The educational services referred to in section 39, when dispensed by a private educational institution, shall be governed by the same basic school regulation as that, established pursuant to the Education Act, which applies to adult education services of the same category dispensed by school boards, in all matters concerning

(1) the nature of the secondary school educational services and their general organizational framework;

(2) conditions of admission;

(3) student records;

(4) evaluation of learning and recognition of achievements;

(5) diplomas, certificates and other official attestations awarded by the Minister and the conditions which apply to their issue.

Basic
school
regulation

The basic school regulation shall be applied in the manner established by the Minister under section 459 of the Education Act.

Basic
school
regulation

The provisions of the basic school regulation concerning exceptions or exemptions shall apply to private educational institutions.

Programs of
studies

41. The programs of studies for secondary school adult education shall be the programs established by the Minister under section 461 of the Education Act, or the institutional programs of studies approved by the Minister.

Programs of
studies

An institution shall dispense the entire program of studies for each vocational education program mentioned in its permit.

Examina-
tions

42. Every institution shall see to the administration of the examinations imposed by the Minister.

Examina-
tions

The Minister shall impose examinations in the same subjects or vocational education programs as those determined under section 463 of the Education Act; he shall exercise, in that respect, the same powers as those provided for in section 470 of the said Act.

Experien-
tial
learning

43. The institution shall recognize, in accordance with the criteria or conditions established by the Minister under section 469 of the Education Act, the scholastic or experiential learning of a person enrolled in adult education.

DIVISION III

COLLEGE LEVEL INSTRUCTION

Regulations

44. The Regulation respecting the Basis of College Organization shall apply to general or vocational instructional services at the college level dispensed by private educational institutions.

Rules

The same applies to the rules established by the Minister in exercising the functions and powers delegated to him by the Government for the application of the provisions of the Basis of College Organization.

Programs
offered

45. An educational institution shall dispense, for each instructional program in general or vocational education mentioned in its permit, at least those courses a combination of which renders the student eligible for admission to university-level studies, to a diploma or certificate awarded by the Minister of Higher Education and Science or to an attestation of college studies awarded by the institution.

DIVISION IV

SUPPLEMENTARY VOCATIONAL TRAINING

Admission

46. No private educational institution may admit a student for supplementary vocational training while that student is subject to compulsory school attendance.

Programs of
studies

47. The programs of studies for supplementary vocational training shall be the institutional programs approved by the Minister.

Instruc-
tional
material

48. Every institution shall ensure that within the framework of supplementary vocational training only instructional material determined by the institution and approved by the Minister is used.

Attestation

49. The institution shall issue an attestation of training to a student who has achieved the objectives of the programs of studies in a field authorized by its permit, in accordance with the standards and procedures for the evaluation of students' learning achievement as well as the rules governing certification of studies of the institution approved by the Minister.

Attestation

The form and tenor of the attestation shall be submitted to the Minister for approval; the attestation must not contain any mention which may lead others to believe that the attestation has been awarded by the Minister or that it is equivalent to a diploma, a certificate or other official attestation awarded by the Minister or an attestation of college studies awarded by the institution under the Regulation respecting the Basis of College Organization.

DIVISION V

HUMAN RESOURCES

Teaching
licence

50. Every institution shall ensure that any person it employs to dispense preschool developmental and cognitive learning services or to teach in elementary or secondary school holds a teaching licence issued by the Minister of Education under the Education Act, except in the cases referred to in subparagraphs 2 and 3 of the second paragraph of section 23 of the said Act.

Qualifica-
tions

It shall also, except where it dispenses only college-level instruction or in the cases referred to in section 54, ensure that any person it employs to be in charge of the educational methods or the administration of the institution possesses the qualifications required by the regulations of the Minister of Education.

Exceptions

However, the Minister of Education may, on such conditions and for such time as he determines, authorize exceptions to this section.

Qualifica-
tions

51. Every institution shall ensure that any person it employs to teach at the college level possesses the required qualifications within the meaning of the regulations made under section 18 of the General and Vocational Colleges Act.

Qualifica-
tions

52. Every institution shall ensure that any teacher it assigns to moral and religious instruction, whether Catholic or Protestant, meets the conditions of qualification required by the Catholic committee or the Protestant committee, as the case may be.

Qualifica-
tions

53. Every institution shall ensure that any person it employs to provide supplementary vocational training possesses the qualifications determined by the institution and approved by the Minister.

Qualifica-
tions

54. An institution dispensing only supplementary vocational training or operating under a permit restricted to certain subjects prescribed in the basic school regulation shall ensure that any person it employs to be in charge of the educational methods or the

administration of the institution possesses the qualifications determined by the institution and approved by the Minister.

DIVISION VI

MISCELLANEOUS PROVISIONS

- 55.** No permit holder may identify the institution or a facility at the disposal of the institution by any name other than the name appearing on his permit.
- 56.** The holder must post his permit in a conspicuous place in a facility of the institution.
- 57.** An institution may apply to the Catholic committee or the Protestant committee for recognition as Catholic or Protestant; it may, in the same manner, apply for cancellation of that recognition.
- 58.** Moral and religious instruction, whether Catholic or Protestant, dispensed by an institution shall be dispensed in accordance with the rules of the Catholic committee or the Protestant committee, as the case may be.
- The institution's programs for instruction in these subjects shall be submitted for approval to the Catholic committee or the Protestant committee in accordance with section 22 of the Act respecting the Conseil supérieur de l'éducation.
- The institution shall ensure that, for instruction in those subjects, only textbooks and instructional material or categories of instructional material approved by the Catholic committee or the Protestant committee, as the case may be, are used.
- 59.** Every institution must comply with government regulations in its advertising, solicitation and offers of service.
- 60.** Every institution dispensing distance education must, in addition to the conditions mentioned in its permit, comply with the standards determined by regulation of the Minister.
- 61.** The Minister may enter into an agreement with an institution whereby the institution undertakes, on the conditions agreed upon in the agreement, to dispense courses to students or to provide other services of an educational nature.
- 62.** An institution may enter into an agreement with a school board under section 294 of the Education Act to provide

transportation for the students of the institution who are enrolled in preschool education, elementary or secondary school or in adult education and claim from them the cost it is required to assume pursuant to section 296 of the said Act after deducting the subsidies granted for that purpose, if any.

Transportation of students

The institution may also, with the authorization of the Minister of Transport, organize independently all or part of the transportation of the students referred to in the first paragraph and enter into an agreement for that purpose. It may claim the cost of such transportation from the students using the service after deducting the subsidies granted for that purpose, if any. Sections 297 and 298 of the Education Act and the regulations made under section 453 of that Act apply, adapted as required, to an institution which organizes transportation independently for its students.

Agreements

An institution to which the second paragraph applies may enter into an agreement with another such institution to provide transportation for its students.

Record and register

63. Every institution must keep a school record for each student and a register of enrollment in the form and tenor prescribed by regulation of the Minister.

Documents

The institution must, upon ceasing its activities, forward to the Minister the documents mentioned in the first paragraph.

Documents and information

64. Every institution shall prepare and forward to the Minister such documents and information as are requested by the Minister in the exercise of his functions and powers, at such time and in such form as the Minister determines.

Annual financial statements

65. Every institution shall forward to the Minister, at such time and in such form as he determines, the annual financial statements of the institution.

Exception

This section does not apply to an institution which dispenses only supplementary vocational training or which is operated under a permit restricted to certain subjects provided for in the basic school regulation.

CHAPTER IV

EDUCATIONAL SERVICE CONTRACT

Educational service contract

66. The educational service contract to which this chapter applies is a contract by which a private educational institution

undertakes in respect of a natural person, the client, to provide educational services belonging to a category mentioned in any of paragraphs 1 to 8 of section 1, or to provide accessory services, in return for a price which the client undertakes to pay to the operator.

Price The price shall include the admission or enrollment fees but not the charge referred to in section 67.

Prohibition **67.** No institution may require of a person, for the making of an educational service contract, a charge to determine a student's admissibility in excess of the amount determined in accordance with the regulations of the Minister.

Contract **68.** The contract, on pain of nullity, must be evidenced in writing and must comply with government regulations. The client's consent may be expressed by the enrollment of the student, admitted by the institution, in the educational services covered by the contract.

Contract or enrollment A copy of the contract or enrollment, on pain of nullity of the contract, must be given to the client before dispensation of the services has begun.

Rate **69.** The rate per month, per lesson or per credit must remain the same for the duration of the contract.

Payment **70.** No institution may require payment from a client before performance of its obligation has begun, except for the payment of an admission or enrollment fee not in excess of the amount determined in accordance with the regulations of the Minister.

Payment No institution may require payment of the client's obligation, or balance thereof if admission or enrollment fees have been paid, in less than two reasonably equal instalments. The dates on which the instalments become due must be fixed in such a way that they fall approximately at the beginning of each half of the duration, calculated in months, lessons or credits, of the educational services for which the student is enrolled.

Cancellation **71.** The client may, at any time and at his discretion, cancel the contract by giving notice to that effect by registered mail. The contract shall be cancelled by operation of law from the receipt of the notice.

Cancellation **72.** If the client cancels the contract before the provision of services has begun, the institution cannot demand compensation in excess of the amount obtained by subtracting the admission or enrollment fees from the lesser of the following two amounts: the

maximum amount determined in accordance with the regulations of the Minister, and an amount representing not more than one tenth of the total price agreed upon for the services.

Cancellation

73. If the client cancels the contract after the provision of services has begun, the institution may demand only the following amounts from the client:

(1) the price of the services provided calculated in months, lessons, or credits as specified in the contract;

(2) as penalty, the amount obtained by subtracting the admission or enrollment fees from the lesser of the following two amounts: the maximum amount determined in accordance with the regulations of the Minister, and an amount representing not more than one tenth of the total price agreed upon for the services.

Excess amount

74. In the ten days following the cancellation of the contract, the institution must return to the client the amounts it has received in excess of those to which it is entitled.

Annulment

75. The client may demand that the contract be annulled if he becomes aware that the student was admitted to the educational services concerned in contravention of the provisions governing admission to those services.

Agreement

76. No person may depart from the provisions of this chapter by means of an agreement which provides otherwise.

Waiver

Furthermore, no client may waive a right conferred on him by this chapter.

CHAPTER V

SUBSIDIES

DIVISION I

ACCREDITATION

Accreditation

77. The Minister, after consulting the Commission, may accredit for purposes of subsidies, a private educational institution in respect of all or some of the educational services belonging to the categories mentioned in paragraphs 1 to 4, 7 and 8 of section 1 and dispensed in a facility at the disposal of the institution.

Accredita-
tion

78. For the purpose of granting accreditation, the Minister shall take account of, in particular,

(1) the quality of the institution's educational organization and the criteria governing the selection of the teaching and managerial personnel;

(2) the importance of the need expressed to which the institution proposes to respond;

(3) the extent of public support, and community involvement;

(4) the effects of accreditation on resources in the community;

(5) the specific contribution to be made by the institution in terms of enrichment, complementarity or diversity;

(6) the level of participation of parents in the life of the institution;

(7) the compatibility between the institution's objectives and the policies of the Minister or the Government.

Full-time
students

79. The accreditation may determine the maximum number of full-time students eligible for subsidies in each vocational education program or program of instruction in vocational training.

Accredita-
tion

The accreditation shall determine the grounds on which it is based.

Application

80. Every person wishing to obtain the accreditation of his institution must apply in writing to the Minister, within the time limits prescribed by regulation of the Minister. The application shall contain the information and be submitted with the documents determined by regulation of the Minister.

Validity

81. Accreditation shall be valid for the time remaining to run under the permit issued for the institution and the educational services to which it applies.

Renewal

Renewal of the permit entails renewal of the accreditation for the same period.

Date of
expiry

Where a permit is issued or renewed without a date of expiry, accreditation is also granted or renewed without a date of expiry.

Modifica-
tion

82. At the request of the permit holder and after consulting the Commission, the Minister may modify the accreditation of an institution.

Modifica-
tion

In modifying an accreditation, the Minister shall take account, in particular, of the elements listed in section 78.

DIVISION II

SUBSIDIES FOR EDUCATIONAL SERVICES

Interpreta-
tion

83. In this division, the word "term" has the same meaning as in the Regulation respecting the Basis of College Organization.

Budgetary
rules

84. The Minister shall establish annually and submit to the Conseil du trésor for approval budgetary rules to determine the amount of subsidies to be paid to accredited educational institutions for dispensing accredited services.

Base
amount

The budgetary rules must provide for the allocation of a base amount for each full-time student duly enrolled on the dates provided therein, in educational services belonging to one of the categories mentioned in paragraphs 1 to 4, 7 and 8 of section 1 for which the accreditation is granted, together with the standards and methods of calculating the allocation of a subsidy for part-time students enrolled at the college level, within the meaning of those rules, and of an amount in lieu of the rental value of the institution's facilities.

Subsidies

The budgetary rules may, in addition, provide for the granting of subsidies to an institution offering special programs established by the Minister for public education, dispensing other educational services than those referred to in the second paragraph, dispensing educational services to handicapped students or students with social maladjustments or learning disabilities otherwise than under an authorization granted under paragraph 2 of section 14 or carrying out activities agreed upon with the Minister.

Subsidies

The budgetary rules may provide that the granting of subsidies may be subject to general conditions applicable to all institutions or special conditions applicable to one or more institutions. The budgetary rules may also provide that a subsidy under the third paragraph shall be granted to one institution or to certain institutions only.

Budgetary
rules

The budgetary rules may vary according to the nature of the educational services or categories of students.

Full-time
students

85. The Minister shall determine the number of full-time students referred to in the second paragraph of section 84, except those enrolled at the college level, by applying the following rules:

(1) a full-time student is a student taking part, during the school year, in the minimum number of hours of activities prescribed in the basic school regulation or pursuant to any exception to the basic school regulation applicable to him;

(2) the number of students who are not full-time students must be converted into the equivalent number of full-time students in the following manner:

(a) by dividing, for each part-time student, the number of hours of his activities during the school year by the minimum number of hours of activities prescribed in the basic school regulation applicable to that student;

(b) by adding the quotients obtained under subparagraph *a*;

(3) in vocational education, the number of students taking part, during the school year, in a program requiring a number of hours exceeding the minimum prescribed in the basic school regulation must, for the excess hours, be converted into a number of full-time students in the following manner:

(a) by dividing, for each such student, the number of excess hours referred to above by the minimum number of hours of activities prescribed in the basic school regulation;

(b) by adding the quotients obtained under subparagraph *a*.

College
level

At the college level, only students enrolled full-time, within the meaning of the budgetary rules, give entitlement to the granting of a base amount per student.

Exceptions

86. For the purposes of section 85, the following students are not taken into account:

(1) students enrolled in distance education;

(2) with regard to educational services mentioned in paragraphs 2 to 4 of section 1, students over the age limit for admission within the meaning of section 1 of the Education Act, unless they were admitted pursuant to an exception on the same conditions as those provided for in the basic school regulation.

Base
amount

87. The base amount for each student for a given school year or, at the college level, for each full-time student for each term of a given school year, is obtained by applying to the base amount for each student fixed for the preceding school year the rate of variation of the subsidies paid for the given school year to school boards and general and vocational colleges for the same educational service, without however taking into account subsidies paid for expenses inherent in public education.

Exception

88. Section 87 does not apply to amounts in respect of each handicapped student or student with social maladjustments or learning disabilities attending an institution operated pursuant to an authorization granted under paragraph 2 of section 14.

Amounts

The amount for each student referred to in the first paragraph shall be determined specifically in the budgetary rules for each institution.

Deduction

89. In cases where a school board, a general and vocational college, the Gouvernement du Québec or another government or any of their departments or agencies assumes directly or indirectly, in respect of a student, a financial contribution in addition to the contribution referred to in the first paragraph of section 93, the excess amount shall be deducted from the base amount intended for that student.

Student
from outside
Québec

90. The maximum amount of the additional financial contribution referred to in section 93 which an accredited institution may require from a student from outside Québec shall be deducted from the amount of subsidies intended for that student.

DIVISION III

SUBSIDIES FOR STUDENT TRANSPORTATION

Subsidies

91. The Minister of Transport may grant a subsidy to an accredited institution authorized, pursuant to the second paragraph of section 62, to organize transportation independently for all or some of the students enrolled in the educational services for which accreditation was granted. For that purpose, he shall, after consulting the Minister of Education, establish annually and submit to the Conseil du trésor for approval budgetary rules for determining the amount of the subsidies granted for the transportation of such students.

Subsidies

The budgetary rules may provide that the subsidy may be granted on the basis of general standards which apply to all students

transported or on the basis of special standards which apply only to some students.

Subsidies The budgetary rules may provide that the granting of a subsidy may be subject to general conditions applicable to all accredited private educational institutions or to special conditions applicable to one institution or to certain institutions.

Subsidies The budgetary rules may also provide that the granting of a subsidy may be subject to authorization by the Minister of Transport or that it may be granted to one institution or certain institutions only.

Information and documents **92.** The institution shall prepare and forward to the Minister of Transport the information and documents he requires for the purpose of granting subsidies, at the time and in such form as he determines.

DIVISION IV

OBLIGATIONS OF ACCREDITED INSTITUTIONS

Maximum amount **93.** No accredited institution may charge, for the educational services for which accreditation is granted, including admission, enrollment and other services of a similar nature, an amount in excess of the maximum amount determined by regulation of the Minister.

Student from outside Québec The institution may, however, require a student from outside Québec, within the meaning of the regulations of the Minister, to pay an additional financial contribution up to the limit determined in the said regulations.

Exception This section does not apply to the additional financial contribution paid directly or indirectly by a person, government or body referred to in section 89.

Independent auditor **94.** For each fiscal year, an accredited institution shall appoint an independent auditor who shall produce a report of the audit of the financial operations of the institution.

Terms of reference The Minister may specify the terms of reference applicable to all the independent auditors of accredited institutions.

Report The report of the independent auditor must be forwarded to the Minister with the annual financial statements of the institution.

CHAPTER VI

COMMISSION CONSULTATIVE DE L'ENSEIGNEMENT PRIVÉ

DIVISION I

CONSTITUTION AND ORGANIZATION

Continuation **95.** The Commission consultative de l'enseignement privé, instituted by the Act respecting private education (1968, chapter 67), is continued, under its name, pursuant to this Act.

Composition **96.** The Commission shall be composed of nine members, including the chairman, appointed by the Government in the following manner:

(1) the chairman, on the recommendation of the Minister of Education and the Minister of Higher Education and Science;

(2) five members, on the recommendation of the Minister of Education, of whom at least three shall be chosen from a list of at least six candidates proposed by the groups referred to in the second paragraph;

(3) three members, on the recommendation of the Minister of Higher Education and Science, of whom at least two shall be chosen from a list of at least six candidates proposed by the groups referred to in the second paragraph.

Candidates The groups invited to propose candidates shall be the groups which the Minister responsible for making the recommendation considers, with regard to the educational services under his jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending the institutions.

Members **97.** Members are appointed for a term of not more than three years.

Expiry of term At the expiry of his term, a member shall remain in office until reappointed or replaced.

Terms Members may not serve more than two consecutive terms.

Vacancy **98.** Any vacancy occurring during a member's term shall be filled for the unexpired portion of the term in the manner prescribed in section 96.

Vacancy Failure to attend four consecutive meetings of the Commission constitutes a vacancy.

Remuneration **99.** Members of the Commission are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. Members are however entitled to reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

Chairman **100.** The chairman shall preside at meetings of the Commission and shall be responsible for the management of the Commission's activities.

Quorum **101.** A majority of members constitutes a quorum at meetings of the Commission.

Sittings **102.** The Commission may hold its sittings at any place in Québec.

Secretary and personnel **103.** The secretary and the other members of the personnel of the Commission shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Chairman The chairman shall exercise, with regard to such personnel, the powers conferred by that Act on a chief executive officer.

DIVISION II

FUNCTIONS AND POWERS

Advice **104.** The principal function of the Commission is to advise the Minister of Education and the Minister of Higher Education and Science on any matter coming under their jurisdiction in the field of private education governed by this Act.

Advice **105.** The Commission must advise the Minister of Education or the Minister of Higher Education and Science on any matter they submit to it respecting private education.

Advice The advice of the Commission on any subject concerning which the Minister is required to consult the Commission pursuant to this Act must be given within 90 days of the date of the Minister's request, failing which the obligation of the Minister shall cease.

Applicants **106.** The Commission must hear every person applying for a permit or an accreditation under this Act who so requests in writing.

Powers

107. The Commission may

(1) refer any matter relating to private education governed by this Act to the Minister of Education or the Minister of Higher Education and Science;

(2) solicit and receive observations and suggestions from individuals and groups on any matter relating to such matters.

Internal
management

108. The Commission must, by by-law, prescribe rules for its internal management.

DIVISION III

ANNUAL REPORT

Report

109. The Commission must forward to the Minister of Education and to the Minister of Higher Education and Science, not later than 1 December each year, a report on its activities for the preceding school year.

Content

The report must contain

(1) a list of all applications for permits, modifications, renewals and revocations together with, in each case, the advice of the Commission and the reasons justifying it;

(2) a list of all applications for accreditation for purposes of subsidies, modifications and revocations together with, in each case, the advice of the Commission and the reasons justifying it;

(3) any information prescribed by the Minister of Education or the Minister of Higher Education and Science.

Tabling

110. The Minister of Education shall table the report of the activities of the Commission before the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VII

REGULATIONS

Regulations

111. The Government may, by regulation,

(1) establish a list of the fields of supplementary vocational training;

(2) determine the time limit for presenting an application for the issue, renewal or modification of a permit, and the information and documents which must be submitted with the application;

(3) determine the fees exigible for the issue or modification of a permit;

(4) establish the nature and amount of the security which must be furnished for the issue or renewal of a permit, except in the case of an accredited institution, and determine the cases in which the holder of a permit is required to make up security and the rules governing the use of the security by the Minister in cases of default and those governing its return;

(5) establish standards or prohibitions relating to advertising, solicitation and offers of service by a private educational institution;

(6) determine the form and tenor of educational service contracts, including enrollment;

(7) exclude, on the conditions it may determine or authorize, to the extent it indicates, the Minister to exclude, on the conditions he may determine, persons, bodies, institutions or educational services from all or some of the provisions of this Act or of the regulations made under this section.

Regulations **112.** The Minister may, by regulation,

(1) establish the qualifications required of persons employed to be in charge of the educational methods or the administration of an institution governed by section 50;

(2) determine the information and documents which a person must furnish when applying for a permit to obtain the authorization to dispense distance education services or the renewal of a permit giving such authorization and prescribe standards relating to distance education services;

(3) determine the form and tenor of student records and the register of enrollment which an institution must keep;

(4) establish the procedure which applies to the granting or modification of an accreditation for purposes of subsidies, including the documents and information to be furnished and the time limits for presenting an application;

(5) establish rules for determining the financial contribution and the additional financial contribution referred to in section 93, and

define, for the purposes of that section, the expression “student from outside Québec”;

(6) establish rules for determining the maximum amount of the charge referred to in section 67, the admission or enrollment fees referred to in section 70, the compensation referred to in section 72 or the penalty referred to in section 73.

Regulations **113.** Regulations made under sections 111 and 112 may vary according to institutions, educational services, programs, vocational education programs or categories of persons.

Draft regulations **114.** Draft regulations referred to in sections 111 and 112 are subject to examination by the Commission.

CHAPTER VIII

SUPERVISION

Powers **115.** Every person generally or specially designated by the Minister for that purpose may, to ascertain whether the provisions of this Act and the regulatory instruments are being complied with,

(1) enter, at any reasonable time, the facilities of any private educational institution governed by this Act;

(2) examine and make copies of any register or document relating to activities governed by this Act;

(3) require any information or document relating to the application of this Act.

Identification **116.** On request, the person designated by the Minister must identify himself and show a certificate, signed by the Minister, attesting his capacity.

Immunity **117.** No person designated by the Minister may be prosecuted for acts done in good faith in the performance of his duties.

Inquiry **118.** The Minister or any person designated by him may inquire into any matter relating to the quality of educational services governed by this Act, or to the administration, organization or operation of a private educational institution.

Powers and immunity The Minister or the person designated by him is, for the purposes of the inquiry, vested with the powers and immunity of a

commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

CHAPTER IX

ADMINISTRATIVE SANCTIONS

DIVISION I

MODIFICATION AND REVOCATION OF PERMITS

Modifica-
tion or
revoca-
tion of
permit

119. The Minister may, after consulting the Commission, modify or revoke a permit where its holder

(1) no longer meets the conditions fixed by this Act for the issue or renewal of the permit;

(2) does not comply with the conditions, restrictions or prohibitions relating to his institution;

(3) no longer has at his disposal the required or adequate human or material resources for dispensing the educational services for which the permit was issued;

(4) fails to maintain in force or make up the security prescribed by government regulations;

(5) has ceased to dispense the services for which his permit was issued;

(6) is or is about to become insolvent.

Corrective
measures

120. The Minister may, instead of modifying or revoking the permit of a holder for a reason mentioned in paragraph 1, 2 or 3 of section 119, order the holder to apply the corrective measures he indicates within the time limit he fixes.

Power
of the
Minister

If the holder does not comply with the order, the Minister may modify or revoke his permit.

Obligation

121. The Minister must, before modifying or revoking a permit, give the institution an opportunity to present its views.

Decision

The Minister must give notice of his decision in writing, and include the reasons which led to that decision, to the institution whose permit is modified or revoked.

DIVISION II

MODIFICATION AND REVOCATION OF ACCREDITATION

Accredita-
tion

122. Accreditation is modified or revoked by operation of law where the permit is modified pursuant to section 119 or revoked.

Modifica-
tion or
revocation

123. The Minister may, after consulting the Commission, modify or revoke an institution's accreditation for purposes of subsidies where

(1) accreditation was granted on the basis of false or misleading information;

(2) the institution does not comply with the conditions, restrictions or prohibitions applicable to it;

(3) he considers it necessary by reason of a change that has occurred in the institution's situation, taking into account the grounds on which accreditation was based.

Obligation

124. The Minister must, before exercising the powers provided for in section 123, give the institution an opportunity to present its views.

Decision

The Minister must give notice of his decision in writing, and include the reasons which led to that decision, to the institution whose accreditation for purposes of subsidies is modified or revoked.

DIVISION III

WITHHOLDING OF SUBSIDIES

Subsidies

125. The Minister may withhold or cancel all or part of the amount of a subsidy intended for an institution, other than a subsidy for student transportation, in cases of refusal or neglect to comply with the conditions, restrictions or prohibitions relating to the institution.

Eligibility

126. An accredited institution which does not comply with the provisions of section 72 or 73 of the Charter of the French language (R.S.Q., chapter C-11) or the regulations made under section 80 or 81 of that Act is not eligible for the subsidies applicable to the level of instruction concerned for the school year of non-compliance.

Subsidies

127. The Minister of Transport may withhold or cancel all or part of the amount of any subsidy for student transportation where

any of the provisions of section 62 or 92 or a provision to which section 62 refers is not complied with.

CHAPTER X

PENAL PROVISIONS

128. Every person who contravenes any of the provisions of sections 10, 11 and 55 is liable to a fine of \$500 to \$5 000 in the case of a natural person, or, in the case of a legal person, to a fine of \$1 000 to \$10 000.

Offence and
penalty

129. Every person who, without holding a permit issued by the Minister for the institution and the educational services in question, leads others to believe that he operates or is authorized to operate a private educational institution dispensing educational services belonging to a category contemplated in section 1 or pursuing the same objectives is liable to a fine of \$500 to \$5 000 in the case of a natural person, or, in the case of a legal person, to a fine of \$1 000 to \$10 000.

Offence and
penalty

130. Every person who transfers his permit without being authorized thereto by the Minister is liable to a fine of \$100 to \$500 in the case of a natural person, or, in the case of a legal person, to a fine of \$200 to \$1 000.

Offence and
penalty

131. Every institution which contravenes any of the provisions of section 56 is liable to a fine of \$100 to \$500 in the case of a natural person, or, in the case of a legal person, to a fine of \$200 to \$1 000.

Offence and
penalty

132. Every person who contravenes any of the provisions of sections 22 and 63 is liable to a fine of \$100 to \$2 000 in the case of a natural person, or, in the case of a legal person, to a fine of \$200 to \$4 000.

Offence and
penalty

133. Every person who contravenes any of the provisions of sections 59, 67, 68, 70 and 93 is liable to a fine of \$100 to \$2 000 in the case of a natural person, or, in the case of a legal person, to a fine of \$200 to \$4 000.

Offence and
penalty

134. Every person who furnishes to the Minister, under sections 22, 64, 80 and 92 information he knows to be false or misleading or who allows such information to be entered in a school record or a register kept under section 63 or in a statement, report or other document which he forwards to the Minister under sections 64, 65, 80, 92 and 94 is liable to a fine of \$500 to \$5 000 in the case of

Offence and
penalty

a natural person, or, in the case of a legal person, to a fine of \$1 000 to \$10 000.

Offence and
penalty

135. Every institution which contravenes a provision of a regulation made under paragraph 5 or paragraph 6 of section 111 the violation of which constitutes an offence is liable to a fine of \$100 to \$2 000 in the case of a natural person, or, in the case of a legal person, to a fine of \$200 to \$4 000.

Second
offence

136. In the case of a second offence, the fines prescribed for the offence concerned shall be doubled.

Offence and
penalty

137. Where a legal person commits an offence under this Act, any administrator, chief executive officer, officer or representative of that legal person who prescribed or authorized the act or the omission which constitutes the offence or who consented thereto is a party to the offence and is liable to the prescribed penalty.

CHAPTER XI

CONSEQUENTIAL AMENDMENTS

CHARTER OF THE FRENCH LANGUAGE

c. C-11,
s. 72, am.

138. Section 72 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the second paragraph by the following paragraph:

Scope

“This rule obtains in school bodies within the meaning of the Schedule and in private educational institutions accredited for purposes of subsidies under the Act respecting private education (1992, chapter 68) with respect to the educational services covered by an accreditation.”

ACT RESPECTING MUNICIPAL TAXATION

c. F-2.1,
s. 204, am.

139. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 100 of chapter 32 of the statutes of 1991 and by section 168 of chapter 21 of the statutes of 1992, is again amended by replacing paragraphs 15 and 16 by the following paragraphs:

“(15) an immovable belonging to a non-profit corporation holding a permit to operate a private educational institution issued under the Act respecting private education (1992, chapter 68) and which is at the disposal of that institution;

“(16) an immovable belonging to an institution accredited for purposes of subsidy under the Act respecting private education and which is at the disposal of that institution and an immovable belonging to an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1);”.

c. F-2.1,
s. 236, am.

140. Section 236 of the said Act, amended by section 20 of chapter 29 of the statutes of 1991, section 116 of chapter 32 of the statutes of 1991, and section 169 of chapter 21 of the statutes of 1992, is again amended by replacing the words “a non-profit corporation holding a permit for general education, vocational education or education for handicapped children under the Act respecting private education (chapter E-9), a private educational institution declared to be of public interest or recognized for purposes of grants under the Act respecting private education or an institution” in paragraph 1 by the words “a private educational institution operated by a non-profit corporation under a permit issued in accordance with the Act respecting private education, a private educational institution accredited for purposes of subsidies under the Act respecting private education and an institution”.

c. F-2.1,
s. 255, am.

141. Section 255 of the said Act, amended by section 148 of chapter 32 of the statutes of 1991, is again amended

(1) by replacing, in the French text, the words “une institution” in the second line of the third paragraph by the words “un établissement”;

(2) by replacing the words “declared to be of public interest or recognized for purposes of grants under the Act respecting private education (chapter E-9)” in the seventh, eighth and ninth lines of the third paragraph by the words “accredited for purposes of subsidies under the Act respecting private education”;

(3) by replacing the words “a university or college establishment or by such an institution” in the tenth and eleventh lines of the third paragraph by the words “an establishment, institution or college”;

(4) by inserting the words “of preschool education or” after the word “matters” in the third line of the fourth paragraph;

(5) by replacing, in the sixth line of the fourth paragraph of the French text, the words “une institution” by the words “un établissement”;

(6) by replacing the words “a private educational institution declared to be of public interest or recognized” in the ninth and tenth lines of the fourth paragraph by the words “an institution accredited”.

TAXATION ACT

c. I-3,
s. 1029.8.22,
am.

142. Section 1029.8.22 of the Taxation Act (R.S.Q., chapter I-3), enacted by section 82 of chapter 8 of the statutes of 1991, and amended by section 174 of chapter 1 of the statutes of 1992 and by section 64 of chapter 44 of the statutes of 1992, is again amended by replacing, in the expression “recognized educational institution”, subparagraphs *b* and *d* by the following subparagraphs:

“(b) an educational institution accredited for purposes of subsidies pursuant to section 77 of the Act respecting private education (1992, chapter 68);

“(d) operated by a person holding a permit issued, for that educational institution, by the Minister of Education or the Minister of Higher Education and Science pursuant to section 12 of the Act respecting private education (1992, chapter 68), provided that it offers a vocational education or vocational training program referred to in Chapter I of that Act;”.

EDUCATION ACT

c. I-13.3,
s. 15, am.

143. Section 15 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the words “within the meaning of the Act respecting private education (chapter E-9)” in the second and third lines of the second paragraph by the words “governed by the Act respecting private education (1992, chapter 68)”.

c. I-13.3,
s. 213, am.

144. Section 213 of the said Act is amended by replacing the words “institution, within the meaning of” in the third and fourth lines of the first paragraph by the words “educational institution governed by”.

c. I-13.3,
s. 215, am.

145. Section 215 of the said Act is amended

(1) by replacing the words “institution within the meaning of” in the third line of the first paragraph by the words “educational institution governed by”;

(2) by replacing, in the French text, the words “Une institution” in the first line of the second paragraph by the words “Un établissement”.

c. I-13.3,
s. 294, am. **146.** Section 294 of the said Act is amended by replacing the words “within the meaning of” in the fourth line by the words “governed by”.

c. I-13.3,
s. 296, am. **147.** Section 296 of the said Act is amended by replacing the words “within the meaning of” in the fifth and sixth lines by the words “governed by”.

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

c. M-15,
s. 5, am. **148.** Section 5 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is amended by replacing the words “belonging to private institutions and used for instruction” in the third line of the third paragraph by the words “at the disposal of a private educational institution”.

ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR ET DE LA SCIENCE

c. M-15.1.1,
s. 5, am. **149.** Section 5 of the Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1) is amended by replacing the words “contemplated by this Act” in the second line of the first paragraph by the words “under any Act the carrying out of which comes under his responsibility”.

c. M-15.1.1,
s. 11, am. **150.** Section 11 of the said Act is amended by replacing the words “belonging to private institutions and used for instruction” in the second line of the third paragraph by the words “at the disposal of a private educational institution”.

CONSUMER PROTECTION ACT

c. P-40.1,
s. 188, am. **151.** Section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended

(1) by replacing paragraph *e* by the following paragraph:

“(e) educational institutions governed by the Act respecting private education (1992, chapter 68), for educational service contracts subject thereto;”;

(2) by striking out paragraph *f*.

c. P-40.1,
s. 190, am. **152.** Section 190 of the said Act is amended by striking out the words “or, where such is the case, by the Act respecting private education or statutory regulation under that act” in paragraph *h*.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10,
Sched. I,
am.

153. Paragraph 2 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is replaced by the following paragraph:

“2. THE EMPLOYEES OF THE INSTITUTIONS WITH WHICH AN AGREEMENT HAS BEEN ENTERED INTO UNDER SECTION 61 OF THE ACT RESPECTING PRIVATE EDUCATION (1992, CHAPTER 68), FOR THE TERM OF THE AGREEMENT”.

c. R-10,
Sched. II,
am.

154. Paragraph 1 of Schedule II to the said Act is amended by inserting, at the place determined by the alphabetical order of the French text, the following:

“the Collège Marie de France.

“the Collège Stanislas inc.”

ACT RESPECTING THE TEACHERS PENSION PLAN

c. R-11,
Sched. I,
am.

155. Paragraphs 3 and 4 of Schedule I to the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) are replaced by the following paragraphs:

“3. THE INSTITUTIONS WITH WHICH AN AGREEMENT HAS BEEN ENTERED INTO UNDER SECTION 61 OF THE ACT RESPECTING PRIVATE EDUCATION (1992, CHAPTER 68), FOR THE TERM OF THE AGREEMENT

“4. THE EDUCATIONAL INSTITUTIONS ACCREDITED FOR PURPOSES OF SUBSIDIES UNDER THE ACT RESPECTING PRIVATE EDUCATION”.

OTHER PROVISIONS

Interpreta-
tion

156. In any Act, regulation, ordinance, order in council, order, contract or any other document, a reference to the Act respecting private education (R.S.Q., chapter E-9) or to one of its provisions is, unless the context indicates otherwise, a reference to this Act or to the corresponding provision of this Act.

Terms
replaced

157. In any Act, regulation, ordinance, order in council, order, contract or other document, unless the context indicates otherwise,

(1) the term “institution d’enseignement” or the word “institution” used within the meaning of that term shall be replaced, respectively, by “établissement d’enseignement” and “établissement”, taking into account any necessary changes;

(2) the modifying phrases “declared to be of public interest” and “recognized for purposes of grants”, when they concern an educational institution governed by this Act, shall be replaced by “accredited for purposes of subsidies”, taking into account any necessary changes.

CHAPTER XII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Existing
permits

158. The following are deemed to be permits issued under this Act, to the extent that they concern educational services to which this Act applies and, unless their period of validity begins on 1 July 1993 or thereafter, to the extent that those services were dispensed during the school year 1992-93:

(1) permits issued under the Act respecting private education (R.S.Q., chapter E-9) or referred to in section 72 of that Act;

(2) declarations of public interest and recognition for purposes of grants made under that Act.

Expiry

159. Every permit referred to in section 158 shall expire on the date fixed in the permit, the declaration of public interest or the recognition for purposes of grants; if more than one date is fixed, the earliest date shall be the date of expiry.

Expiry

If there is no mention of a date of expiry, the permit shall expire on 30 June 1994.

Renewal

160. Permits referred to in section 158 shall be renewed in accordance with the provisions of this Act.

Rectifica-
tion

On renewing a permit, the Minister shall rectify any mention on the permit to make it consistent with the educational services dispensed by the institution, subject to the modifications made pursuant to this Act and the terminology used in this Act; in addition, he may exercise the powers provided for in sections 15 and 16 and the third paragraph of section 18.

Renewal

However, in the case of a declaration of public interest or a recognition for purposes of grants made without a date of expiry with regard to educational services belonging to a category listed in paragraphs 1 to 3, 5 and 7 of section 1, the permit to dispense such services must be renewed without a date of expiry and without its holder being bound to meet the conditions provided for in the second paragraph of section 18.

Presumption **161.** Declarations of public interest and recognitions for purposes of grants made under the Act respecting private education (R.S.Q., chapter E-9), are deemed to be accreditations for purposes of subsidies granted under this Act.

Full-time students The Minister may, after consulting the Commission, determine the maximum number of full-time students of an institution to which the first paragraph applies giving entitlement to subsidies for each vocational training program or vocational education program, in cases where that number is not specified on the declaration of public interest or recognition for purposes of grants.

Decision **162.** The Minister shall make his decision on any application for the issue, renewal or modification of a permit in relation to a private educational institution in the conditions prescribed by this Act, to be valid from a date after 30 June 1993, whether the application is made before or after 22 December 1992.

Application Every application for the issue, renewal or modification of a declaration of public interest or recognition for purposes of grants, to be valid from a date after 30 June 1993, shall be treated both as an application for a permit in accordance with the first paragraph and as an application for accreditation for purposes of subsidies, whether the application is made before or after 22 December 1992.

Document or information Subparagraph 1 of the first paragraph of section 12, subparagraph 1 of the second paragraph of section 18 and section 80 do not apply with respect to such an application. However, the Minister may require from the applicant any document or information he considers necessary for making his decision; he shall suspend the examination of an application until he receives the required documents or information.

Consultation The Minister shall consult the Commission regarding every application for renewal.

Base amounts **163.** For the purpose of calculating, under section 87, the base amounts for each student enrolled in preschool and elementary education for each school year mentioned below, the base amounts for the preceding school year must be replaced by the amounts obtained

(1) for the school year 1993-94, by increasing the base amounts for the school year 1992-93 as determined by the Government for institutions declared to be of public interest under section 14.1 of the Act respecting private education (R.S.Q., chapter E-9) by 1.25 %;

(2) for the school year 1994-95, by increasing the base amounts for the school year 1992-93 referred to in paragraph 1 by 5 % and applying to the results obtained the rates of variation in the subsidies paid for similar services to school boards for the school year 1993-94, excluding, however, expenses inherent in public education.

Base
amount

164. For the purpose of calculating, under section 87, the base amount for each student enrolled in secondary education for each school year mentioned below, the base amount for the preceding school year must be replaced by the amount obtained

(1) for the school year 1993-94, by increasing the base amount for the school year 1992-93 as determined by the Government for institutions declared to be of public interest under section 14.1 of the Act respecting private education (R.S.Q., chapter E-9) by 1.25 %;

(2) for the school year 1994-95, by increasing the base amount for the school year 1992-93 referred to in paragraph 1 by 3.2 % and applying to the results obtained the rates of variation in the subsidies paid for similar services to school boards for the school year 1993-94, excluding, however, expenses inherent in public education.

Base
amounts

165. For the purpose of calculating, under section 87, the base amounts for each student enrolled full-time in college level education for each term of the school year 1993-94, the base amounts of the preceding school year shall be one half of the base amounts for the school year 1992-93, as determined by the Government for institutions declared to be of public interest under section 14.1 of the Act respecting private education (R.S.Q., chapter E-9).

Declaration
of public
interest

166. For the purposes of section 88 of this Act, the declaration of public interest or recognition for purposes of grants of an educational institution for handicapped children made pursuant to section 36 of the Act respecting private education (R.S.Q., chapter E-9) shall be regarded as an authorization referred to in paragraph 2 of section 14 of this Act.

Expiry

167. The appointment of the members of the Commission consultative de l'enseignement privé shall expire on 30 June 1993.

Continuance
in office

The members may, however, remain in office until reappointed or replaced pursuant to this Act.

Terms
served

For the purposes of the third paragraph of section 97, terms served before a member's appointment under this Act, if any, shall not be taken into account.

Functions
and powers

168. The Government, the Minister and private educational institutions may, before 1 July 1993, validly exercise the functions and powers provided for in this Act and in the basic school regulations referred to in this Act, in order to give effect to the provisions of this Act from 1 July 1993.

Regulations
and deci-
sions

169. Regulations and decisions made by the Government, by the Minister of Education, by the Minister of Higher Education and Science or by the Minister of Transport under the Act respecting private education (R.S.Q., chapter E-9), or under a provision referred to in that Act, or under section 30 of the Act respecting the Conseil supérieur de l'éducation and applicable to persons or institutions governed by this Act shall remain applicable to those persons or institutions to the extent that they are compatible with this Act, until they are replaced or repealed under this Act or until their object is achieved; such regulations and such decisions are deemed to have been made by the authority having jurisdiction under this Act.

Private
educational
institution

170. Notwithstanding sections 34, 44 and 45 of this Act, a private educational institution which, on 30 June 1993, is authorized to dispense an institutional program of studies recognized by the Minister under section 43 or 44 of the Act respecting private education (R.S.Q., chapter E-9), may continue to dispense that program until the date of expiry of its permit.

c. E-9,
replaced

171. This Act replaces the Act respecting private education (R.S.Q., chapter E-9).

Application

The latter Act shall, from 1 January 1993, cease to apply in relation to self-improvement education within the meaning of paragraph *d* of section 1 of the said Act, except sections 60 to 63 which shall continue to apply to educational service contracts entered into before that date in respect of the dispensing of self-improvement education.

Application

In addition, the Act respecting private education (R.S.Q., chapter E-9) shall not apply to subsidies for the school year 1993-94.

Contract

172. Every contract for the lease of services entered into after 31 December 1992, which has as its object the dispensation of self-improvement education, shall be governed by Division IV of Chapter III of Title I of the Consumer Protection Act, subject to any contrary provision of a regulation made under paragraph 7 of section 350 of that Act which takes effect after 31 December 1992.

Provisions
applicable

173. The provisions of sections 60 to 63 of the Act respecting private education (R.S.Q., chapter E-9) continue to apply to

educational service contracts referred to in section 66 of this Act that were entered into before 1 July 1993.

Contracts Such contracts are, for the purposes of paragraph *e* of section 188 of the Consumer Protection Act, considered to be subject to this Act.

Security The security prescribed by government regulation is, with respect to such contracts, intended to guarantee the obligations referred to in the abovementioned sections 60 to 63.

Ministers responsible **174.** Except with respect to sections 62, 91, 92 and 127, the administration of which is under the responsibility of the Minister of Transport, the Minister of Education and the Minister of Higher Education and Science are responsible for the administration of this Act, each in the fields coming under his jurisdiction.

Provisions applicable **175.** The provisions of this Act which grant rights and privileges to a religious denomination shall apply notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

Exception **176.** The provisions of this Act which grant rights and privileges to a religious denomination shall operate notwithstanding the provisions of paragraph *a* of section 2 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and of section 15 of the said Act.

Effect **177.** Sections 139 to 141 have effect for the purposes of each municipal fiscal year from the 1994 fiscal year.

Effect Section 154 has effect from 17 December 1987.

Coming into force **178.** The provisions of this Act will come into force on 1 July 1993, except

(1) the provisions of sections 154, 162, 163 to 166 and 168 and the second paragraph of section 177, which will come into force on 22 December 1992;

(2) the provisions of the second and third paragraphs of section 171 and of section 172, which will come into force on 1 January 1993.

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