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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 9

**An Act respecting the National  
Student Ombudsman**

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**Introduction**

**Introduced by  
Mr. Jean-François Roberge  
Minister of Education**

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## **EXPLANATORY NOTES**

*This bill proposes to replace the existing complaint processing procedure for school service centres.*

*To that end, the bill provides for the Government to appoint a National Student Ombudsman and for the Minister of Education to appoint regional student ombudsmen. The bill establishes that the function of the National Student Ombudsman and the regional student ombudsmen is to see that the rights of students who attend an institution of a school service centre or a private educational institution as well as the rights of homeschooled children, and those of their parents, are respected with regard to the services they receive from such a centre or such an institution.*

*In particular, the bill requires the National Student Ombudsman to be responsible for the adequate and optimal application of the provisions relating to the complaint processing procedure. For that purpose, the National Student Ombudsman must, among other things,*

*(1) ensure that regional student ombudsmen serve the entire territory of Québec;*

*(2) promote his or her role as well as that of the regional student ombudsmen;*

*(3) disseminate information on the rights of students and homeschooled children, and their parents;*

*(4) coordinate, distribute and supervise the regional student ombudsmen's work and encourage concerted action by them; and*

*(5) give an opinion to the Minister of Education on any matter the Minister submits to the Ombudsman.*

*The bill enacts a procedure for processing complaints by school service centres and private educational institutions. In particular, it establishes in the procedure that a student or child or their parents must first file a complaint with the person directly concerned by the complaint or that person's immediate supervisor. If they are dissatisfied with the processing of the complaint, they can refer it to the person in charge of processing complaints designated among the personnel of the school service centre or private educational institution.*

*The bill then provides for regional student ombudsmen to examine the complaint, with certain exceptions, where the student, child or their parents are dissatisfied with the complaint processing. When the examination is terminated, regional student ombudsmen may make conclusions and recommendations to the school service centre or private educational institution.*

*The bill also provides for the National Student Ombudsman to examine complaints where regional student ombudsmen consider it advisable to make recommendations. For that purpose, the bill entrusts regional student ombudsmen as well as the National Student Ombudsman with powers of investigation and immunity.*

*In addition, the bill provides for regional student ombudsmen to give their opinion to the board of directors of a school service centre, a parents' committee or a students' committee or a private educational institution on any matter those parties submit to them.*

*Protection against reprisals is granted to persons who use the complaint processing procedure or who cooperate with the person in charge of processing complaints or a regional student ombudsman.*

*As regards the fight against bullying and violence, the bill replaces the notions of reporting and complaint with that of disclosure and allows persons who are dissatisfied with the follow-up on a disclosure concerning an act of bullying or violence to file a complaint with the person in charge of processing complaints, then with a regional student ombudsman.*

*The bill requires the National Student Ombudsman and regional student ombudsmen to submit a report on their activities annually. The National Student Ombudsman's report may include any recommendation of collective scope that the Ombudsman considers useful with regard to the services provided by school service centres or private educational institutions. The Minister tables the report in the National Assembly.*

*Lastly, the bill makes consequential amendments and contains transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

- Financial Administration Act (chapter A-6.001);
- Act respecting private education (chapter E-9.1);

- Education Act (chapter I-13.3).

**REGULATION AMENDED BY THIS BILL:**

- Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1).

# **Bill 9**

## **AN ACT RESPECTING THE NATIONAL STUDENT OMBUDSMAN**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **NATIONAL STUDENT OMBUDSMAN AND REGIONAL STUDENT OMBUDSMEN**

##### **DIVISION I**

###### **APPOINTMENT AND ORGANIZATION**

**1.** On the recommendation of the Minister, the Government appoints a National Student Ombudsman. The term of office must not exceed five years.

The person so appointed must have knowledge of the education system and dispute resolution mechanisms.

**2.** The National Student Ombudsman exercises the functions of office exclusively and on a full-time basis.

**3.** At the expiry of the term, the National Student Ombudsman remains in office until replaced or reappointed.

**4.** If the National Student Ombudsman is absent or unable to act, or the office is vacant, the Minister appoints one of the regional student ombudsmen acting on a full-time basis to act as interim National Student Ombudsman.

**5.** The Minister appoints regional student ombudsmen from among persons declared qualified for appointment to those functions by a selection committee and according to the recruiting and selection procedure established by regulation of the Minister. Their term of office must not exceed five years. Their term is renewable.

Regional student ombudsmen who exercise the functions of office on a full-time basis do so exclusively.

The regulation referred to in the first paragraph must, in particular,

(1) determine the publicity to be made for recruitment purposes and its content;

(2) determine the eligibility requirements and the application procedure to be followed by candidates;

(3) determine the selection criteria to be taken into account by the selection committee;

(4) determine the information the selection committee may require from a candidate and the consultations it may hold; and

(5) determine the period for which a declaration of qualification is valid.

The recruiting and selection procedure referred to in the first paragraph does not apply to the regional student ombudsmen whose term is renewed.

**6.** The selection committee is composed of the National Student Ombudsman, who acts as chair, and six persons selected from among the persons recommended by the associations or organizations most representative of parents, teachers, principals of educational institutions, directors general of school service centres, private educational institutions and ortho-pedagogists and designated by the Ombudsman after consultation with those associations or organizations.

**7.** The members of the selection committee receive no remuneration, except in the cases, on the conditions and to the extent as the Minister may determine.

However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Minister.

**8.** No judicial proceedings may be brought against the members of the selection committee for any act done in good faith in the exercise of their functions.

**9.** The National Student Ombudsman or a regional student ombudsman may not

(1) be a member of a school service centre's board of directors, a parents' committee or a governing board or an employee of a school service centre;

(2) be a director, shareholder, officer or employee of a private educational institution that provides educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 of the Act respecting private education (chapter E-9.1); or

(3) be related or connected by marriage or civil union to a person referred to in paragraphs 1 and 2.

**10.** The Government fixes the National Student Ombudsman's and regional student ombudsmen's salary, conditions of employment and, where applicable, their additional salary, allowances or fees.

**11.** The National Student Ombudsman coordinates, distributes and supervises the work of regional student ombudsmen, who must comply with his or her orders and directives in that regard.

**12.** The National Student Ombudsman assigns each regional student ombudsman to a region and also designates, for each region, the regional student ombudsman in charge of accountability under section 48. The National Student Ombudsman ensures that regional student ombudsmen serve the entire territory of Québec.

A part-time regional student ombudsman may be assigned to more than one region.

The National Student Ombudsman may modify the boundaries of a region to which a regional student ombudsman is assigned. The regional student ombudsman concerned completes the processing of complaints in progress at the time of the modification.

**13.** The members of the National Student Ombudsman's personnel are appointed in accordance with the Public Service Act (chapter F-3.1.1).

The National Student Ombudsman defines the powers and duties of the personnel and directs their work.

**14.** The National Student Ombudsman is deemed to be a body for the purposes of the law.

The National Student Ombudsman's head office is located at the place determined by the Government.

Notice of the location and any change of location of the head office is published in the *Gazette officielle du Québec*.

## **DIVISION II**

### **FUNCTIONS AND RESPONSIBILITIES**

**15.** The National Student Ombudsman and regional student ombudsmen see that the rights of students who attend an institution of a school service centre and homeschooled children, and their parents, are respected with regard to the services the school service centre provides to them.

In the same manner, they see that the rights of students who receive from a private educational institution educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 of the Act respecting private education, and their parents, are respected with regard to those services and to the follow-up on a disclosure concerning an act of bullying or violence.

For the purposes of this Act, “parent” means the person having parental authority or, unless that person objects, the person having de facto custody of the student or child.

**16.** The National Student Ombudsman is responsible for the adequate and optimal application of the provisions relating to the complaint processing procedure provided for by this Act.

For that purpose, the National Student Ombudsman promotes his or her role and that of the regional student ombudsmen, and disseminates information on the rights of students and homeschooled children, and their parents, to improve knowledge of those roles. The National Student Ombudsman also promotes the complaint processing procedure provided for by this Act.

The National Student Ombudsman also encourages concerted action by the regional student ombudsmen and the sharing of good practices applicable in the exercise of their functions. The National Student Ombudsman sees that the regional student ombudsmen receive the training relevant to the exercise of their functions.

Lastly, the National Student Ombudsman provides support to any regional student ombudsman who requires it for the purposes of processing a complaint, with due regard to their functions and the confidentiality of information. The National Student Ombudsman may thus give regional student ombudsmen an opinion on the means to be favoured or the solutions to be considered in dealing with a problem related to the exercise of their functions. The National Student Ombudsman also examines the complaints where the regional student ombudsmen consider it advisable to make recommendations.

**17.** The National Student Ombudsman gives an opinion to the Minister on any matter the Minister submits to the National Student Ombudsman.

**18.** For the purposes of section 15, regional student ombudsmen process any complaint filed by a student who attends an educational institution located in the region to which the regional student ombudsmen are assigned, by a homeschooled child who resides in the region or by their parents.

Regional student ombudsmen give their opinion to the board of directors of a school service centre, a parents’ committee, a students’ committee or a private educational institution referred to in section 15 on any matter those parties submit to the regional student ombudsmen with regard to the services the school service centre or private educational institution provides to students, homeschooled children or their parents.

**19.** Regional student ombudsmen disseminate information relating to the complaint processing procedure provided for by this Act.



**20.** A school service centre or private educational institution must, not later than 30 September each year, inform the students, children and their parents of the possibility of filing a complaint under the complaint processing procedure provided for by this Act. To that end, the centre or institution must post in a visible manner, in each educational institution, a document provided by the National Student Ombudsman explaining who may file a complaint and how that right is to be exercised. The document must specify the contact information of the regional student ombudsman to whom the complaint must be referred.

The centre or institution must also disseminate such information by the same time limit in a section dedicated to that purpose which is accessible from the home page of the website of each educational institution.

## **CHAPTER II**

### **COMPLAINT PROCESSING**

#### **DIVISION I**

##### **COMPLAINT PROCESSING BY A SCHOOL SERVICE CENTRE OR PRIVATE EDUCATIONAL INSTITUTION**

**21.** A student or child referred to in section 15 or the parents of that student or child who are dissatisfied with a service they received, are receiving, ought to have received or require from the school service centre may file a complaint with the person directly concerned by the complaint or with the person's immediate supervisor.

If the complaint is filed with a personnel member of an educational institution, the member informs the principal of the institution without delay.

**22.** A person who is dissatisfied with the processing of their complaint or whose complaint has not been processed within 10 working days after it is received may refer the complaint to the person in charge of processing complaints within the school service centre. The person in charge of processing complaints is designated from among the school service centre personnel by the board of directors.

Despite section 21, a person who is dissatisfied with the follow-up on a disclosure concerning an act of bullying or violence made to a principal of an educational institution under section 96.12 or 110.13 of the Education Act (chapter I-13.3) may file a complaint with the person in charge of processing complaints.

**23.** The person in charge of processing complaints must, within 15 working days after receiving the complaint, give the complainant, the person directly concerned by the complaint and the school service centre's board of directors an opinion on the merits of the complaint and specify any corrective measures the person in charge considers appropriate.

If the complaint concerns the follow-up on a disclosure concerning an act of bullying or violence, the opinion is given to the complainant, the principal of the educational institution and the school service centre's board of directors.

**24.** If the person in charge of processing complaints considers that facts brought to their attention raise questions of a disciplinary nature, the person notifies the human resources manager within the school service centre in writing without delay. If the person considers it expedient, the complainant is also notified.

In the same way, if the person in charge of processing complaints considers that facts brought to their attention concern a serious fault or derogatory act referred to in the first paragraph of section 26 of the Education Act, the person notifies the Minister in writing without delay of the facts relating to the fault or act concerned. The person also notifies the complainant.

The Minister ensures the follow-up with the complainant of any notice received under the preceding paragraph, in particular as regards the complainant's intention to file a complaint under section 26 of the Education Act.

The person in charge of processing complaints continues the examination of the complaint.

**25.** A person who is dissatisfied with the processing of their complaint by the person in charge of processing complaints, or whose complaint has not been processed within 15 working days after it is received, may refer the complaint to a regional student ombudsman in accordance with the provisions of Division II of this chapter.

**26.** The procedure set out in this chapter also applies, with the necessary modifications, to a private educational institution that provides educational services belonging to the categories listed in paragraphs 1 to 5 of section 1 of the Act respecting private education with regard to those services and to the follow-up on a disclosure concerning an act of bullying or violence.

For the purposes of this division, "school service centre's board of directors" means a private educational institution.

**27.** For the purposes of this division, the Minister may, by regulation, establish any other terms relating to the filing of a complaint or the processing of complaints by the person in charge of processing complaints.

## **DIVISION II**

### **COMPLAINT PROCESSING BY REGIONAL STUDENT OMBUDSMEN**

**28.** Regional student ombudsmen assist any person who requires it in drawing up a complaint or in taking any action relating to the complaint.

**29.** Any complaint must be filed in writing and addressed to a regional student ombudsman.

The complaint must also be filed in accordance with the other terms that the Minister determines by regulation.

Despite the first paragraph, the National Student Ombudsman may, if warranted by the circumstances, entrust the processing of a complaint to a regional student ombudsman other than the one to whom it was addressed.

**30.** Regional student ombudsmen may, if they consider that circumstances so warrant, refuse to examine a complaint or terminate the examination of a complaint where a proceeding is brought by the complainant before a court of justice or before a person or body of the administrative branch exercising adjudicative functions and that the proceeding regards the facts on which the complaint is based.

They may also refuse to examine a complaint if they consider that another proceeding could adequately and within a reasonable time correct the situation giving rise to the complaint.

**31.** Regional student ombudsmen may examine a complaint despite the steps of the complaint processing procedure under Division I of this chapter not being followed if they are of the opinion that following the steps of the procedure may not adequately correct the situation or that the time taken for processing the complaint at the previous steps makes their intervention unnecessary.

**32.** Regional student ombudsmen may, upon summary examination, refuse or cease to examine any complaint if, in their opinion, it is frivolous, vexatious or made in bad faith.

Regional student ombudsmen may also refuse or cease to examine a complaint if

(1) the complainant refuses or neglects to provide any information or document that the regional student ombudsmen consider relevant for a clear understanding of the facts;

(2) they have reasonable grounds to believe that their intervention would clearly serve no purpose;

(3) the lapse of time between the facts on which the complaint is based and the receipt of the complaint makes it impossible to examine the complaint; or

(4) more than 30 days have elapsed since the person in charge of processing complaints has finished examining the complaint, unless the regional student ombudsmen are of the opinion that the complainant was unable to act.

Regional student ombudsmen may, with the consent of the complainant, suspend the processing of the complaint if they consider that their intervention would be premature with regard to the complaint processing procedure provided for in Division I of this chapter.

**33.** Each time regional student ombudsmen refuse to examine a complaint or terminate the examination of a complaint, they must notify the complainant without delay, giving reasons and, in the case of the second paragraph of section 30, indicating the proceedings to be brought.

**34.** When regional student ombudsmen examine a complaint, they must inform the school service centre or private educational institution concerned by the complaint. The centre or institution must in that case send the information it holds relating to the complaint to the regional student ombudsmen without delay.

Regional student ombudsmen give the person directly concerned by the complaint or the person's immediate supervisor the opportunity to be heard and, where applicable, invite the person or the person's supervisor to remedy the situation which gave rise to the complaint.

When the complaint concerns the follow-up on a disclosure concerning an act of bullying or violence, regional student ombudsmen give the principal of the educational institution the opportunity to be heard.

**35.** During the examination of a complaint, regional student ombudsmen may, if they consider it expedient, conduct an investigation.

They may also entrust the investigation to a person authorized by the National Student Ombudsman for that purpose.

**36.** Section 24 applies, with the necessary modifications, to the processing of complaints by regional student ombudsmen.

**37.** Regional student ombudsmen may, if they consider it useful, if circumstances permit and if the complainant and the other persons concerned consent to it in writing, meet with them to attempt to bring the parties to an agreement. The complaint processing is suspended for the duration of the process.

### **DIVISION III**

#### **CONCLUSIONS AND RECOMMENDATIONS**

**38.** Regional student ombudsmen must, within 20 working days after receiving a complaint, terminate the examination of the complaint and determine the conclusions and, if applicable, the recommendations they consider advisable to make to the school service centre or private educational institution.

In cases where the regional student ombudsmen consider it advisable to make recommendations, they send their conclusions and recommendations as well as the information they hold relating to the complaint to the National Student Ombudsman. The National Student Ombudsman then has five working days to inform the regional student ombudsman concerned of his or her intention to examine the complaint.

Where the National Student Ombudsman examines the complaint, he or she has 10 working days to terminate the examination and, if he or she considers it advisable, substitute his or her recommendations for those of the regional student ombudsman. The National Student Ombudsman may, for the purposes of examining the complaint, conduct an investigation.

On the expiry of the time limit prescribed in the first, second or third paragraph, as applicable, the regional student ombudsmen inform the complainant and the school service centre or the private educational institution of their conclusions and the grounds on which they are made and of any recommendations.

If the processing of the complaint is not terminated within 25 working days after it is received, the regional student ombudsmen so inform the complainant and the school service centre or private educational institution, indicating the reasons for an extension.

The time limit provided for in the previous paragraph is extended by the number of days equivalent to the period during which the processing of the complaint was suspended under the third paragraph of section 32 or section 37, as applicable.

**39.** The school service centre or private educational institution must, within 10 working days after receiving any conclusion or recommendation, inform the complainant and the regional student ombudsman in writing of the action it intends to take on such a recommendation or conclusion and, if applicable, of the grounds for any refusal to take action on such a recommendation or conclusion.

### **CHAPTER III**

#### **INVESTIGATIONS AND IMMUNITY**

**40.** For the conduct of an investigation, the National Student Ombudsman, regional student ombudsmen and any other person authorized for such purpose have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

**41.** Despite any other general law or special Act, the National Student Ombudsman, regional student ombudsmen and members of the National Student Ombudsman's personnel may not be compelled to make a deposition relating to information obtained in the exercise of their functions or produce any document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document.

**42.** No judicial proceedings may be brought against the National Student Ombudsman, regional student ombudsmen and members of the National Student Ombudsman's personnel for an omission or act in good faith in the exercise of their functions.

No judicial proceedings may be brought against a person who, in good faith, has filed a complaint under this Act or has cooperated in good faith with a person in charge of processing complaints, the National Student Ombudsman or a regional student ombudsman in the exercise of his or her functions.

**43.** No civil action may be instituted because of the publication of conclusions or recommendations, or reports of the National Student Ombudsman or regional student ombudsmen or the publication, in good faith, of an extract from or summary of such conclusions or recommendations or of such reports.

**44.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the National Student Ombudsman, a regional student ombudsman or a member of their personnel in the exercise of their functions.

## **CHAPTER IV**

### **PROTECTION AGAINST REPRISALS**

**45.** No one may take reprisals or attempt to take reprisals in any manner against a person

(1) who uses the complaint processing procedure prescribed by this Act; or

(2) who cooperates with the person in charge of processing complaints within a school service centre or private educational institution, with the National Student Ombudsman or with a regional student ombudsman in the exercise of their functions.

**46.** Anyone who believes they are a victim of reprisals may file a complaint with the regional student ombudsmen, in which case the provisions of Divisions II and III of Chapter II apply, with the necessary modifications.

## CHAPTER V

### REPORTS

**47.** The person in charge of processing complaints at a school service centre or private educational institution must, not later than 30 September of each year, send the regional student ombudsman in charge of accountability an activity report for the preceding school year. The report indicates the number and nature of complaints received from students attending an educational institution located in the regional student ombudsman's assigned region and homeschooled children residing in that region, or from their parents. The report also includes the time taken to examine the complaints, the nature of the corrective measures recommended and any follow-up to those measures. The report must separately list complaints concerning acts of bullying or violence.

**48.** The regional student ombudsmen in charge of accountability must, not later than 31 October of each year, send a report of their activities for the preceding school year to the National Student Ombudsman and to each school service centre and private educational institution located in the region in which they are assigned. The report must separately list complaint referrals concerning acts of bullying or violence.

The report states, in particular,

(1) the number of complaints received, examined, refused or abandoned since the last report, and the nature of and grounds for those complaints;

(2) the time taken for complaint examination;

(3) the nature of the recommendations and the action taken on those recommendations within the scope of the examination of a complaint; and

(4) the number and nature of the matters submitted to the regional student ombudsmen for an opinion.

The regional student ombudsmen send the reports received under section 47 at the same time.

The Minister may, by regulation, prescribe any other information that regional student ombudsmen's annual reports must contain as well as the form of the reports.

The regional student ombudsmen's reports must bear their signature.

**49.** The National Student Ombudsman must, not later than 31 December of each year, send an activity report for the preceding school year to the Minister.

The report must set out, in particular and separately for each region,

(1) the number of complaints received, examined, refused or abandoned since the last report, and the nature of and grounds for those complaints;

(2) the time taken for complaint examination;

(3) the nature of the recommendations and the action taken on those recommendations within the scope of the examination of a complaint; and

(4) the number and nature of the matters submitted to the National Student Ombudsman for an opinion.

The report must separately list complaints concerning acts of bullying or violence.

The Minister may, by regulation, prescribe any other information that the National Student Ombudsman's annual report must contain as well as the form of the report.

The Minister tables the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

**50.** The National Student Ombudsman may, in the annual report, make any recommendation of collective scope that he or she considers useful with regard to the services provided by school service centres or private educational institutions.

## **CHAPTER VI**

### **MISCELLANEOUS PROVISIONS**

**51.** The National Student Ombudsman may determine the information asset that school service centres and private educational institutions must use for complaint examination.

The information asset must comply with the standards for record keeping and make it possible to enter the information determined by the Minister by regulation.

**52.** Within the meaning of this Act, "school service centre" includes a school board, with the necessary modifications.

**53.** The fiscal year of the National Student Ombudsman ends on 31 March.



## CHAPTER VII

### AMENDING PROVISIONS

#### FINANCIAL ADMINISTRATION ACT

**54.** Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting “National Student Ombudsman” in alphabetical order.

#### ACT RESPECTING PRIVATE EDUCATION

**55.** The Act respecting private education (chapter E-9.1) is amended by inserting the following section after section 63:

**“63.0.1.** An institution dispensing educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 shall establish a procedure for processing complaints related to its functions.

The procedure does not apply, however, to complaints filed by a student or the parents of that student with regard to the educational services belonging to the categories referred to in paragraphs 1 to 5 of section 1 that the institution provides to them or to the follow-up to a disclosure concerning an act of bullying or violence. Those complaints are subject to the procedure provided for by the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*).”

**56.** Section 63.1 of the Act is amended

(1) by replacing “3” in the first paragraph by “5”;

(2) in the third paragraph,

(a) by replacing “reporting, or registering a complaint concerning,” in subparagraph 4 by “disclosing”;

(b) by replacing “any report or complaint” in subparagraph 6 by “any disclosure”;

(c) by replacing “any report or complaint” in subparagraph 9 by “any disclosure”;

(3) by inserting the following sentence after the first sentence in the fourth paragraph: “The document must indicate the option of using the complaint processing procedure established by the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*) for a person who is dissatisfied with the follow-up on a disclosure.”

**57.** Section 63.8 of the Act is amended

(1) by replacing “, the institution shall send the Minister a yearly report” by “each year, the institution shall send the Minister a report”;

(2) by replacing “complaints” by “disclosures concerning an act of bullying or violence”.

EDUCATION ACT

**58.** Sections 9 to 12 of the Education Act (chapter I-13.3) are replaced by the following section:

**“9.** The school service centre’s board of directors may overturn, entirely or in part, a decision referred to in conclusions or recommendations made under section 38 of the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*) and make the decision which, in its opinion, ought to have been made in the first instance.”

**59.** Section 75.1 of the Act is amended

(1) in the third paragraph,

(a) by replacing “reporting, or registering a complaint concerning,” in subparagraph 4 by “disclosing”;

(b) by replacing “any report or complaint” in subparagraph 6 by “any disclosure”;

(c) by replacing “any report or complaint” in subparagraph 9 by “any disclosure”;

(2) by inserting the following sentence after the first sentence in the fourth paragraph: “The document must indicate the option of using the complaint processing procedure established by the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*) for a person who is dissatisfied with the follow-up on a disclosure.”

**60.** Section 83.1 of the Act is amended by replacing “Student Ombudsman” in the second paragraph by “regional student ombudsman in charge of accountability assigned to the region in which the school is located”.

**61.** Section 96.12 of the Act is amended

(1) by replacing “all reports or complaints” in the third paragraph by “all disclosures”;

(2) by replacing all occurrences of “complaint” by “disclosure”.

**62.** Section 96.14 of the Act is amended by replacing “school service centre’s complaint examination procedure provided for in section 220.2” in the first paragraph by “complaint processing procedure provided for by the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*)”.

**63.** Section 187.1 of the Act is amended by replacing “requests for reconsideration made under section 9 relating to” in the second paragraph by “complaints filed with the person in charge of processing complaints regarding”.

**64.** Section 193 of the Act is amended

- (1) by striking out subparagraph 5.1 of the first paragraph;
- (2) by striking out “5.1,” in the second paragraph.

**65.** Section 214.1 of the Act is amended by replacing “the school principals and the Student Ombudsman” in the fourth paragraph by “the principals of the educational institutions and the regional student ombudsman in charge of accountability assigned to the region in which the institutions are located”.

**66.** Section 214.2 of the Act is amended by replacing “the school principals and the Student Ombudsman” in the second paragraph by “the principals of the educational institutions and the regional student ombudsman in charge of accountability assigned to the region in which the institutions are located”.

**67.** Section 220 of the Act is amended by replacing “of the complaints” and “with the Student Ombudsman” in the second paragraph by “of the disclosures” and “in accordance with the complaint processing procedure provided for by the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*)”, respectively.

**68.** Section 220.1 of the Act is amended

- (1) by replacing “The meeting” in the first paragraph by “Such a meeting”;
- (2) by replacing “the meeting” in the second paragraph by “such a meeting”;
- (3) by replacing the third paragraph by the following paragraph:

“During such a meeting, the school service centre’s board members must present to the public the content of the annual report provided for in section 220, subject to the content of the regional student ombudsman’s annual activity report which the regional student ombudsman must present. The board members and regional student ombudsman must answer any questions addressed to them concerning the report.”

**69.** Section 220.2 of the Act is amended by replacing the second, third, fourth and fifth paragraphs by the following paragraph:

“The procedure does not apply, however, to complaints filed by a student, homeschooled child or the parents of either with regard to the services the school service centre provides to them. Those complaints are subject to the procedure provided for in the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*).”

**70.** Section 242 of the Act is amended by replacing “Student Ombudsman” in the third paragraph by “regional student ombudsman in charge of accountability assigned to the region in which the school is located”.

**71.** Section 457.3 of the Act is repealed.

#### REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING PRIVATE EDUCATION

**72.** The Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended by inserting the following section after section 21:

“**21.1.** In the case of educational services belonging to the categories listed in paragraphs 1 to 5 of section 1 of the Act respecting private education (chapter E-9.1), the contract or registration form must also contain the complaint processing procedure provided for in Chapter II of the Act respecting the National Student Ombudsman (*insert the year and chapter number of that Act*).”

#### CHAPTER VIII

#### TRANSITIONAL AND FINAL PROVISIONS

**73.** The examination of complaints by a Student Ombudsman in progress on the date of coming into force of section 21 is continued in accordance with section 220.2 of the Education Act (chapter I-13.3) and with the complaint examination procedure established by the school service centre under that section, as it read before being amended by section 69 of this Act. Section 9 of the Education Act, as replaced by section 58 of this Act, applies, with the necessary modifications, to a recommendation of the Student Ombudsman.

Any complaint under examination at a step previous to a Student Ombudsman’s examination in accordance with the procedure referred to in the first paragraph on the same date is sent, along with all information relating to the complaint, to the person in charge of processing complaints within the school service centre. The person in charge of processing complaints must inform the complainant without delay of its reception and the time period applicable for its examination.

Despite the time periods provided for in sections 23 and 25 of this Act, the person in charge of processing complaints has 30 working days after receiving the complaints to terminate their examination.

Despite the second paragraph, a request for reconsideration made in accordance with sections 9 to 12 of the Education Act, as they read before being replaced by section 58 of this Act, that was in progress on the same date is sent, along with all information relating to the complaint, to a regional student ombudsman for examination in accordance with Divisions II and III of Chapter II of this Act.

**74.** A Student Ombudsman in office on the date of coming into force of section 21 remains in office, on the same terms, until the Student Ombudsman has completed the examination of complaints in progress on that date.

**75.** The National Student Ombudsman must, not later than five years after the date of coming into force of section 21, report to the Minister on the implementation of this Act. The report may contain recommendations to improve the complaint processing scheme and the protection of the rights of students, homeschooled children and their parents covered under this Act.

The Minister must table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption.

**76.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.

**77.** This Act comes into force on the date or dates to be set by the Government.





