

1986, chapter 46

AN ACT RESPECTING THE ELIGIBILITY OF CERTAIN CHILDREN FOR INSTRUCTION IN ENGLISH

Bill 58

Introduced by Mr Claude Ryan, Minister of Education

Introduced 15 May 1986

Passage in principle 6 June 1986

Passage 19 June 1986

Assented to 19 June 1986

Coming into force: 19 June 1986

Act amended:

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



CHAPTER 46

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

[Assented to 19 June 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Conditions
of eligibility

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 1 August 1986, an application for his admission to a school board having jurisdiction over the territory in which they reside.

Application
for
admission

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.

Documents
required

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 (R.S.Q., chapter C-11):

(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.

- Decision **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.
- Enrollment **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.
- Prohibition **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.
- c. C-11, s.
78.1, added **7.** The Charter of the French language (R.S.Q., chapter C-11) is amended by inserting, after section 78, the following section:
- Prohibition “**78.1** No person may permit or tolerate a child’s receiving instruction in English if he is ineligible therefor.”
- c. C-11, s.
85.1, added **8.** The said Act is amended by inserting, after section 85, the following section:
- File trans-
mitted to
the Minister “**85.1** Where the appeals committee cannot allow an appeal pertaining to an application relating to the eligibility of a child for instruction in English but deems that proof of the existence of a serious situation has been made on family or humanitarian grounds, it shall make a report to the Minister of Education and transmit the child’s file to him.
- Certification The Minister may certify eligible for instruction in English a child whose file is transmitted to him by the appeals committee under the first paragraph.
- Report 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 the second paragraph and the grounds on which he certified them eligible.”
- c. C-11, s.
182,
replaced **9.** Section 182 of the said Act is replaced by the following section:
- Contraven-
tion “**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.

Record to
Attorney
General

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.”

c. C-11,
Title V,
heading
replaced

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

“OFFENCES, PENALTIES AND OTHER SANCTIONS”.

c. C-11, ss.
208.1,
208.2,
added

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

Disqualifica-
tion

“**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.

Disqualifica-
tion period

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

Contraven-
tion of s.
78.1

“**208.2** Where a judgment of guilty become *res judicata* has been rendered against a person in the employ 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.

Suspension

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

Coming into
force

12. This Act comes into force on 19 June 1986.