

Bill 144

**An Act to amend the Education Act and
other legislative provisions concerning
mainly free educational services and
compulsory school attendance**

Section 1

AMENDMENT:

1. Replace “the following section” in the portion before proposed section 3.1 by “the following sections”.
2. Add the following section at the end:

“3.2. The personal information gathered under this Act may not be communicated or used or its existence confirmed for the purpose of determining a person’s immigration status, except with the consent of the person concerned.

If the information has been communicated to a third person for any other purpose, it remains subject to the requirements of the first paragraph.

This section does not restrict the communication of documents or information required by a summons, warrant or order of any person or body having the power to compel their communication.

The procedures for identifying a child or his parents may not make the child’s admission to the educational services provided for by this Act and by the basic school regulation made by the Government under section 447 conditional on the presentation of proof of his immigration status.”

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Section 2

AMENDMENT:

Replace by:

2. Section 15 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a student who receives appropriate homeschooling, provided

(a) a written notice to that effect is sent by his parents to the Minister and to the school board that has jurisdiction;

(b) a learning project to impart knowledge to the student, foster his social development and give him qualifications, by the development of basic skills, including literacy, numeracy and problem-solving skills, and by the learning of French, is submitted to the Minister and implemented by his parents; and

(c) any other conditions or procedures determined by government regulation are complied with, including conditions or procedures relating to the characteristics of the learning project, the annual evaluation of the child's progress, and the process applicable in the event of problems related to the learning project or its implementation.”

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SAM 1
AM 2
s. 2 (15)

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Section 2

AMENDMENT:

Insert after subparagraph *b*:

(*b.1*) the Minister monitors the homeschooling; and

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Section 9

AMENDMENT:

Replace by:

9. The Act is amended by inserting the following section after section 448:

“448.1. The Government shall, by regulation, determine standards for homeschooling, which may, among other things, specify how the Minister is to monitor homeschooling and how the school board that has jurisdiction is to support the child.

When determining regulatory standards under subparagraph *c* of subparagraph 4 of the first paragraph of section 15, the Government shall take into account the instruction generally provided at school and the educational experience involved as well as the possibility for the child to attend a school.”

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SAM 1
AM 3
s. 9 (448.1)

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Section 9

AMENDMENT:

Replace “may” in the first paragraph by “must”.

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Section 12

AMENDMENT:

Add after proposed section 459.5.2:

“459.5.3. The Minister may establish and implement a pilot project to experiment or innovate in the field of distance education, or to study, improve or define standards for distance education.

Within such a pilot project, the Minister may

(1) provide distance education services or authorize a school board or an educational institution governed by the Act respecting private education (chapter E-9.1) to provide such services, or a person to receive them, according to standards that depart from those established by or under this Act or the Act respecting private education, all in compliance with the right to free educational services; and

(2) issue directives establishing the applicable standards and rules.

The Minister may also, at any time, make changes or put an end to a pilot project after notifying all interested persons.

The maximum duration of a pilot project is three years, which the Minister may extend by up to two years if he considers it necessary. The Minister shall evaluate the pilot project and make the evaluation public every two years as well as at the end of the pilot project.”

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Section 4.1

AMENDMENT:

Insert after section 4:

4.1. Section 204 of the Act is amended by inserting “and for the purposes of Division II of Chapter I” after “section 1” in the first paragraph.

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Section 4.2

AMENDMENT:

Insert after section 4.1:

4.2. Section 205 of the Act is amended by inserting “, including for the purpose of being exempted from compulsory school attendance,” after “school board”.

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Section 4.3

AMENDMENT:

Insert after section 4.2:

4.3. Section 207 of the Act is amended by inserting “or, in the case of a homeschooled child, by sending the notice provided for in subparagraph *a* of subparagraph 4 of the first paragraph of section 15” at the end of the first paragraph.

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Section 5

AMENDMENT:

Replace by:

5. The Act is amended by inserting the following section after section 207.1:

“207.2. A school board shall contribute, to the extent provided for
by this Act, to children’s attending school as required.”

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Section 21

AMENDMENT:

Add after proposed section 18.2:

“18.3. The Minister may refuse to issue or renew a permit if he considers it warranted in the public interest. Section 22.2 does not apply to such a decision.”

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Section 22.1

AMENDMENT:

Insert after section 22:

22.1. The Act is amended by inserting the following section after section 59:

“**59.1.** An institution may not solicit or receive a gift, legacy, subsidy, contribution or other benefit to which conditions incompatible with the educational services dispensed are attached.”

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Section 27

AMENDMENT:

Insert after section 27:

27.1. The Act is amended by inserting the following section after section 120.1:

“120.2. The Minister may modify or revoke a permit if he considers it warranted in the public interest. Section 121.1 does not apply to such a decision.”

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Section 4

AMENDMENT:

Amendment 12 has been withdrawn and renamed m.

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Section 29.1

AMENDMENT:

Insert after section 29:

**BASIC SCHOOL REGULATION FOR PRESCHOOL, ELEMENTARY AND
SECONDARY EDUCATION**

29.1. Section 31 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) is amended by replacing “equivalent” in the first paragraph by “appropriate”.

Adopted
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Section 30

AMENDMENT:

Add the following paragraph at the end:

That first regulation must be examined by the competent committee of the National Assembly for a period not exceeding three hours before it is made by the Government.

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Section 32

AMENDMENT:

Replace "1 July 2018" by "1 January 2018".

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Section 33

AMENDMENT:

Replace by:

33. This Act comes into force on (*insert the date of assent to this Act*), except sections 1, 2, 4.1, 4.2, 4.3, 6, 8, 10 and 13, which come into force on 1 July 2018 or any earlier date set by the Government.

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Section 4

AMENDMENT:

Replace the proposed second and third paragraphs by:

Any person who receives a child in a place where the child receives training or instruction not governed by this Act or the Act respecting private education (chapter E-9.1) is presumed to contravene the prohibition under the first paragraph on being notified by the Minister that the child is failing to attend school as required.

Such a presumption may be rebutted, in particular by proof that the child is or was received only during the month of July or August.

This section does not apply to parents with respect to their child.”

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