

Regulations and other Acts

M.O., 2019

Order of the Minister of Education and Higher Education dated 7 June 2019

Education Act
(chapter I-13.3)

Regulation respecting free instructional material and certain financial contributions that may be required

THE MINISTER OF EDUCATION AND HIGHER EDUCATION,

CONSIDERING the Act to clarify the scope of the right to free education and to allow the regulation of certain financial contributions that may be required (S.Q. 2019, chapter 9) assented to on 7 June 2019;

CONSIDERING section 17 of the Act, which provides that the Act comes into force on 1 July 2019;

CONSIDERING section 457.2.1 of the Education Act (chapter I-13.3), as enacted by section 13 of the Act, which provides that the Minister may, by regulation, determine the services and school activities to which the right to free educational services, provided for in section 3 of the Act, does not apply, specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7 of the Act, does or does not apply, and establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3 of the Act, section 7 of the Act or the third paragraph of section 292 of the Act, does not apply;

CONSIDERING section 16 of the Act, which provides that the first regulation made by the Minister under section 457.2.1 of the Education Act is not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1);

CONSIDERING section 55 of the Interpretation Act (chapter I-16), which provides that whenever an Act or any provision of an Act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

CONSIDERING that it is expedient to make the Regulation respecting free instructional material and certain financial contributions that may be required;

ORDERS AS FOLLOWS:

The Regulation respecting free instructional material and certain financial contributions that may be required, attached to this Order, is hereby made.

JEAN-FRANÇOIS ROBERGE,
*Minister of Education
and Higher Education*

Regulation respecting free instructional material and certain financial contributions that may be required

Education Act
(chapter I-13.3, s. 3, 4th par., s. 7, 3rd par., and s. 457.2.1; S.Q. 2019, chapter 9, ss. 1, 2 and 13)

DIVISION I
GENERAL

1. This Regulation determines the services provided within the scope of special school projects and school activities to which the right to free school services provided for in section 3 of the Act does not apply.

It clarifies the scope of the right to free instructional material provided for in section 7 of the Act.

It also establishes standards for the financial contributions that may be required for the services and activities referred to in the first paragraph, for material to which the right of free use does not apply and for supervision at lunch time provided for in the third paragraph of section 292 of the Act.

2. For the purposes of this Regulation, “special school project” means a project approved by the governing board and carried out for one or more groups of students enrolled at the elementary or secondary level among the following:

- (1) sport-study programs recognized by the Minister;
- (2) arts-study programs recognized by the Minister;
- (3) programs recognized by Baccalauréat International;

(4) Concentration or Profile type projects, that is, those intended to meet the student's interests by activities or one or many local programs of studies and school interventions related to the field of activity specifically covered by the project.

DIVISION II EDUCATIONAL SERVICES

3. The services provided within the scope of a special school project to which the right to free access provided for in section 3 of the Act does not apply are the following:

- (1) certification by an outside body required for the carrying out of the project;
- (2) the issue to the student of a certificate from an outside body within the scope of the project;
- (3) the school coordination required to allow the carrying out of the project;
- (4) the participation of a coach or other specialist not acting as a teacher in a study program;
- (5) the renting of a sports facility or of premises required for the carrying out of a project.

4. The school activities to which the right to free access provided for in section 3 of the Act does not apply are the following:

- (1) the activities conducted outside the premises of the educational institution attended by the student, including transportation to the premises of the activity;
- (2) the activities conducted with the participation of a person who is not a member of the staff of the school board and similar to those referred to in paragraph 1.

DIVISION III MATERIAL

5. Within the framework of the activity programs and the teaching of programs of studies approved by the Minister and local programs of studies that are not included in a special school project, the right of free use applies in particular to the following material:

- (1) tools, machine tools, instruments, chemical products and other scientific and technological material;
- (2) balls, rackets, helmets and other physical education equipment;
- (3) paint, pastels, clay and other art supplies;

(4) reeds for musical wind instruments, flutes and other musical instruments;

(5) novels and albums, and reference material such as dictionaries, grammars, atlases, guides and encyclopedias, whatever the media;

(6) photocopied texts, reproductions of copyrighted material such as partitions and any other reprographic material that replaces or supplements a school manual;

(7) solid and geometric form kits, counters, base 10 kits, dice, card games and other manipulatives;

(8) modelling clay, wood, plaster and other similar materials;

(9) computers, laptops, tablets, technological applications, graphing calculators, earphones and other technological tools;

(10) protective helmets, safety glasses, hairnets and other protective items;

(11) sensory stimulation material intended in particular for handicapped students and students with social maladjustments or learning disabilities.

The material referred to in the first paragraph is maintained free of charge.

6. Despite section 5, the right of free use does not apply to specialized material specifically required for the carrying out of a special school project, or to the maintenance of the material.

7. The right of free use provided for in section 7 of the Act does not apply to the following material:

(1) activity or exercise books or reprographic material replacing or supplementing an activity or exercise book, including those on a medium based on information technology;

(2) notebooks, pads of paper, sleeves, binders and separators;

(3) standard calculators and scientific calculators;

(4) memory sticks;

(5) rulers, protractors, squares, compasses and other geometry tools;

(6) highlighter pens, markers, pens, coloured pencils, pencil sharpeners, scissors and glue;

(7) running shoes, dancewear and shoes, lab coats, aprons or shirts to protect clothing;

(8) uniforms, boots and other clothing required for vocational training;

(9) towels and blankets for rest periods;

(10) locks.

DIVISION IV STANDARDS RELATING TO CONTRIBUTIONS THAT MAY BE REQUIRED

8. The governing board must implement measures to facilitate access by each student to all services, activities or materials for which financial contribution is approved under section 75.0.1 of the Act.

The governing board must also inform the school board of all financial contributions approved under that section.

9. Every financial contribution required for a service referred to in section 3, for an activity referred to in section 4 or for material to which the right of free use does not apply must be the subject of a clear and detailed invoice. Where a voluntary contribution or a donation is requested, no amount related to it may be included in the total indicated on the invoice.

10. No financial contribution may be required for a service, activity or material that is subject to financing provided for in the budget rules determined by the Minister, such as paper tissues and other items required to be supplied for health or hygiene reasons.

Such financing must be deducted from the amount of the financial contribution required where it covers part of the expenses incurred.

11. No supplier or specific brand may be imposed with reference to material for a student's personal use, other than activity or exercise books.

DIVISION V FINAL

12. This Regulation comes into force on 1 July 2019.