

(2) a diploma in medical laboratory technology, awarded by a foreign educational establishment, that meets the standards set by the Conjoint Committee for the Accreditation of Educational Programs in Medical Laboratory Technology of the Canadian Medical Association. Any reference to those standards includes any later amendment made to them.

**9.** Notwithstanding section 8, where the diploma in respect of which an application for equivalence has been filed was awarded 5 years or more prior to the date of the application, diploma equivalence shall be denied if the knowledge recognized by the diploma no longer corresponds to the knowledge currently being taught, taking into account developments in the profession.

#### DIVISION IV STANDARDS OF TRAINING EQUIVALENCE

**10.** Subject to section 11, a candidate shall be granted a training equivalence if he demonstrates that he has attained a level of knowledge equivalent to that of a holder of a diploma recognized as meeting permit requirements.

**11.** To determine whether a candidate has demonstrated that he has attained the level of knowledge required by section 10, the administrative committee shall take all of the following factors into account:

- (1) the diplomas awarded in Québec or elsewhere;
- (2) the nature and content of the training courses taken;
- (3) the training periods completed;
- (4) the total number of years of schooling;
- (5) the nature and duration of his experience; and
- (6) his knowledge of the profession and professional ethics.

Where the assessment made under the first paragraph does not make it possible to make a decision, the administrative committee may impose an examination or a training period to complete its assessment.

#### DIVISION V FINAL

**12.** This Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the

issue of a permit of the Ordre professionnel des technologistes médicaux du Québec, approved by Order in Council 1654-92 dated 11 November 1992.

**13.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1474

### Draft Regulation

An Act respecting private education  
(R.S.Q., c. E-9.1)

#### Private educational institutions — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, the text of which appears below, may be made by the Minister of Education at the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to define the expression “student from outside Québec” and to establish the additional contribution that a private educational institution may require of such student.

To date, study of this matter has revealed no significant impact on businesses.

Further information may be obtained from Mr. René Lepage, Direction générale du financement et des équipements, ministère de l'Éducation, 1035, rue De La Chevrotière, 14<sup>e</sup> étage, Québec (Québec), G1R 5A5; tel.: (418) 643-5432.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec), G1R 5A5.

PAULINE MAROIS,  
*Minister of Education*

## Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels

An Act respecting private education  
(R.S.Q., c. E-9.1, s. 112)

**1.** The Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, made by Minister's Order 2-93 of the Minister of Education, dated 1 September 1993, is amended by inserting the following Chapter after section 10:

### “CHAPTER V.1 RULES FOR DETERMINING THE ADDITIONAL FINANCIAL CONTRIBUTION THAT AN INSTITUTION MAY REQUIRE OF A STUDENT FROM OUTSIDE QUÉBEC

**10.1** A student from outside Québec within the meaning of section 93 of the Act is a student who is not a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2).

A student who is a Canadian citizen or a permanent resident and who is not in any of the following situations is also a student from outside Québec:

- (1) he was born in Québec or was adopted by a person having his residence in Québec at the time of the adoption;
- (2) one of his parents or his sponsor has his residence in Québec;
- (3) his parents or his sponsor are deceased, and one of his parents or his sponsor had his residence in Québec at the time of his death;
- (4) he maintains his residence in Québec despite the fact that his parents or his sponsor have ceased to reside here;
- (5) Québec is the last place in which he has had his residence for 12 consecutive months without being a full-time student during that time;

(6) he has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or has been residing in Québec for not less than three months without having resided in another province for more than three months, and his parents or his sponsor do not have their residence elsewhere in Canada;

(7) his spouse has or had his residence in Québec in accordance with the criteria set forth in subparagraphs 1 to 6.

For the purposes of this section, “parents” means the student’s father and mother, and “sponsor” means a Canadian citizen or a permanent resident, other than the father, mother or spouse, who sponsors an application for landing filed by a permanent resident within the meaning of the Immigration Act.

**10.2** The following persons are nonetheless not deemed to be students from outside Québec:

(1) a dependent child of

(a) a member of a diplomatic mission, a member of consular post, a private servant of the head of a mission or a member of the private staff of the head of a consular post;

(b) a member of a permanent agency certified by an international body recognized by the Gouvernement du Québec, an employee of such body or a private servant of the person in charge of such agency or body;

(c) an employee of an international non-governmental body having entered into an agreement with the Gouvernement du Québec respecting the granting of tax exemptions and benefits;

(d) a person who has an employment authorization issued in accordance with the Immigration Act or who is exempted from the obligation to have such authorization under that Act;

(2) a person who comes to Québec under an exchange program or a cooperation program authorized by the Gouvernement du Québec and allowing an exemption from the additional financial contribution, except where the person is sponsored by a Canadian body or an international body that has not entered into such agreement with the Gouvernement du Québec;

(3) a person who comes from a state having entered into an agreement with the Gouvernement du Québec for the purpose of exempting the nationals of that state from paying the additional financial contribution;

(4) a person who has applied for refugee status within the meaning of the Immigration Act, a person who has been denied refugee status following an application therefor but whose presence on Canadian soil is nonetheless permitted, a person to whom refugee status has been granted and who has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec;

(5) a person in respect of whom, in accordance with the Immigration Act, an application for permanent residence has been filed on the basis of humanitarian considerations or the public interest and who has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec.

An exchange program or a cooperation program referred to in subparagraph 2 of the first paragraph means all the projects under a reciprocal agreement respecting tuition fees entered into with a foreign government, an international agency or a body.

**10.3** The additional financial contribution that an institution may require of a student from outside Québec may not exceed the following amount per school year:

- |                      |              |
|----------------------|--------------|
| (1) preschool level  | \$2 275 ;    |
| (2) elementary level | \$2 092 ;    |
| (3) secondary level  | \$ 2 919 .”. |

**2.** For the 1997-1998 school year, a Canadian citizen or a permanent resident within the meaning of the Immigration Act is not deemed to be a student from outside Québec.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1470

## Draft Regulation

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

### Definition of “resident in Québec”

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the definition of “resident in Québec”, the text of which appears below, may be made by the Government at the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to define the expression “resident in Québec” for the purposes of the Education Act. Consequently, school boards will have to require a financial contribution for any student who is not resident in Québec and is not exempted from paying that contribution under the budgetary rules established each year by the Minister of Education in accordance with sections 472 to 475 of the Education Act.

I therefore intend that students who are not resident in Québec within the meaning of the draft of the Regulation below and who are not deemed to come from outside Québec within the meaning of section 10.2 of the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, as introduced by section 1 of the draft of the Regulation to amend the Regulation respecting private educational institutions at the preschool, elementary school and secondary school levels, the text of which appears in this issue of the *Gazette officielle du Québec*, shall be exempted under the budgetary rules from paying the financial contribution.

To date, study of this matter has revealed no impact on businesses.

Further information may be obtained from Mr. René Lepage, Direction générale du financement et des équipements, ministère de l'Éducation, 1035, rue De La Chevrotière, 14<sup>e</sup> étage, Québec (Québec), G1R 5A5; tel. (418) 643-5432.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec), G1R 5A5.

PAULINE MAROIS,  
*Minister of Education*

## Regulation respecting the definition of “resident in Québec”

Education Act  
(R.S.Q., c. I-13.3, s. 455)

**1.** A student who is a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2) and who is in any of the following situations is resident in Québec within the meaning of the Education Act (R.S.Q., c. I-13.3):

(1) he was born in Québec or was adopted by a person having his residence in Québec at the time of the adoption;

(2) one of his parents or his sponsor has his residence in Québec;

(3) his parents or his sponsor are deceased, and one of his parents or his sponsor had his residence in Québec at the time of his death;