

EDUCATION ACT

STUDENTS' RIGHTS

Every person is entitled to the preschool education services and elementary and secondary school instructional services provided for by this Act and by the basic school regulation made by the Government under section 447, from the first day of the school calendar in the school year in which he attains the age of admission to the last day of the school calendar in the school year in which he attains 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration.

Every person is also entitled to other educational services, student services and special educational services provided for by this Act and the basic school regulation referred to in the first paragraph and to the educational services prescribed by the basic vocational training regulation established by the Government under section 448, within the scope of the programs offered by the school board.

The age of admission to preschool education is 5 years on or before the date prescribed by the basic school regulation; the age of admission to elementary school education is 6 years on or before the same date.

Every person no longer subject to compulsory school attendance is entitled to the educational services prescribed by the basic regulations established by the Government under section 448, within the scope of the programs offered by the school board pursuant to this Act.

The educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 shall be provided free to every resident of Québec entitled thereto under section 1.

Literacy services and the other learning services prescribed by the basic school regulation for adult education shall be provided free to residents of Québec contemplated in section 2, subject to the conditions prescribed by the said regulation.

The educational services prescribed by the basic vocational training regulation shall be provided free to every resident of Québec, subject, however, to the conditions determined in the basic regulation if the person is 18 years of age or older, or 21 years of age or older in the case of a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration

Every student, or the student's parents if the student is not of full age, shall have the right to choose, every year, the school that best reflects their preferences from among the schools of the school board whose jurisdiction the student comes under that provide services to which the student is entitled.

The exercise of the right to choose a school is subordinate to the enrollment criteria established pursuant to section 239 where the number of applications for enrollment in a school exceeds the school's capacity, and, in the case of a school with a special project or a school having a regional or provincial role, subordinate to the enrollment criteria established by the school board pursuant to section 240 or 468.

The exercise of the right does not entail the right to require transportation services where the transportation services required for the student concerned exceed the limits established by the school board.

Students other than those enrolled in vocational training or adult education are entitled to student services in spiritual care and guidance and community involvement.

Students other than those enrolled in adult education have a right to the free use of textbooks and other instructional material required for the teaching of programs of studies until the last day of the school calendar of the school year in which they reach 18 years of age, or 21 years of age in the case of handicapped persons within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration Each student shall have the personal use of the textbook chosen pursuant to section 96.15 for each compulsory and elective subject in which the student receives instruction.

The right of free use does not extend to documents in which students write, draw or cut out.

Instructional material does not include pencils, paper and other objects of a like nature.

A student or parents of a student affected by a decision of the council of commissioners, the executive committee or the governing board, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.

The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board.

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

The council of commissioners shall dispose of the request without delay.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.

In this Act,

- the words “**school year**” mean the period commencing on 1 July in a year and ending on 30 June in the year following;
- 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;
- the word “**parent**” means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student;
- the word “**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.

COMPULSORY SCHOOL ATTENDANCE

Every child resident in Québec shall attend school from the first day of the school calendar in the school year following that in which he attains 6 years of age until the last day of the school calendar in the school year in which he attains 16 years of age or at the end of which he obtains a diploma awarded by the Minister, whichever occurs first.

The following students are exempt from compulsory school attendance:

- a student excused by the school board by reason of illness or for the purpose of receiving medical treatment or care required by his state of health;
- a student excused by the school board, at the request of his parents and after consultation with the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities established under section 185, by reason of a physical or mental handicap which prevents him from attending school;
- a student expelled from school by the school board pursuant to section 242;
- a student who receives home schooling and benefits from an educational experience which, according to an evaluation made by or for the school board, are equivalent to what is provided at school.

A child is excused from attending public school if he attends a private educational institution governed by the Act respecting private education or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales which provides all or part of the educational services provided for by this Act.

A child is also excused from attending public school if the child attends a vocational training centre or receives instruction in an enterprise that meets the conditions determined by the Minister in a regulation under paragraph 7 of section 111 of the Act respecting private education.

In addition, the school board may exempt one of its students, at the request of his parents, from compulsory school attendance for one or more periods totalling not more than six weeks in any school year, to allow him to carry out urgent work.

Parents must take the necessary measures to ensure that their child attends school as required.

The school board must, at the Minister's request and using the information the Minister provides concerning a child who may not be attending school as required or concerning his parents, take any action with the child and his parents that is specified by the Minister to ascertain and, if applicable, regularize the child's situation.

On that occasion, the school board must also inform the parents of the obligations arising from sections 14 to 17 and of the educational services the child is entitled to under this Act. The parents must provide the school board with any information it requires on their child's situation within a reasonable time.

If the action taken does not allow the child's situation to be ascertained or regularized, the school board, after notifying the student's parents in writing, shall report this to the director of youth protection.

The principal shall ascertain, in the manner determined by the school board, that students attend school regularly.

Where a student is repeatedly absent without a valid excuse, the principal or the person designated by him shall intervene with the student and his parents to come to an agreement with them and with the persons providing the school social services with respect to the most appropriate measures to remedy the situation.

When the intervention does not allow the situation to be remedied, the principal, after notifying the parents of the student in writing, shall report it to the director of youth protection.

No one may act in any manner that compromises a child's attending school as required.

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 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.

STUDENTS' OBLIGATIONS

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 secure learning environment. To that end, they shall take part in civics and anti-bullying and anti-violence activities held by their school.

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.