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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 58

## **An Act respecting the eligibility of certain children for instruction in English**

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### **Introduction**

**Introduced by  
Mr Claude Ryan  
Minister of Education**

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#### EXPLANATORY NOTES

*The object of this bill is to regularize the situation of children who are attending English school illegally.*

*It provides that the parents of the children concerned must apply for their admission to their school board, which will ascertain whether the contents of the instruction they have received in English conforms with the regulations and programs of studies. Upon receiving certain documents from the school board, the person designated under section 75 of the Charter of the French language will rule on their eligibility. Any ineligible child must be enrolled for instruction in French.*

*The bill also provides measures to prevent children from receiving instruction in English illegally.*

*Lastly, it provides authorization to certify children to be eligible for instruction in English on serious family or humanitarian grounds.*

# Bill 58

## **An Act respecting the eligibility of certain children for instruction in English**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** A child who on 15 April 1986 was receiving instruction in English in Québec in a kindergarten class or at an elementary or secondary school without being eligible therefor may become eligible for instruction in English on the following conditions:

(1) that the contents of the instruction he has received conform with the regulations and programs of studies prescribed or approved by the Minister of Education or the Government;

(2) that his parents make, before 15 July 1986, an application for his admission to a school board having jurisdiction over the territory in which they reside.

**2.** Where the child is in the custody of only one of his parents or in the custody of a tutor, the application provided for in section 1 shall be made by that parent or the tutor.

**3.** Before 31 August 1986, the school board having received an application contemplated in section 1 shall transmit the following documents to a person designated by the Minister of Education under section 75 of the Charter of the French language:

(1) the original of the application for admission;

(2) an attestation of the date of receipt of the application;

(3) a report assessing the conformity of the contents of the instruction received with the regulations and programs of studies.

**4.** Before 30 September 1986, the designated person shall examine the eligibility of the child for instruction in English, rule thereupon and advise the parents and the school board in writing of his decision.

**5.** The school board shall enrol the child for instruction in English if he has been found eligible and it shall enrol him for instruction in French if he has not been found eligible.

**6.** No one may claim any grant or other benefit by reason of the fact that a child contemplated in section 1 received instruction in English before the school year 1986-87.

**7.** The Charter of the French language (R.S.Q., chapter C-11) is amended by inserting, after section 78, the following section:

**“78.1** No person may permit or tolerate a child’s receiving instruction in English if he is ineligible therefor.”

**8.** The said Act is amended by inserting, after section 85, the following section:

**“85.1** On the recommendation of the appeals committee, the Minister of Education may, on serious family or humanitarian grounds, certify eligible for instruction in English a child not certified eligible by a person designated in accordance with section 75 and the appeals committee because he does not meet the conditions set forth in this chapter.

The Minister of Education shall indicate, in the report referred to in section 4 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15), the number of children certified eligible for instruction in English under this section and the grounds on which he certified them eligible.”

**9.** Section 182 of the said Act is replaced by the following section:

**“182.** Except in the case of a contravention of section 78.1, an investigation commissioner who, after an inquiry, considers that this Act or the regulations hereunder have been contravened may put the alleged offender in default to conform within a given time.

When the investigation commissioner considers that section 78.1 has been contravened or that a contravention referred to in the first paragraph has continued beyond the given time, he shall forward the record to the Attorney General for his consideration and, if necessary, institution by him of appropriate penal proceedings.”

**10.** The heading of Title V of the said Act is replaced by the following heading:

“OFFENCES, PENALTIES AND OTHER SANCTIONS”.

**11.** The said Act is amended by inserting, after section 208, the following sections:

“**208.1** Every person who pleads guilty to or is found guilty of contravening section 78.1 is disqualified for office as a school commissioner or trustee.

The disqualification period is five years from the date on which the judgment of guilty becomes *res judicata*.

“**208.2** Where a judgment of guilty become *res judicata* has been rendered against an employee of a school body who has pleaded guilty to or been found guilty of contravening section 78.1, the Attorney General shall notify the school body in writing.

On receiving the notice, the school body shall suspend the employee without pay for six months.”

**12.** This Act comes into force on (*insert here the date of assent to this Act*).