



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 83

(2002, chapter 13)

**An Act to amend the Act respecting
financial assistance for education
expenses**

**Introduced 30 April 2002
Passage in principle 9 May 2002
Passage 6 June 2002
Assented to 8 June 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act respecting financial assistance for education expenses to establish a loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level.

The bill provides that financial assistance in the form of a loan is available to persons whose annual financial resources are below the eligibility threshold determined by regulation. The bill also provides that interest on loans is to be borne by the Minister of Education throughout the borrower's studies.

Lastly, the bill provides for amendments to the loans and bursaries program to enable certain persons who pursue studies on a part-time basis, owing to their family situation, to benefit from the financial assistance program.

Bill 83

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3) is amended by replacing paragraph 2 by the following paragraph :

“(2) the loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level.”

2. Section 3 of the said Act is amended

(1) by striking out the second sentence ;

(2) by adding the following paragraphs at the end :

“Eligibility for the loans and bursaries program and the amount of financial assistance are determined according to the amounts established as the contribution of the student and, where applicable, the amounts established as the contribution of the student’s parents, sponsor or spouse.

Eligibility for the loans program is determined according to the income of the student and, where applicable, the income of the student’s parents, sponsor or spouse whereas the amount of financial assistance is determined according to the allowable expenses of the student.”

3. Section 8 of the said Act is repealed.

4. Section 10 of the said Act is amended by adding the following paragraph at the end :

“A student who is in any of the situations determined by regulation is also deemed to pursue, on a full-time basis, a course of study recognized by the Minister.”

5. Division II of Chapter III of the said Act is replaced by the following division :

“DIVISION II**“LOANS PROGRAM FOR PART-TIME STUDIES IN VOCATIONAL TRAINING AT THE SECONDARY LEVEL AND FOR PART-TIME STUDIES AT THE POSTSECONDARY LEVEL**

“32. For the purposes of this division and subject to the regulations, “part-time” means, in a trimester,

- (1) at the secondary level, 76 to 179 hours or 6 to 11 credits;
- (2) at the college level, 2 or 3 courses or 76 to 179 periods;
- (3) at the university level, 6 to 11 credits.

“33. Every person shall be eligible for a loan provided that, on the date of the application,

- (1) the person is a Canadian citizen or a permanent resident within the meaning of the Immigration Act;
- (2) the person resides in Québec within the meaning of the regulation;
- (3) the person has been admitted to an educational institution designated by the Minister for the granting of loans, in order to take, on a part-time basis, courses forming part of a course of study recognized by the Minister;
- (4) the person is within the period of eligibility for a loan as established by regulation;
- (5) the amount of the person’s annual financial resources is less than the amount determined by regulation;
- (6) the person has not reached the maximum level of indebtedness determined by regulation.

“34. The student’s financial resources shall be established by adding, according to the terms and conditions determined by regulation, the actual income of the student and, where applicable, that of the student’s parents, sponsor or spouse.

However, the actual income of the parents or sponsor is not included if the student is not, pursuant to section 4, deemed to receive a contribution from his or her parents or sponsor.

“35. The amount of a loan shall be computed by adding the amounts allocated for the categories of allowable expenses determined by regulation.

The amount obtained shall not exceed the balance of financial assistance that may be granted to the student in the form of a loan.

“36. The Minister shall issue, to a student who is entitled to it and who is enrolled, a loan certificate authorizing the student to contract a loan with a financial institution recognized by the Minister. The modalities of presentation of the certificate and payment of the loan shall be determined by regulation.

Section 17 applies to a student who is a minor.

“36.1. Sections 23 to 31 apply, with the necessary modifications, where the borrower obtains a loan pursuant to this division.

“36.2. Where the borrower becomes a full-time student within the meaning of section 9, the Minister shall pay to the financial institution that has granted an authorized loan, interest on the balance of the loan as if the loan had been granted under a loans and bursaries program.”

6. Section 44 of the said Act, amended by section 4 of chapter 18 of the statutes of 2001, is again amended by replacing “1 to 4” in the third line of the first paragraph by “1 to 3”.

7. Section 56 of the said Act is amended

(1) by replacing “secondaires ou postsecondaires” in the French text of subparagraphs 1 and 2 of the first paragraph by “secondaire ou postsecondaire”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) establish the list of educational institutions at the secondary or postsecondary level that are designated by the Minister for the granting of loans for the purposes of the loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level;”;

(3) by replacing “, loans only or bursaries only” in the fourth and fifth lines of the second paragraph by “or for the granting of loans”.

8. Section 57 of the said Act, amended by section 1 of chapter 10 and by section 5 of chapter 18 of the statutes of 2001, is again amended

(1) by inserting “and for each financial assistance program, unless otherwise indicated” after “regulation” in the first line;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) for the purpose of computing the amount of financial assistance which may be paid under a loans and bursaries program, determine, for each form of assistance, the conditions and rules for establishing the contribution of the student and that of the student’s parents, sponsor or spouse;”;

(3) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) determine, for the loans and bursaries program, the situations in which a student is deemed to pursue a course of study on a full-time basis;”;

(4) by inserting the following subparagraphs after subparagraph 3.1 of the first paragraph:

“(3.2) determine, for the loans program, the amount of annual financial resources that may not be exceeded by a person in order to be eligible for a loan, and determine in which cases and on what conditions the amount is increased or reduced;

“(3.3) determine, for the purpose of establishing the student’s financial resources as regards the loans program, the actual income of the student and that of the student’s parents, sponsor or spouse;”;

(5) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) amend, for each level of education or for certain courses of study, the definition of “part-time” in section 32;”;

(6) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) for the purpose of computing the amount of financial assistance which may be paid, establish, for each form of assistance, the list of allowable expenses and determine, according to the classification of the educational institution attended, the maximum amounts allocated;”;

(7) by replacing “, 22 and 36” in subparagraph 19 of the first paragraph by “and 22”;

(8) by replacing “rules according to which he” in the third line of subparagraph 20 of the first paragraph by “special rules and conditions that apply where the student”.

9. This Act comes into force on 8 June 2002.