

Bill 56

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

Section 2

AMENDMENT:

Replace by:

2. Section 13 of the Act is amended

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

“(1.1) the word “**bullying**” means any direct or indirect repeated and deliberate behaviour, comment, act or gesture which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes, and includes cyberbullying;”;

Sam 1

(2) by adding the following paragraph at the end:

“(3) the word “**violence**” means any intentional demonstration of verbal, written, physical, psychological or sexual force which injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

Sam 2

*Adopté tel
qu'amendé
tt*

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Section 2

AMENDMENT:

Replace the definition of "bullying" by:

"(1.1) the word "**bullying**" means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;"

Adopted
HS

SAM 2
AM 1
s. 2 (13)

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Section 2

AMENDMENT:

Insert "causes distress and" after "which" in the definition of "violence".

*Adopte
th*

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Section 3

AMENDMENT:

Add “, la prévention” after “civisme” in the French text in the last sentence of the second paragraph of proposed section 18.1.

*Adopté
ts.*

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Section 4

AMENDMENT:

In proposed section 75.1:

1. Replace the first paragraph by:

“75.1. The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

2. Insert “, in particular those motivated by racism or homophobia or targeting a handicap or a physical characteristic” at the end of subparagraph 2 of the third paragraph. *Sam 1*

3. Insert the following subparagraph after subparagraph 2 of the third paragraph:

(2.1) measures to encourage parents to collaborate in preventing and stopping bullying and violence; *Sam 2*

4. Insert “or communication technologies” after “social media” in subparagraph 3 of the third paragraph.

5. Replace subparagraph 6 of the third paragraph by:

(6) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

*Adopte tel
q amendé
etc.*

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Section 4

AMENDMENT:

Replace paragraph 2 of amendment by:

2. Add “, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic” at the end of subparagraph 2 of the third paragraph.

*Adopte
to.*

SAM 2
AM 3
s. 4 (75.1)

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Section 4

AMENDMENT:

Add "and in creating a healthy and secure learning environment" at the end of proposed subparagraph 2.1.

*Adopted
H.*

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Section 4

AMENDMENT:

In the second paragraph of proposed section 75.2:

1. Strike out "reproché" in the French text.
2. Insert ", le cas échéant," after "empêcher" in the French text.

*Adopté
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Section 9

AMENDMENT:

Replace "school board personnel" in the proposed paragraph by "the school staff".

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Section 10

AMENDMENT:

Replace proposed section 96.8 by:

"96.7.1. The principal shall support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence."

Sam!

*Adopté tel
qu'amendé ts.*

SAM 1
AM 6
s. 10 (96.7.1)

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Section 10

AMENDMENT:

Insert “, on the recommendation of the team established under section 96.12,”
after “shall” in proposed section 96.7.1.

*Adopted
th.*

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Section 11

AMENDMENT:

Replace the second proposed paragraph by:

On receiving a complaint concerning bullying or violence and after evaluating the situation of the victim, the principal shall promptly communicate with the victim's parents and with those 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 person specifically designated by the school board for that purpose.

Sam I

*Adopte tel
qu'amende
et*

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Section 11

AMENDMENT:

Replace the first sentence of the paragraph proposed by the amendment by: "On receiving a complaint concerning bullying or violence, and after considering the best interest of the students directly involved, the principal shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan."

*Adopted
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Section 11

AMENDMENT:

Strike out "and the Student Ombudsman" in the third proposed paragraph.

*Adopted
to*

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Section 11

AMENDMENT:

Insert "as part of his or her regular duties" after "work" in the fourth proposed paragraph.

*Adopted
H*

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Section 14

AMENDMENT:

In proposed section 96.27:

1. Insert after the first paragraph:

When determining the duration of the suspension, the principal shall take into account the student's best interest, the severity of the incidents, and any previously taken measures.

2. Strike out "and the Student Ombudsman" in the last paragraph.

Adopted

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Section 13

AMENDMENT:

Replace by:

13. Section 96.21 of the Act is amended by inserting the following paragraph after the first paragraph:

“The principal shall see to it that all school staff members are 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.”

*Adopted
H.*

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Section 14

AMENDMENT:

Insert "assistance," after "and of the" in the second paragraph of proposed section 96.27.

*Adopted
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Section 15

AMENDMENT:

In proposed section 210.1:

1. Add at the end of the first paragraph: "To that end, it shall support the principals of its schools in their efforts to prevent and stop bullying and violence."
2. Strike out the second paragraph.

*Adopted
H.*

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Section 16

AMENDMENT:

In proposed section 214.1:

1. Replace "in an emergency or" in the first paragraph by "in an emergency and".
2. Replace the third paragraph of proposed section 214.1 by:

In the absence 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 Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

*Accepted
H*

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Section 16

AMENDMENT:

Replace the second paragraph of proposed section 214.1 by:

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

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to.*

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Section 16

AMENDMENT:

In proposed section 214.2:

1. Insert after the first sentence of the first paragraph: "It may also enter into an agreement with a community organization operating in its territory."
2. Replace "The agreement" in the second sentence of the first paragraph by "Any agreement under this section".

*Adopted
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Section 16.1

AMENDMENT:

Insert after section 16:

16.1. Section 220 of the Act is amended

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

“In the report, the school board shall state separately for each school the nature of the complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman. The school board shall also describe the school’s results with respect to preventing and stopping bullying and violence and to the quality of the learning environment.”;

(2) by adding “no later than 31 December each year” at the end of the last paragraph.

Adopt
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SAM 1
AM 17
s. 16.1 (220)

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Section 16.1

AMENDMENT:

Strike out the second sentence of the proposed paragraph.

*Adopted
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Section 17

AMENDMENT:

Replace by:

17. Section 220.2 of the Act is amended by inserting the following sentences after the first sentence of the fourth paragraph: "The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence."

*Adopted
H.*

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Section 18

AMENDMENT:

Replace the first proposed paragraph by:

“The school board shall promptly decide on the principal’s request, at the latest within 10 days.

*Adopted
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Section 19

AMENDMENT:

Replace the second proposed sentence by: "The contract must also require the carrier to make sure, in collaboration with the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible."

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tt*

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Section 21

AMENDMENT:

Strike out.

*Adopted
tt.*

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Section 22

AMENDMENT:

Replace by:

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 repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;

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

“violence” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

Ad note!
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Section 22.1

AMENDMENT:

Insert after section 22:

22.1. Section 32 of the Act is amended by adding the following sentence at the end of the first paragraph: "The same applies with respect to the activities or content the Minister may prescribe in the broad areas of learning."

*Adept
to*

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Section 23

AMENDMENT:

In proposed section 63.1:

1. Replace the first paragraph by:

“63.1. An institution providing educational services belonging to the categories listed in paragraphs 1 to 3 of section 1 must provide 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. To that end, the institution must adopt an anti-bullying and anti-violence plan.

2. Insert “, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic” at the end of subparagraph 2 of the third paragraph.

3. Insert the following subparagraph after subparagraph 2 of the third paragraph:

(2.1) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

4. Insert “or communication technologies” after “social media” in subparagraph 3 of the third paragraph.

5. Replace subparagraph 6 of the third paragraph by:

(6) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

*Adopt
it*

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Section 23

AMENDMENT:

In the second paragraph of proposed section 63.2:

1. Strike out "reproché" in the French text.
2. Insert ", le cas échéant, " after "empêcher" in the French text.

Adopté
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Section 26

AMENDMENT:

Insert after proposed section 63.2:

“63.2.1. The anti-bullying and anti-violence plan must be accompanied by a document that sets out the rules of conduct and the safety measures applicable in the institution, including the obligation for students to conduct themselves in a civil and respectful manner toward their peers and the institution’s personnel, to contribute to creating a healthy and secure learning environment, and to take part in civics and anti-bullying and anti-violence activities held by the institution.

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 institution in collaboration with its personnel, and must be sent to the parents at the beginning of each school year.

“63.2.2. The plan, rules and measures provided for in sections 63.1 and 63.2.1 are prepared with the participation of the members of the institution’s personnel.

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Section 23

AMENDMENT:

Replace proposed section 63.3 by:

“63.3. The institution shall set up an anti-bullying and anti-violence team and designate from among the members of its personnel, a person to coordinate its work as part of his or her regular duties.

The institution shall see to it that all the members of its personnel are informed of the institution’s rules of conduct and 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.

Every personnel member 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.

On the occurrence of an act of bullying or violence, and after considering the best interest of the students directly involved, the person designated by the institution specifically for that purpose shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan.

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*Adopte tel
le qu'amende*

SAM 1
AM 27
s. 23 (63.3)

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Section 23

AMENDMENT:

Insert "from among the members of its management personnel" after "for that purpose" in the fourth paragraph of proposed section 63.3.

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tk*

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Section 23

AMENDMENT:

Replace proposed section 63.4 by:

"63.4. Not later than 31 December, the institution shall send the Minister a yearly report which states the nature of the complaints reported to the institution and the measures taken.

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tk.*

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Section 23

AMENDMENT:

In proposed section 63.5:

1. Replace "in an emergency or" in the first paragraph by "in an emergency and".
2. Replace the second paragraph by:

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

3. Replace the third paragraph by:

In the absence of an agreement between the institution and the competent authority in respect of a police force in the territory of the institution, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

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Section 23

AMENDMENT:

In proposed section 63.6:

1. Insert after the first sentence: "It may also enter into an agreement with a community organization operating in its territory."
2. Replace "The agreement" in the second sentence by "Any agreement under this section".

*Adopted
H.*

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Section 24

AMENDMENT:

Strike out.

*Adapted
to*

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**An Act to prevent and deal with
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Section 23

AMENDMENT:

Insert after proposed section 63.3:

"63.3.1. The institution may suspend a student if, in its 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 institution's rules of conduct.

When determining the duration of the suspension, the institution shall take into account the student's best interest, the severity of the incidents, and any previously taken measures.

The institution shall inform the student's parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

"63.3.2. The institution shall, on the recommendation of the team established under section 63.3, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.

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Section 26.1

AMENDMENT:

Insert after section 26:

26.1. The first anti-bullying and anti-violence plan and the first rules of conduct and safety measures prepared in accordance with this Act must, in the case of a school, be approved by its governing board and, in the case of a private educational institution, be adopted by the institution at the latest on 31 December 2012.

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Section 27

AMENDMENT:

Replace by:

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

*Aderoti
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Bill 56

**An Act to prevent and deal with
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Title

AMENDMENT:

Replace by "Loi visant à prévenir et à lutter contre l'intimidation et la violence à l'école" in the French text.

*Adopté
tt.*