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Laws and Regulations

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Summary

Table of Contents
Draft Regulations
Index

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Table of Contents

Page

Draft Regulations

Education Act — Homeschooling	1299A
-------------------------------------	-------

Draft Regulations

Draft Regulation

Education Act
(chapter I-13.3; 2017, chapter 23)

Homeschooling

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Homeschooling Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation follows up on the Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance (2017, chapter 23), which was assented to on 9 November 2017, and further supervises home schooling. The draft Regulation also determines the standards to apply to homeschooling. More specifically, it determines the conditions and procedures that must be complied with for a student to be excused from compulsory school attendance in order to receive homeschooling, how the Minister is to monitor the homeschooling and how the school board that has jurisdiction is to support a student receiving homeschooling.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Stéphanie Vachon, Secretary General, Ministère de l'Éducation et de l'Enseignement supérieur, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-3810, extension 3927; email: stephanie.vachon@education.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

SÉBASTIEN PROULX,
*Minister of Education,
Recreation and Sports*

Homeschooling Regulation

Education Act
(chapter I-13.3, s. 15, 1st par., subpar. 4, and s. 448.1;
2017, chapter 23, ss. 2 and 12)

DIVISION I GENERAL

1. This Regulation determines certain conditions and procedures to be complied with for a student to be excused from compulsory school attendance in order to receive homeschooling, how the Minister is to monitor the homeschooling and how the school board that has jurisdiction is to support the student.

DIVISION II NOTICE

2. The notice referred to in subparagraph *a* of subparagraph 4 of the first paragraph of section 15 of the Act must provide

- (1) the student's name, address and date of birth;
- (2) the name, address and telephone number of the student's parents; and
- (3) if applicable, the date on which the student stopped or will stop attending an educational institution, the permanent code assigned to the student by the Ministère de l'Éducation, du Loisir et du Sport and the last level of educational services received by the student from an educational institution.

The notice sent to the Minister must also specify the student's school board and, if different, the school board to which the notice of choice of school board is sent in accordance with the law.

The Minister is to provide a form the parents may use for the purposes of the notice.

3. The notice must be sent to the Minister and the school board that has jurisdiction

- (1) on or before 1 September of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 10 days of that time.

The Minister and the school board must acknowledge receipt of the notice in writing within 15 days.

DIVISION III **LEARNING PROJECT**

§1. Form and content of the learning project

4. The student's learning project must

(1) provide for the application of the programs of study established by the Minister under section 461 of the Act, include the activities or content prescribed by the Minister in the broad areas of learning the Minister establishes under that section, and provide for the taking of the examinations imposed by the Minister under section 463 of the Act and by the school board that has jurisdiction under section 231 of the Act, on the basis of what would be included in the educational services received by the student if the student were attending a school; or

(2) otherwise consist of varied and stimulating activities conducive to the acquisition of a body of diversified knowledge and skills, including the learning of the French language, another language and mathematics.

5. The parents must send to the Minister a document describing the student's learning project

- (1) on or before 1 September of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

The document must set forth in particular,

- (1) the chosen instructional approach, where applicable;
- (2) a brief description of the activities chosen to support the learning of the French language, another language and mathematics;
- (3) the other skills sought to be developed and a brief description of the activities chosen for that purpose;
- (4) the textbooks and other educational resources that will be used;
- (5) an approximate breakdown of the time to be allocated to the learning activities;
- (6) the names and contact information of every person or organization that will be contributing to the student's learning and a description of the extent of the contribution; and

(7) how the student's progress is to be evaluated.

6. The Minister is to provide assistance to the parents if they so require to develop the learning project.

7. The Minister examines the learning project submitted. The parents must send to the Minister any information or document relevant to that examination.

If the learning project does not comply with the applicable conditions and procedures, the Minister is to so inform the parents in writing, giving reasons. The Minister's notice must contain recommendations appropriate to remedying the situation.

The parents must submit a new learning project to the Minister within 15 days after receiving such a notice.

§2. Implementation of the learning project

8. The parents must implement the student's learning project

- (1) on or before 1 September of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

9. The parents may make any change they consider relevant to the learning project submitted.

They must inform the Minister of any substantial change made to the learning project within 15 days.

10. The parents must prepare a written report on the implementation of the learning project and send it to the Minister at a time between the third and sixth month after the beginning of implementation of the learning project.

The report must describe, for each skill sought to be developed, the learning activities completed, the approximate time allocated to them and, if applicable, any change made to the learning project.

11. The parents are to attend a monitoring meeting while the student's learning project is being implemented.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and place of the meeting at least 15 days before it is to be held.

§3. Problem in implementing the learning project

12. If a problem arises in implementing the learning project, the parents are to attend a meeting for the purpose of finding a solution to the problem.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and place of the meeting at least 5 days before it is to be held.

13. The Minister is to provide assistance to the parents if a problem arises in implementing the learning project and submit recommendations to the parents that are conducive to remedying the situation.

DIVISION IV EVALUATION OF THE STUDENT'S PROGRESS

14. The parents must monitor the student's progress during the learning project using any evaluation method chosen from among the following:

(1) an evaluation by the school board that has jurisdiction, including an examination it imposes under section 231 of the Act;

(2) an evaluation by a private educational institution governed by the Act respecting private education (chapter E-9.1);

(3) an evaluation by a holder of a teaching licence;

(4) an examination imposed by the Minister under section 463 of the Act and administered by the school board that has jurisdiction; or

(5) a portfolio submitted to the Minister.

Subparagraphs 1 to 3 of the first paragraph may not be construed as restricting the methods of evaluation to those generally used in the school setting, such as summative evaluations.

15. The parents are to prepare two written reports on the student's progress and send them to the Minister at the following times:

(1) the first report at the latest at the end of the sixth month after the beginning of implementation of the learning project; and

(2) the second report at the latest at the end of the tenth month after the beginning of implementation of the learning project.

Both reports must show the student's learning progress and indicate the evaluations conducted to assess it. If applicable, the portfolio must be sent with the reports.

16. The Minister examines the reports on the student's learning progress. The parents must send to the Minister any information or document relevant to that examination.

If a report does not allow the student's progress to be adequately assessed, the Minister must so inform the parents in writing, giving reasons. The Minister's notice must contain appropriate recommendations to remedy the situation and also mention that a request may be made to the Minister to have the Minister evaluate the student's progress.

Within 15 days after receiving such a notice, the parents must provide the Minister with a new report on the student's progress, or request the Minister to evaluate the student's progress.

17. If the student is not making adequate progress, the parents and the student are to attend a meeting intended to more clearly identify the shortcomings and how to deal with them.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and place of the meeting at least 5 days before it is to be held.

18. The Minister is to ensure that the parents are informed of the standards and procedures for the examinations imposed by the Minister under section 463 of the Act and for the certification of studies.

DIVISION V SCHOOL BOARD SUPPORT

19. The school board that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with access, free of charge, to the textbooks approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act that are required for the teaching of a program of studies to be used as part of the student's learning project or that enable a skill within the program to be developed. The student is to have personal use of the textbooks.

The school board must also provide the student, subject to availability and on the conditions it determines, with access, free of charge, to the instructional material that is offered free of charge by the school board to the students within its jurisdiction, is approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act, and is required for the teaching of a program of studies to be used as part of the student's learning project or that enables a skill within the program to be developed.

20. The school board that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with access to student support services for the use of the documentary resources of the school library, academic and career counselling and information, psychological services, psychoeducational services, special education services, remedial education services and speech therapy services.

Those services are accessible subject to their availability and the needs of the student.

21. The school board that has jurisdiction must provide the student receiving homeschooling, subject to availability and on the conditions it determines, with access to

(1) the library of at least one of its schools and the reference and reading material in it;

(2) the science laboratories of at least one of its schools and the related material and equipment used in the laboratories; and

(3) the sports and recreational facilities of at least one of its schools and the related material and equipment used in the facilities.

22. The school board must take the necessary measures to allow a student receiving homeschooling to sit for any examination the school board imposes under section 231 of the Act.

The school board must also take the necessary measures to ensure that a student receiving homeschooling and who is eligible to sit for an examination imposed by the Minister under section 463 of the Act may be present at an examination sitting held in a room in one of its schools.

DIVISION VI

FINAL

23. This Regulation comes into force on 1 July 2018.

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

	Page	Comments
Education Act — Homeschooling (chapter I-13.3; 2017, chapter 23)	1299A	Draft
Homeschooling (Education Act, chapter I-13.3; 2017, chapter 23)	1299A	Draft

