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Part

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Laws and Regulations

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Summary

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Gouvernement du Québec

O.C. 535-2009, 23 June 2009

Education Act
(R.S.Q., c. I-13.3)

School tax — Computation of the maximum yield for the 2010-2011 school year

Regulation respecting computation of the maximum yield of the school tax for the 2010-2011 school year

WHEREAS, under subparagraphs 1, 2 and 3 of the first paragraph of section 455.1 of the Education Act (R.S.Q., c. I-13.3), the Government must, by regulation, determine the rules for establishing the allowable number of students for computing the maximum yield of the school tax that the school board and the Comité de gestion de la taxe scolaire de l'île de Montréal may levy and the rates of increase of the amounts per student and of the base amount referred to in section 308 of the Act;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the Regulation justifies the absence of prior publication and such coming into force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2010-2011 school year, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting computation of the maximum yield of the school tax for the 2010-2011 school year

Education Act
(R.S.Q., c. I-13.3, s 455.1, 1st par., subpars. 1, 2 and 3)

1. For the computation of the maximum yield of the school tax for the 2010-2011 school year, provided for in section 308 of the Education Act (R.S.Q., c. I-13.3), the allowable number of students must be determined by

(1) calculating the number of 4-year-old preschool students who may be taken into account, by multiplying by 1.00 the number of such students legally enrolled for a minimum of 144 half days on 30 September 2009 in the schools under the jurisdiction of the school board;

(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10. Students admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their vocational studies may not be taken into account for the purposes of this paragraph;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma or to an attestation of vocational specialization who may be taken into account pursuant to paragraph 1 of section 4, by

(a) multiplying by 3.40 the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, legally enrolled during the 2008-2009 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education, Recreation and Sports for the purposes of the budgetary rules for the 2008-2009 school year;

(b) multiplying by 3.40 the number of full-time students admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their professional studies, legally enrolled on 30 September 2008 in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2008-2009 school year;

(c) multiplying by 3.40 the number of students corresponding to the difference between the number of new places, in terms of the enrollment capacity of an educational institution, allotted by the Minister for one or more vocational programs of study and the number of full-time students admitted to such program or programs of study during the 2008-2009 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2008-2009 school year; and

(d) adding the products obtained under subparagraphs *a*, *b* and *c*;

(6) calculating the number of students admitted to adult education services who may be taken into account, in accordance with the Schedule to this Regulation, by multiplying by 2.40 the number of full-time students;

(7) calculating the number of handicapped 5-year-old preschool, elementary school and secondary school students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2009-2010 school year;

(8) calculating the number of 5-year-old preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2009 in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(11) calculating the number of preschool and elementary school students enrolled in school day care services who may be taken into account pursuant to paragraph 3 of section 4, by multiplying by 0.05 the number of such students;

(12) calculating the number of students enrolled in the school board's student transportation services who may be taken into account pursuant to paragraph 4 of section 4, by

(a) multiplying by 0.75 the number of students enrolled on 30 September 2009 in a transportation service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September 2009 in a transport service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students; and

(c) adding the products obtained under subparagraphs *a* and *b*; and

(13) adding the numbers obtained under paragraphs 1 to 12.

2. The allowable number of students determined under section 1 must be adjusted by adding the number of students who may be taken into account for the purposes of the reduction in the school population.

The number of students who may be taken into account for the purposes of the reduction in the school population is determined by

(1) calculating the number of students who may be taken into account for the purposes of the reduction in the total number of students by

(a) multiplying by 0.99 the total of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year (c. I-13.3, r. 3), to which is added, where applicable, the number obtained under subparagraph 1 of the second paragraph of section 2 of that Regulation; and

(b) subtracting from the product obtained under subparagraph *a*, the sum of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1, as they read taking into account the application of section 3, if applicable;

(2) determining the number of students who may be taken into account for the purposes of the reduction in the number of 5-year-old preschool and elementary school students by

(a) calculating the number of 5-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year;

(b) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 2, 3, 8 and 9 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year to which is added, where applicable, the number obtained under subparagraph 2 of the second paragraph of section 2 of that Regulation;

(c) calculating the number of 5-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1; and

(d) subtracting from the product obtained under subparagraph *b*, the total of the numbers obtained under subparagraph *c* and paragraphs 2, 3, 8 and 9 of section 1, as they read taking into account the application of section 3, if applicable;

(3) calculating the number of students who may be taken into account for the purposes of the reduction in the number of secondary school students by

(a) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year;

(b) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 4 and 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year to which is added, where applicable, the number obtained under subparagraph 3 of the second paragraph of section 2 of that Regulation;

(c) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1; and

(d) subtracting from the product obtained under subparagraph *b*, the total of the numbers obtained under subparagraph *c* and paragraphs 4 and 10 of section 1, as they read taking into account the application of section 3, if applicable;

(4) subtracting from the sum of numbers obtained under paragraphs 2 and 3, the number obtained under paragraph 1 and multiplying by 0.37 the resulting number; and

(5) adding the numbers obtained under paragraphs 1 and 4.

In the operations prescribed in this section, when a number is lower than zero, it is deemed to be zero.

3. Where the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 exceeds the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year (c. I-13.3, r. 3) by 200 or 2%, and is at least 200 or 2% lower than the sum obtained by adding the numbers of full-time students in the categories referred to in paragraphs 2 to 4 and 7 to 10 of section 1, established according to the Minister's enrolment estimates for the 2010-2011 school year, paragraphs 2 to 4 of section 1 are to be read as follows:

“(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's enrolment estimates for the 2010-2011 school year, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's enrolment estimates for the 2010-2011 school year, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's enrolment estimates for the 2010-2011 school year, except students referred to in paragraphs 7 and 10;"

4. For the purposes of section 1,

(1) students who may be taken into account by a school board for the purposes of paragraph 5 of section 1 are students who were admitted for the 2008-2009 school year to a vocational training centre under the jurisdiction of the school board to receive educational services in vocational training, in vocational education programs authorized pursuant to section 467 of the Education Act;

(2) the number of full-time students is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

$$\frac{\text{the student's number of hours of activities per school year}}{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student}}$$

(b) adding, for each of the categories of students referred to in paragraphs 1 to 10 of section 1, the proportions obtained under subparagraph a;

(3) the students who may be taken into account by a school board for the purposes of paragraph 11 of section 1 are

(a) 4-year-old preschool students enrolled on 30 September 2009 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

(b) 5-year-old preschool students and elementary school students enrolled on 30 September 2009 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

(4) the students who may be taken into account by a school board for the purposes of paragraph 12 of section 1 are the students for whom the school board provides transportation at the beginning and end of classes each day.

5. For the computation of the maximum yield of the school tax for the 2010-2011 school year, the amount per student is \$760.21, or \$988.24 if the allowable number of students is less than 1,000, and the base amount is \$228,055, namely the amounts established for the 2009-2010 school year reduced by 0.101%.

6. The Regulation respecting computation of the maximum yield of the school tax for the 2009-2010 school year (c. I-13.3, r. 3) is revoked.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE

(s. 1, par. 6)

NUMBER OF STUDENTS EQUIVALENT TO FULL-TIME ADULTS IN GENERAL EDUCATION

Code	School board (commission scolaire)	Number of full-time students
711000	Monts-et-Marées, CS des	500.7
712000	Phares, CS des	447.0
713000	Fleuve-et-des-Lacs, CS du	337.3
714000	Kamouraska-Rivière-du-Loup, CS de	325.4
721000	Pays-des-Bleuets, CS du	479.9
722000	Lac-Saint-Jean, CS du	629.0
723000	Rives-du-Saguenay, CS des	846.7
724000	De La Jonquière, CS	417.7
731000	Charlevoix, CS de	98.8
732000	Capitale, CS de la	1,876.8
733000	Découvreurs, CS des	477.3
734000	Premières-Seigneuries, CS des	882.8
735000	Portneuf, CS de	147.2
741000	Chemin-du-Roy, CS du	735.2
742000	Énergie, CS de l'	617.7
751000	Hauts-Cantons, CS des	197.6

Code	School board (commission scolaire)	Number of full-time students
752000	Région-de-Sherbrooke, CS de la	1,088.4
753000	Sommets, CS des	204.5
761000	Pointe-de-l'Île, CS de la	3,016.5
762000	Montréal, CS de	8,733.1
763000	Marguerite-Bourgeoys, CS	2,803.4
771000	Draveurs, CS des	830.7
772000	Portages-de-l'Outaouais, CS des	650.5
773000	Coeur-des-Vallées, CS au	355.2
774000	Hauts-Bois-de-l'Outaouais, CS des	303.2
781000	Lac-Témiscamingue, CS du	127.0
782000	Rouyn-Noranda, CS de	323.0
783000	Harricana, CS	175.0
784000	Or-et-des-Bois, CS de l'	339.6
785000	Lac-Abitibi, CS du	112.1
791000	Estuaire, CS de l'	311.7
792000	Fer, CS du	146.4
793000	Moyenne-Côte-Nord, CS de la	36.8
801000	Baie-James, CS de la	66.0
811000	Îles, CS des	36.3
812000	Chic-Chocs, CS des	173.4
813000	René-Lévesque, CS	346.3
821000	Côte-du-Sud, CS de la	322.7
822000	Appalaches, CS des	271.9
823000	Beauce-Etchemin, CS de la	811.3
824000	Navigateurs, CS des	534.7
831000	Laval, CS de	1,441.7
841000	Affluents, CS des	1,362.9
842000	Samares, CS des	817.0
851000	Seigneurie-des-Mille-Îles, CS de la	855.2
852000	Rivière-du-Nord, CS de la	719.7
853000	Laurentides, CS des	238.8
854000	Pierre-Neveu, CS	270.6
861000	Sorel-Tracy, CS de	435.2

Code	School board (commission scolaire)	Number of full-time students
862000	Saint-Hyacinthe, CS de	396.1
863000	Hautes-Rivières, CS des	497.4
864000	Marie-Victorin, CS	1,493.6
865000	Patriotes, CS des	542.4
866000	Val-des-Cerfs, CS du	511.1
867000	Grandes-Seigneuries, CS des	660.7
868000	Vallée-des-Tisserands, CS de la	353.0
869000	Trois-Lacs, CS des	333.5
871000	Riveraine, CS de la	213.9
872000	Bois-Francs, CS des	410.4
873000	Chênes, CS des	298.8
881000	Central Québec, CS	46.5
882000	Eastern Shores, CS	59.9
883000	Eastern Townships, CS	140.8
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Gouvernement du Québec

O.C. 538-2009, 23 June 2009Education Act
(R.S.Q., c. I-13.3)**Basic adult general education regulation
— Amendments**

Regulation to amend the Basic adult general education regulation

WHEREAS, under section 448 of the Education Act (R.S.Q., c. I-13.3), the Government must, by regulation, establish a basic adult education regulation;

WHEREAS the Government made the Basic adult general education regulation (R.R.Q., c. I-13.3, r. 9);

WHEREAS it is expedient to amend the Basic adult general education regulation;

WHEREAS, under section 458 of the Education Act, any draft regulation provided for in that section must be submitted to the Conseil supérieur de l'éducation for examination;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Conseil supérieur de l'éducation, which issued its opinion;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 January 2010 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS comments were made further to that publication;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the fifteenth day following the date of that publication where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— The amendments to the Basic adult general education regulation, made by the Regulation attached to this Order in Council, provide for new rules governing certification of studies, which must apply to adults as of 1 July 2010 to avoid the application of different rules during the 2010-2011 school year;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the Basic adult general education regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Basic adult general education regulation

Education Act
(R.S.Q., c. I-13.3, s. 448)

1. The Basic adult general education regulation (c. I-13.3, r. 9) is amended by replacing section 30 by the following:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV or V level including at least 20 credits at the Secondary V level, and among those 54 credits, the following credits:

(1) 12 credits in language of instruction, including at least 6 at the Secondary V level;

(2) 8 credits in second language, including at least 4 at the Secondary V level;

(3) 4 credits in a Secondary IV or Secondary V program of studies established by the Minister in the subject area of Social Sciences; and

(4) 8 credits in a Secondary IV or Secondary V program of studies established by the Minister in the subject area of Mathematics, Science and Technology, including 4 in mathematics.

The number of credits earned in language of instruction and in second language may not exceed 36.

Credits earned at the Secondary IV and V levels are taken into account when awarding the diploma, that is, credits earned for elective subjects in general education programs or a vocational training program leading to a Diploma of Vocational Studies or in a vocational training program leading to an Attestation of Vocational Specialization, and the equivalent learning recognized in accordance with section 250 of the Education Act (R.S.Q., c. I-13.3).

Holders of a Diploma of Vocational Studies or an Attestation of Vocational Specialization who earned the credits in Secondary IV language of instruction, second language and mathematics are, for the purposes of this section, deemed to have obtained the credits set out in subparagraphs 3 and 4 of the first paragraph.

Adults must have earned credits for at least 1 course at the Secondary IV or V level given by an adult education centre.”.

2. Despite section 1, in respect of adults who have successfully completed a Secondary Cycle Two course at an adult education centre before 1 July 2010, section 30 of the regulation is replaced by the following until 1 July 2011:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV and V levels, divided as follows:

(1) 12 credits in language of instruction, including at least 6 at the Secondary V level;

(2) 6 credits in Secondary IV or Secondary V English, second language, for adults whose language of instruction is French;

(3) 6 credits in Secondary V French, second language, for adults whose language of instruction is English;

(4) 36 credits in elective subjects, including at least 18 at the Secondary V level.

The number of credits earned in language of instruction and in second language may not exceed 36.

For the awarding of a Secondary School Diploma:

(1) the credits earned in a vocational training program are considered as credits earned at the Secondary V level, with the exception of credits earned in a vocational training program leading to a semi-skilled trade;

(2) adults must have obtained credits for at least 1 course at the Secondary V level given by an adult education centre.”.

3. This Regulation comes into force on 1 July 2010.

IndexAbbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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