



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 56

An Act to prevent and deal with bullying and violence in schools

Introduction

Introduced by
Madam Line Beauchamp
Minister of Education, Recreation and Sports

Québec Official Publisher
2012

EXPLANATORY NOTES

This bill makes amendments to the Education Act and the Act respecting private education in order to prevent and deal with bullying and violence in schools.

The duties and responsibilities of the players concerned are set out, and school boards are put in charge of seeing to it that each of their schools provides a healthy and secure learning environment which allows every student to develop his or her full potential, free from any form of bullying or violence.

Every public and private educational institution will be required to adopt and implement an anti-bullying and anti-violence plan. The plan must include prevention measures to put an end to all forms of bullying and violence, specify the actions to be taken and the supervisory or support measures to be offered when an act of bullying or violence is observed, determine the disciplinary sanctions applicable to bullying and violence and specify the follow-up to be given to any report or complaint concerning an act of bullying or violence.

The Minister of Education, Recreation and Sports is granted the power to impose a monetary administrative penalty on a school board or a private educational institution for a failure to comply with a provision of the Education Act, the Act respecting private education or the regulations.

Lastly, the Minister is granted the power, in the broad areas of learning established by the Minister, to prescribe activities or content to be integrated into the educational services provided to students.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3).

Bill 56

AN ACT TO PREVENT AND DEAL WITH BULLYING AND VIOLENCE IN SCHOOLS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

- 1.** Section 8 of the Education Act (R.S.Q., chapter I-13.3) is repealed.
- 2.** Section 13 of the Act is amended by inserting the following paragraph after paragraph 1:

“(1.1) the word “**bullying**” means any direct or indirect behaviour, comment, act or gesture, including through the use of social media, intended to injure, hurt, oppress, intimidate or ostracize, and includes cyberbullying;”.

- 3.** The Act is amended by inserting the following after section 18:

“DIVISION III

“STUDENTS’ OBLIGATIONS

“**18.1.** Students shall conduct themselves in a civil and respectful manner toward their peers and school board personnel.

They shall contribute to creating a healthy and safe learning environment. To that end, they shall take part in civics and anti-bullying and anti-violence activities held by their school.

“**18.2.** Students shall take good care of the property placed at their disposal and return it when school activities have ended.

If a student fails to take care of or return the property, the school board may claim the value of the property from the student’s parents if the student is a minor, or from the student if the student is of full age.”

- 4.** The Act is amended by inserting the following sections after section 75:

“**75.1.** The governing board shall adopt an anti-bullying and anti-violence plan.

The main purpose of the plan must be to prevent and deal with all forms of bullying and violence targeting a student, a teacher or any other staff member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

- (1) an analysis of the situation prevailing at the school with respect to bullying and violence;
- (2) prevention measures to put an end to all forms of bullying and violence;
- (3) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media for cyberbullying purposes;
- (4) the actions to be taken when a student, teacher or other staff member or any other person observes an act of bullying or violence;
- (5) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;
- (6) supervisory or support measures for any student, teacher or other person who is a victim of bullying or violence, as well as supervisory or support measures for the perpetrator;
- (7) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and
- (8) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The governing board shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

“75.2. The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the principal to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the principal to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.

“75.3. Every school staff member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the school is a victim of bullying or violence.”

5. Section 76 of the Act is amended by replacing the second paragraph by the following paragraphs:

“In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

(1) the attitudes and conduct that are required of students at all times;

(2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and

(3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.”

6. Section 77 of the Act is amended by replacing the first paragraph by the following paragraph:

“77. The plans, rules and measures provided for in sections 75 to 76 shall be developed in collaboration with the school staff.”

7. The Act is amended by inserting the following section after section 83:

“83.1. Each year, the governing board shall evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence.

A document reporting on the evaluation must be distributed to the parents, the school staff and the Student Ombudsman.”

8. Section 85 of the Act is amended by adding the following paragraph at the end:

“The governing board is also responsible for approving the conditions and procedures proposed by the principal for integrating, into the educational services provided to the students, the activities or content prescribed by the Minister in the broad areas of learning.”

9. Section 96.6 of the Act is amended by inserting the following paragraph after the first paragraph:

“A further purpose of the student committee is to encourage the students to conduct themselves in a civil and respectful manner toward each other and school board personnel.”

10. The Act is amended by inserting the following section after section 96.7:

“96.8. The principal shall support any group of students who wish to conduct activities the principal considers conducive to preventing and dealing with bullying and violence.”

11. Section 96.12 of the Act is amended by adding the following paragraphs at the end:

“The principal shall see to the implementation of the anti-bullying and anti-violence plan, and shall receive and promptly deal with all reports or complaints concerning bullying or violence.

On receiving a complaint concerning bullying or violence, the principal shall promptly communicate with the parents of the bullied student and with the parents of the perpetrator to inform them of the measures in the anti-bullying and anti-violence plan. The principal shall also inform them of their right to request assistance from the Student Ombudsman.

For each complaint received, the principal shall send the director general of the school board and the Student Ombudsman a summary report on the nature of the incident and the follow-up measures taken.

The principal shall set up an anti-bullying and anti-violence team and designate a school staff member to coordinate its work.”

12. Section 96.13 of the Act is amended by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan;”.

13. Section 96.21 of the Act is amended by adding the following paragraph at the end:

“The principal shall see to it that the school staff is informed of the school’s rules of conduct, safety measures and anti-bullying and anti-violence measures, and of the procedure to be followed when an act of bullying or violence is observed.”

14. The Act is amended by inserting the following section after section 96.26:

“96.27. The principal may suspend a student if, in the principal’s opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the school’s rules of conduct.

The principal shall inform the student’s parents of the reasons for the suspension and of the remedial and reintegration measures imposed on the student.

The principal shall also inform the student’s parents that, in the event of any further act of bullying or violence, on a request by the principal to the council of commissioners under section 242, the student could be enrolled in another school or expelled from the schools of the school board.

The principal shall inform the director general of the school board and the Student Ombudsman of the decision to suspend the student.”

15. The Act is amended by inserting the following section after section 210:

“210.1. The school board shall see to it that each of its schools provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence.

The school board shall prepare an annual report which states, for each school, the number of acts of bullying or violence reported to the director general of the school board by the principal and the nature of those acts. The school board shall also describe the measures taken to improve the school’s results with respect to preventing and dealing with bullying and violence and enhancing the quality of the learning environment. The report must be sent to the Minister and the Student Ombudsman not later than 30 September each year.”

16. The Act is amended by inserting the following sections after section 214:

“214.1. A school board and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The agreement must comply with the essential elements and contain the special stipulations that the Government determines by regulation.

In the absence of an agreement and until an agreement is entered into, those essential elements and special stipulations stand in lieu of an agreement between the school board and the competent authority in respect of a police force in the territory of the school board.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.

“214.2. A school board shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. The agreement must stipulate, among other things, the actions to be taken jointly in such cases.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.”

17. Section 220.2 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

“The complaint examination procedure must contain specific provisions for dealing with complaints concerning an act of bullying or violence. Such provisions must include assistance and support measures for the student, his or her parents and any other person, and specific mandatory follow-up measures with regard to the complaint.”;

(2) by inserting the following sentence after the first sentence of the fourth paragraph: “The report must also include a separate section concerning the effectiveness of the anti-bullying and anti-violence plans implemented in the schools of the school board.”

18. Section 242 of the Act is amended by adding the following paragraphs at the end:

“The school board shall decide on the principal’s request within five days. However, the executive council of the school board may decide on the request pending the school board’s decision.

A copy of the decision is sent to the Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence.”

19. Section 297 of the Act is amended by adding the following at the end of the third paragraph: “The contract must require the carrier to adopt measures to prevent and deal with any form of bullying or violence during the transportation of students, and to inform the principal of the school concerned of any act of bullying or violence that occurs during transportation. The contract must also require the carrier to give anti-bullying and anti-violence training to the members of its staff that are assigned to student transportation.”

20. Section 461 of the Act is amended by inserting the following paragraph after the second paragraph:

“The Minister may, in the broad areas of learning established by the Minister, prescribe activities or content to be integrated into the educational services provided to students, and determine exemption conditions.”

21. Section 477 of the Act is replaced by the following sections:

“477. Failure by a school board or by the Comité de gestion de la taxe scolaire de l’île de Montréal to comply with a provision of this Act or the regulations may result in a monetary administrative penalty imposed by a person designated by the Minister.

The Government prescribes, by regulation, the amount of the penalty or the calculation methods to be used to determine that amount, which may vary according to the degree to which standards have been contravened.

“477.0.1. In the event of a failure to comply with this Act or the regulations, a notice of non-compliance may be notified to the party concerned urging it to take the necessary measures without delay in order to remedy the failure. Such a notice must mention that the failure to comply could, among other things, result in a monetary administrative penalty.

“477.0.2. The person designated by the Minister shall impose a monetary administrative penalty by way of a notice of claim stating the amount of the penalty and the reasons it is imposed, and the right of the party concerned to have the matter reviewed by the Minister. The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to a possible deduction from any unpaid subsidies.

“477.0.3. If a failure to comply resulting in a monetary administrative penalty continues for more than one day, it constitutes a new failure to comply for each day it continues.

“477.0.4. The imposition of a monetary administrative penalty is prescribed one year after the date on which the failure to comply began.

Prescription is interrupted as of the date of notification of the notice of claim.

“477.0.5. Within 30 days after notification of the notice of claim, the party concerned may apply to the Minister in writing for a review of the decision.

“477.0.6. The Minister shall designate a person to review decisions relating to monetary administrative penalties. That person must not be from the same administrative authority as the person who imposes such penalties.

“477.0.7. After giving the party concerned an opportunity to submit observations and, if applicable, produce documents to complete the record, the person responsible for reviewing the decision shall render a decision on the basis of the record, unless the person considers it necessary to proceed otherwise. The person may confirm, quash or vary the decision under review.

“477.0.8. The review decision must be written in clear and concise terms, include reasons and be notified to the party concerned.

“477.0.9. The Minister may enter into an agreement with the party concerned regarding payment of the amount owing as a monetary administrative penalty.

“477.0.10. If the party concerned fails to pay the monetary administrative penalty or comply with the agreement regarding payment of the penalty, the Minister may, at the expiry of the time for applying for a review of the decision or of 30 days after the review decision, make a deduction from any unpaid subsidies.”

ACT RESPECTING PRIVATE EDUCATION

22. Section 9 of the Act respecting private education (R.S.Q., chapter E-9.1) is replaced by the following section:

“9. In this Act,

“bullying” means any direct or indirect behaviour, comment, act or gesture, including through the use of social media, intended to injure, hurt, oppress, intimidate or ostracize, and includes cyberbullying;

“school year” means the period commencing on 1 July of one year and ending on 30 June of the following year.”

23. The Act is amended by inserting the following sections after section 63:

“63.1. Every institution providing educational services belonging to the categories listed in paragraphs 1 to 3 of section 1 must adopt an anti-bullying and anti-violence plan.

The main purpose of the plan must be to prevent and deal with all forms of bullying and violence targeting a student, a teacher or any other personnel member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

(1) an analysis of the situation prevailing at the institution with respect to bullying and violence;

(2) prevention measures to put an end to all forms of bullying and violence;

(3) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media for cyberbullying purposes;

(4) the actions to be taken when a student, teacher or other personnel member or any other person observes an act of bullying or violence;

(5) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(6) supervisory or support measures for any student, teacher or other person who is a victim of bullying or violence, as well as supervisory or support measures for the perpetrator;

(7) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(8) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The institution shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

“63.2. The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the institution to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the institution to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.

“63.3. The institution shall see to it that all the members of its personnel are informed of the measures established to prevent and deal with bullying and violence and of the procedure to be followed when an act of bullying or violence is observed.

Every member of the personnel shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the institution is a victim of bullying or violence.

A designated person shall promptly communicate with the parents of a student who is a victim of bullying or violence and with those of the perpetrator to inform them of the measures in the anti-bullying and anti-violence plan.

“63.4. The institution shall send the Minister, at the time and in the form determined by the Minister, a yearly report which states the number of acts of bullying or violence reported to the institution and the nature of those acts. The report must also describe the results achieved by the institution with respect to preventing and dealing with bullying and violence.

“63.5. The institution and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency or when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The agreement must comply with the essential elements and contain the special stipulations that the Government determines by regulation.

In the absence of an agreement and until an agreement is entered into, those essential elements and special stipulations stand in lieu of an agreement between the institution and the competent authority in respect of a police force in the territory of the institution.

“63.6. The institution shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. The agreement must stipulate, among other things, the actions to be taken jointly in such cases.”

24. Section 125 of the Act is replaced by the following sections:

“125. Failure by an institution to comply with a provision of this Act or the regulations may result in a monetary administrative penalty imposed by a person designated by the Minister, except if such a failure to comply constitutes an offence under Chapter X.

The Government prescribes, by regulation, the amount of the penalty or the calculation methods to be used to determine the amount, which may vary according to the degree to which standards have been contravened.

“125.1. In the event of a failure to comply described in section 125, a notice of non-compliance may be notified to the institution concerned urging it to take the necessary measures without delay in order to remedy the failure. Such a notice must mention that the failure to comply could, among other things, result in a monetary administrative penalty.

“125.2. The person designated by the Minister shall impose a monetary administrative penalty by way of a notice of claim stating the amount of the penalty and the reasons it is imposed, and the right of the institution to have the matter reviewed by the Minister. The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to a possible deduction from any unpaid subsidies.

“125.3. If a failure to comply resulting in a monetary administrative penalty continues for more than one day, it constitutes a new failure to comply for each day it continues.

“125.4. The imposition of a monetary administrative penalty is prescribed one year after the date on which the failure to comply began.

Prescription is interrupted as of the date of notification of the notice of claim.

“125.5. Within 30 days after notification of the notice of claim, the institution may apply to the Minister in writing for a review of the decision.

“125.6. The Minister shall designate a person to review decisions relating to monetary administrative penalties. That person must not be from the same administrative authority as the person who imposes such penalties.

“125.7. After giving the institution an opportunity to submit observations and, if applicable, produce documents to complete the record, the person responsible for reviewing the decision shall render a decision on the basis of the record, unless the person considers it necessary to proceed otherwise. The person may confirm, quash or vary the decision under review.

“125.8. The review decision must be written in clear and concise terms, include reasons and be notified to the institution.

“125.9. The Minister may enter into an agreement with the institution regarding payment of the amount owing as a monetary administrative penalty.

“125.10. If the institution fails to pay the monetary administrative penalty or comply with the agreement regarding payment of the penalty, the Minister may, at the expiry of the time for applying for a review of the decision or of 30 days after the review decision, make a deduction from any unpaid subsidies.”

TRANSITIONAL AND FINAL PROVISIONS

25. The agreements described in sections 16 and 23 must be entered into before the date that occurs 12 months after the date of coming into force of the government regulations made under the provisions introduced by those sections.

26. Any agreement entered into before (*insert the date of coming into force of sections 16 and 23*) for purposes similar to those set out in sections 16 and 23 ceases to apply on the earlier of

(1) the date of its expiration; and

(2) the date that is 12 months after the coming into force of the government regulations made under the provisions introduced by those sections.

27. The provisions of this Act come into force on the date or dates to be set by the Government.

