



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 141

An Act respecting private education

Introduction

**Introduced by
Mr Michel Pagé
Minister of Education**

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EXPLANATORY NOTES

This bill replaces the Act respecting private education. The new Act will apply to every private educational institution dispensing some or all of the following educational services: preschool developmental and pre-cognitive learning, elementary school education, secondary school general or vocational education, secondary-level adult education, general or vocational education at the college level or supplementary vocational training in fields defined on the list established by government regulation.

The bill makes the holding of a permit compulsory for the operation of a private educational institution. It establishes the rules governing the activities of private educational institutions, in particular with regard to the educational methods employed and the qualifications of their personnel.

The bill also establishes rules which apply to the educational service contract, which is a contract whereby the operator of a private educational institution undertakes, in return for payment to provide educational or accessory services to an individual called his client.

The bill confers on the Minister of Education and on the Minister of Higher Education and Science the power to grant, after consultation with the Commission consultative de l'enseignement privé, accreditation for purposes of subsidies to an institution whose operator applies in writing for accreditation. The amount of a subsidy is determined according to budgetary rules established annually by the Minister and approved by the Conseil du trésor.

It provides for the continuance, under its present name, of the Commission consultative de l'enseignement privé created under the Act respecting private education, provides for its organization and determines its functions and powers.

The bill next determines the regulatory powers of the Government, the Minister of Education and the Minister of Higher

Education and Science, and grants these Ministers powers of inspection and inquiry.

The bill determines the terms and the conditions applicable to the modification or revocation of a permit to operate a private educational institution or an accreditation for purposes of subsidies and to the withholding of subsidies in cases of default.

Lastly, the bill enacts penal provisions and transitional provisions and makes the necessary amendments of concordance.

ACTS AMENDED BY THIS BILL:

- Charter of the French language (R.S.Q., chapter C-11)
- Act respecting municipal taxation (R.S.Q., chapter F-2.1)
- 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)

Bill 141

An Act respecting private education

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE AND INTRODUCTORY PROVISIONS

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.

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.

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.

3. Any person or body dispensing educational services for his or its own account shall be deemed to be operating an educational institution.

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

(1) 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);

(2) 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;

(3) 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;

(4) 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.

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.

6. 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

OPERATING PERMITS FOR INSTITUTIONS

7. No person may operate a private educational institution to which this Act applies unless he is the holder of an operating permit, issued by the Minister, for the institution and the educational services or categories of educational services mentioned in section 1 that are dispensed.

8. 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.

9. Every person wishing to obtain a permit must apply in writing to the Minister, within the time limits prescribed by government regulation. The application shall contain the information and be submitted with the documents determined by government regulation.

10. 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 shows to the Minister's satisfaction that the institution will have at its disposal sufficient financial resources and adequate facilities and equipment for dispensing the educational services for which the permit is granted;

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

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

(4) who furnishes security, except in the case of an institution accredited for purposes of subsidies, to guarantee the performance of its obligations towards its students and its clients within the meaning of section 55, in accordance with government regulations;

(5) who provides the information and documents determined by government regulation and meets, where applicable, the other conditions determined by regulation.

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.

11. Notwithstanding section 10, the Minister may refuse to issue a permit authorizing, in elementary school or in general education at the secondary school, instruction limited to certain subjects or classes, or he may subject the issue of such a permit to the conditions he determines.

12. 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;

(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 8 belonging to the category he determines.

13. The Minister may determine, taking into account the capacity of the facilities at the disposal of the institution, the maximum number of students who may be admitted to educational services or categories of educational services dispensed by the institution.

14. The permit shall mention, in addition to the name and address 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 11 and 12 and the maximum number of students who may be admitted under section 13.

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.

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

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

(1) meets the conditions set out in subparagraph 1 and, where applicable, in subparagraph 4 of the first paragraph of section 10;

(2) pays the fees fixed by government regulation;

(3) meets the other conditions of renewal prescribed by government regulation and provides the information and documents determined by such regulation, where that is the case;

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

However, the Minister may issue or renew a permit for a shorter period of time if he deems it expedient.

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

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

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

17. No permit may be transferred except with the written authorization of the Minister.

18. 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.

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

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

CHAPTER III

RULES GOVERNING THE ACTIVITIES OF INSTITUTIONS

DIVISION I

PRESCHOOL, ELEMENTARY SCHOOL AND SECONDARY SCHOOL EDUCATION

19. 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.

20. 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 21; the age of admission to elementary school is 6 years on or before the same date.

21. The basic school regulations which apply to the educational services contemplated in this division shall be the basic school

regulations prescribed under the Education Act which apply 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.

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

22. The Minister may allow exceptions to the provisions of section 20 or, to further the realization of a special school project in any subject prescribed in the basic school regulations, exceptions to the provisions of the basic school regulations.

In addition, the provisions of the basic school regulations concerning exemptions or exceptions shall apply to private educational institutions as if they were school boards.

Furthermore, the institution may, provided it observes the rules on certification of studies and, if recognized as a Catholic or Protestant institution, 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 regulations 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.

23. 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.

24. 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.

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.

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.

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.

25. 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.

26. 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.

27. The operator of an 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.

He shall also ensure that, for the teaching of the institutional programs of studies in Catholic or Protestant moral and religious

instruction 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.

28. The operator of an institution shall see to the administration of the examinations imposed by the Minister.

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.

29. 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 regulations.

30. An institution which expels a student subject to compulsory school attendance shall so inform the appropriate school board.

DIVISION II

ADULT EDUCATION SERVICES

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

32. The educational services referred to in section 31, 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.

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

The provisions of the basic school regulations concerning exceptions or exemptions shall apply to private educational institutions as if they were school boards.

33. 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.

34. The operator of the institution shall see to the administration of the examinations imposed by the Minister.

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.

35. 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

36. 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 as if they were general and vocational colleges.

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.

37. An educational institution shall dispense all the courses of the instructional program in general or vocational education mentioned in its permit.

DIVISION IV

SUPPLEMENTARY VOCATIONAL TRAINING

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

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

40. The operator of an 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.

41. 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.

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

42. The operator of an institution shall ensure that any person he 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 the second paragraph of section 23 of the said Act.

He shall also, subject to section 44, ensure that any person he 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.

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

43. The operator of an institution shall ensure that any person he employs to provide supplementary vocational training or general or vocational instruction at the college level possesses the qualifications determined by the institution and approved by the Minister.

44. The operator of an institution dispensing only general or vocational instruction at the college level or supplementary vocational training or operating under a permit restricted to certain subjects prescribed in the basic school regulations shall ensure that any person he 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

45. No operator may identify an institution or any facilities put at the disposal of the institution by any other name than the name appearing on its permit.

46. The operator must post his permit or a duplicate of his permit issued by the Minister in each immovable put at the disposal of the institution.

An operator who offers distance education must include a reproduction of his permit in any prospectus or directory that he publishes.

47. An operator may apply to the Catholic committee or the Protestant committee for recognition of his institution as Catholic or Protestant; he may, in the same manner, apply for cancellation of that recognition.

48. An operator must comply with government regulations when advertising the institution or soliciting or offering services.

49. The operator of an institution dispensing distance education must, in addition to the conditions mentioned in his permit, comply with the standards determined by regulation of the Minister.

50. The Minister may enter into an agreement with the operator of an institution by which the latter undertakes, on the conditions agreed upon in the agreement, to give courses to students or to supply other services of an educational nature.

51. An operator 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 elementary or secondary school or in adult education and claim from them the cost he is required to assume pursuant to section 296 of the said Act after deducting the subsidies granted for that purpose, if any.

The operator 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. He 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 operator who organizes transportation independently for his students.

An operator to whom the second paragraph applies may enter into an agreement with another such operator to provide transportation for his students.

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

If the institution ceases its activity, the operator must forward to the Minister the documents mentioned in the first paragraph.

53. Every operator 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.

The release by the operator of nominative information to the Minister of Education for the purposes of budgetary rules and program assessment, and the collection of such information by the Minister are deemed necessary for the application of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister of Education shall determine alone the rules and conditions applicable to personal information files containing information referred to in the second paragraph.

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

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 regulations.

CHAPTER IV

EDUCATIONAL SERVICE CONTRACT

55. The educational service contract to which this chapter applies is a contract by which the operator of a private educational institution undertakes towards a natural person, the client, to provide educational services listed in section 1, or to provide accessory services, in return for a price which the client undertakes to pay to the operator.

The price shall include the admission or enrollment fees but not the charge referred to in section 56.

56. The operator of an institution shall not, prior to making an educational service contract, include a charge to determine a student's admissibility in excess of the amount determined in accordance with the regulations of the Minister.

57. The contract, on pain of nullity, must be evidenced in writing and must comply with government regulations.

A copy of the contract must be given to the client.

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

59. No operator of a private educational institution may receive payment from a client before performance of his 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.

No operator may receive 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.

60. 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.

61. If the client cancels the contract before the provision of services has begun, the operator of the institution cannot require compensation in excess of the amount obtained by subtracting the admission or enrollment fees from the lesser of the following two amounts: \$200, and an amount representing not more than one tenth of the total price agreed upon for the services.

62. If the client cancels the contract after the provision of services has begun, the operator of the institution may only require 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: \$200, and an amount representing not more than one tenth of the total price agreed upon for the services.

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

CHAPTER V

SUBSIDIES

DIVISION I

ACCREDITATION

64. 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 it dispenses.

In granting accreditation, the Minister shall, among other elements, take into account:

(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 which the institution proposes to meet;

(3) manifest support and community involvement;

(4) the effects the accreditation will have on the balance of the 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 educational management of the institution;

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

The accreditation may specify the maximum number of full-time students eligible for subsidies in each educational service, program or vocational education program for which accreditation is granted.

65. Accreditation may only be granted to:

(1) institutions operated by the holder of a permit who is either a natural person or a legal person or body having no other object than that of dispensing educational services;

(2) educational services belonging to one of the categories mentioned in paragraphs 1 to 4, 7 and 8 of section 1.

66. An operator 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.

67. The period of validity of an accreditation shall coincide with the period during which the institution and the educational services covered by the accreditation are the subject of a permit.

68. At the request of the operator and after consulting the Commission, the Minister may modify the accreditation of an institution.

DIVISION II

SUBSIDIES FOR EDUCATIONAL SERVICES

69. In this division, the word "term" means a three-month period having 82 school days.

70. 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 the operators of accredited educational institutions for dispensing accredited services.

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 an amount in lieu of the rental value of the institution's facilities.

The budgetary rules may, in addition, provide for the granting of subsidies to the operator of 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 12 or carrying out activities agreed upon with the Minister.

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.

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

71. The Minister shall determine the number of full-time students referred to in the second paragraph of section 70, except those enrolled in college, by applying the following rules:

(1) a full-time student is a student taking part in the minimum number of hours of activities prescribed in the basic school regulations or pursuant to any exception to the basic school regulations 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 for the school year by the minimum number of hours of activities prescribed in the basic school regulations applicable to that student;

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

The Minister shall determine the number of full-time students enrolled in college level education by applying the provisions of the budgetary rules prescribed for that purpose.

For the purposes of this section, the following students are not taken into account:

(1) students whose tuition fees are assumed directly or indirectly by a school board, a general and vocational college, the government of Québec or another government or any of their departments or agencies;

(2) students enrolled in distance education;

(3) with regard to educational services mentioned in paragraphs 2 to 4 of section 1, students over the age limit for admission prescribed by section 1 of the Education Act, unless they are the subject of an exception on the same conditions as those provided for in the basic school regulations.

72. The base amount for each student for a given school year or, at the college level, 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.

This section does not apply

(1) to amounts paid for 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 12;

(2) to amounts paid for each part-time student enrolled at the college level, within the meaning of the budgetary rules.

73. The maximum amount of the additional financial contribution referred to in section 77 which the operator of an accredited institution may require from a student from outside Québec shall be deducted from the amount of subsidies intended for that student.

74. The amount of the rental value, as provided in the second paragraph of section 70, shall be determined for each school year

according to the standards and methods of calculation prescribed in the budgetary rules.

DIVISION III

SUBSIDIES FOR STUDENT TRANSPORTATION

75. The Minister of Transport may grant a subsidy to the operator of an accredited institution authorized, pursuant to the second paragraph of section 51, 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.

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.

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.

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.

76. The operator of an 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.

The release by the operator of nominative information to the Minister of Transport for the purposes of section 75 and the collection of such information by the Minister of Transport are deemed necessary for the purposes of Chapter III of the Act respecting Access to documents held by public bodies and the Protection of personal information.

Notwithstanding sections 67.3 and 124 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister of Transport shall determine alone the rules and conditions applicable to personal information files containing information referred to in the second paragraph.

DIVISION IV

OBLIGATIONS OF THE OPERATOR

77. No operator of an 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.

The operator 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.

This section does not apply to educational services dispensed for students referred to in subparagraph 1 of the third paragraph of section 71.

78. The operator of an accredited institution shall keep the books and accounts of the institution in such manner and on such forms as the Minister may determine.

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

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

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

80. 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.

81. The Commission shall be composed of not more than nine members, including a chairman, appointed by the Government on the

recommendation of the Minister of Education and the Minister of Higher Education and Science. At least six members shall be appointed after consultation with the groups most representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of students attending them.

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

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

Members may not serve more than two consecutive terms.

83. Any vacancy occurring during a member's term shall be filled for the unexpired portion of the term in the manner prescribed in section 81.

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

84. 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.

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

86. A majority of members constitutes a quorum at meetings of the Commission.

87. The Commission may hold its sittings at any place in Québec.

88. 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).

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

89. 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.

90. 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.

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.

91. The Commission must, at the Minister's request, hear the operator of an institution or the person wishing to obtain a permit or an accreditation under this Act who applies therefor in writing.

92. 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.

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

DIVISION III

ANNUAL REPORT

94. The Commission must forward to the Minister of Education and to the Minister of Higher Education and Science, not later than 30 September each year, a report on its activities for the preceding fiscal year.

The report must contain

(1) a list of all applications for permits, modifications 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.

95. The Minister of Education shall table the annual report 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

96. The Government may, by regulation,

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

(2) establish conditions applicable to the issue, renewal and modification of permits, including the documents and information to be submitted and the time limits for presenting an application;

(3) determine the fees exigible for the issue, renewal or modification of a permit, which may vary according to the period of validity of the permit, the educational services concerned or the scope or importance of the activities;

(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 the rules governing both the use of the security by the Minister in cases of default and 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;

(7) determine, among the regulatory provisions made under paragraph 5 or paragraph 6, those the violation of which constitutes an offence;

(8) exclude, on the conditions it determines, persons, bodies, institutions or educational services from all or some of the provisions of this Act or of the regulations made under this section.

97. 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 42;

(2) determine the standards relating to distance education services;

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

(4) establish the procedure which applies to the issue or modification of an accreditation for purposes of subsidies, including the documents and information to be supplied 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 77, 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 56 or the admission and enrollment fees referred to in section 59;

(7) exclude, on the conditions he determines, persons, bodies, institutions or educational services from all or some of the provisions of the regulations made under this section.

98. Regulations made under sections 96 and 97 may vary according to institutions, educational services, programs, vocational education programs or categories of persons.

99. Draft regulations drawn up under paragraphs 1 to 3 and 8 of section 96 and in section 97 shall be submitted to the Commission for examination.

CHAPTER VIII

INSPECTION AND INQUIRY

DIVISION I

INSPECTION

100. The Minister may, for the purposes of this Act and its statutory instruments, authorize generally or specially any person to act as an inspector.

101. An inspector may, in the performance of his duties,

(1) enter, at any reasonable time, any private educational institution governed by this Act, to ascertain whether this Act and its statutory instruments are being complied with;

(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.

102. On request, the inspector must identify himself and show a certificate, signed by the Minister, attesting his capacity.

103. No inspector may be prosecuted for acts carried out in good faith in the performance of his duties.

DIVISION II

INQUIRY

104. 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.

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

105. 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 and the regulations for the issue or renewal of a permit;

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

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

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

(5) is or is about to become insolvent.

106. 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 105, order the holder to apply the corrective measures he indicates within the time limit he fixes.

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

107. The Minister must, before modifying or revoking a permit, give the operator an opportunity to present his views.

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

DIVISION II

MODIFICATION AND REVOCATION OF ACCREDITATION

108. 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 no longer meets the conditions of eligibility for accreditation;

(3) the operator does not comply with the conditions, restrictions or prohibitions relating to the operation of the institution;

(4) he considers it necessary by reason of a change that has occurred in the institution's situation, taking into account the elements mentioned in section 64.

109. The Minister must, before modifying or revoking an institution's accreditation, give the operator an opportunity to present his views.

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

DIVISION III

WITHHOLDING OF SUBSIDIES

110. The Minister may withhold or cancel all or part of the amount of a subsidy intended for the operator of 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 operation of the institution.

111. The operator of an accredited institution who 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.

112. 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 51 or 76 or a provision to which section 51 refers is not complied with.

CHAPTER X

PENAL PROVISIONS

113. Every person who contravenes any of the provisions of sections 7, 8 and 45 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.

114. 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.

115. 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.

116. The operator of an institution who contravenes any of the provisions of section 46 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.

117. Every person who contravenes any of the provisions of sections 18 and 52 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.

118. Every operator of an institution who contravenes any of the provisions of sections 56, 57, 59 and 77 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.

119. Every person who supplies to the Minister, under section 9, 18, 53, 66 or 79, 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 52 or in a statement, report or other document which he forwards to the Minister under section 9, 53, 54, 66 or 79 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.

120. Every operator of an institution who omits or refuses to return his permit to the Minister where that permit is revoked or modified on the Minister's initiative 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 \$2 000.

121. Every operator of an institution who contravenes a provision of a regulation made under paragraph 5 or paragraph 6 of section 96 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.

122. Every person who hinders a person carrying out an inspection under this Act in the performance of his duties 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.

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

124. 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

125. 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:

"This rule obtains in school bodies within the meaning of the Schedule and also applies to private educational institutions accredited for purposes of subsidies within the meaning of the Act respecting private education (*insert here the reference to this Act*)."

ACT RESPECTING MUNICIPAL TAXATION

126. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by replacing paragraph 15 by the following paragraph:

“(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 (*insert here the reference to this Act*) and which is put at the disposal of that institution;”;

(2) by replacing the words “belonging to a private educational institution declared to be of public interest or recognized for purposes of grants” in the first and second lines of paragraph 16 by the words “put at the disposal of a private educational institution accredited for purposes of subsidies”;

(3) by replacing, in the French text, the words “une institution” in the fourth line of paragraph 16 by the words “un établissement”;

(4) by replacing the word and figures “, 15 or 16” in the second line of paragraph 17 by the word and figure “or 15”.

127. Section 236 of the said Act, amended by section 113 of chapter 85 of the statutes of 1990, 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”.

128. Section 255 of the said Act is 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, in the French text, the words “une telle institution” in the twelfth line of the third paragraph by the words “un tel établissement”;

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

(6) by striking out the words “or by a private educational institution declared to be of public interest or recognized for purposes of grants under the Act respecting private education” in the fourth paragraph.

EDUCATION ACT

129. Section 15 of the Education Act (R.S.Q., chapter I-13.3), amended by section 3 of chapter 8 of the statutes of 1990, is again 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 (*insert here the reference to this Act*)”.

130. Section 213 of the said Act, amended by section 23 of chapter 8 of the statutes of 1990, is again 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”.

131. 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”.

132. 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”.

133. 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

134. 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 “put at the disposal of a private educational institution”.

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

135. 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”.

136. 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 “put at the disposal of a private educational institution”.

CONSUMER PROTECTION ACT

137. 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 (*insert here the reference to this Act*);”;

(2) by striking out paragraph *f*.

138. 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

139. 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 50 OF THE ACT RESPECTING PRIVATE EDUCATION (*insert here the reference to this Act*), FOR THE TERM OF THE AGREEMENT”.

ACT RESPECTING THE TEACHERS PENSION PLAN

140. 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 50 OF THE ACT RESPECTING PRIVATE EDUCATION (*insert here the reference to this Act*), FOR THE TERM OF THE AGREEMENT

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

OTHER PROVISIONS

141. 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.

142. 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

143. The following are deemed to be permits issued under this Act, to the extent that they concern educational services to which it applies:

(1) permits in force on 30 June 1992, issued under the Act respecting private education as it stood before 1 July 1992 or permits issued under section 72 of the said Act;

(2) declarations of public interest and recognition for purposes of grants in force on 30 June 1992, made under that Act.

To the same extent, permits for self-improvement in supplementary vocational training in force on 30 June 1992, issued by the Minister of Education, are deemed to be permits in supplementary vocational training issued under this Act.

144. Every permit referred to in section 143 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.

If there is no mention of a date of expiry, the permit shall expire on 30 June 1995.

Permits shall be renewed in accordance with the provisions of this Act. On renewing a permit, the Minister shall rectify any mention on the permit to make it consistent with the terminology used in this Act and he may exercise the powers provided for in section 13.

145. Declarations of public interest and recognitions for purposes of grants in force on 30 June 1992, made under the Act respecting private education as it stood before 1 July 1992, are deemed to be accreditations for purposes of subsidies granted under this Act.

The Minister may, after consulting the Commission, determine the maximum number of full-time students of an institution to which the first paragraph applies who are eligible for subsidies for each educational service, 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.

146. The Minister shall make his decision on any application to keep or operate a private educational institution after 30 June 1992 in accordance with the provisions of this Act, whether the application is made before or after (*insert here the date of assent to this Act*).

Every application for a declaration of public interest or recognition for purposes of grants, to be valid after 30 June 1992, shall be processed 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 (*insert here the date of assent to this Act*).

147. In applying section 72 to the budgetary rules for the school year 1992-93, the base amounts for the preceding school year shall be the base amounts for the school year 1990-91 as modified by the Government for the school year 1991-92 to take into account the rates

of variation in the subsidies paid for similar services to school boards and general and vocational colleges for the school year 1991-92, excluding subsidies paid for expenses inherent in public education.

The base amounts for the school year 1990-91 or, in the case of college level education, for each term of the school year 1990-91, are

- (1) \$1 361 at the preschool education level;
- (2) \$1 998 at the elementary school level;
- (3) \$2 852 at the secondary school level;
- (4) at the college level:
 - (a) \$1 760 for general education;
 - (b) \$3 030 for instruction in biology technology;
 - (c) \$2 252 for instruction in physics technology;
 - (d) \$2 132 for instruction in humanities technology;
 - (e) \$1 932 for instruction in administration technology;
 - (f) \$2 424 for instruction in liberal arts.

148. Members of the Commission consultative de l'enseignement privé in office on 30 June 1992 are deemed to have been appointed under this Act.

Every member shall remain in office for the unexpired portion of his term or until reappointed or replaced under this Act.

149. The Government and the Minister may, before 1 July 1992, 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 1992.

150. 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 as it stood before 1 July 1992, 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 subject to 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.

151. Notwithstanding sections 26, 36 and 37 of this Act, a private educational institution which, on 30 June 1992, is authorized to dispense an institutional program of studies recognized by the Minister under section 43 or 44 of the Act respecting private education as it stood before 1 July 1992, may continue to dispense that program until the date of expiry of its permit.

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

153. Except sections 51, 75, 76 and 112, 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.

154. 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).

155. 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.

156. The provisions of this Act will come into force on 1 July 1992, except

(1) the provisions of sections 146, 147 and 149 which come into force on (*insert here the date of assent to this Act*);

(2) the provisions of Chapter IV, section 77, paragraphs 5 and 6 of section 97 and section 118, which will come into force on 1 January 1992 to apply to educational service contracts entered into on or after that date for services to be dispensed after 30 June 1992.

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