
Regulations and other acts

Gouvernement du Québec

O.C. 870-2002, 23 July 2002

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses — Amendments

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3), amended by section 1 of chapter 10 and section 5 of chapter 18 of the Statutes of 2001 and by section 8 of chapter 13 of the Statutes of 2002, the Government may make regulations for the purpose of carrying out the Act;

WHEREAS the Government, by Order in Council 844-90 dated 20 June 1990, made the Regulation respecting financial assistance for education expenses;

WHEREAS it is expedient to further amend the Regulation respecting financial assistance for education expenses;

WHEREAS, under section 23.7 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60), the advice of the Advisory Committee on the Financial Accessibility of Education must be sought on every draft regulation concerning financial assistance programs established under the Act respecting financial assistance for education expenses;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the Advisory Committee on the Financial Accessibility of Education, which issued its advice on 27 June 2002;

WHEREAS, in accordance with sections 10 and 12 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 19 June 2002 with a notice that it could be made by the Government upon the expiry of 21 days following that publication;

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 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 made to the Regulation respecting financial assistance for education expenses by the Regulation attached to this Order in Council must have effect from the autumn trimester of the 2002-2003 year of allocation;

— the time periods prescribed for the coming into force of the Regulation would not allow those amendments to be taken into account in due time;

WHEREAS it is expedient to make the Regulation with amendments in order to take into account the comments received;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance for education expenses¹

An Act respecting financial assistance for education expenses

(R.S.Q., c. A-13.3, s. 57; 2001, c. 10, s. 1 and c. 18, s. 5; 2002, c. 13, s. 8)

1. The Regulation respecting financial assistance for education expenses is amended by substituting the following for the title of Division VIII of Chapter I:

“STUDENTS DEEMED TO BE ENROLLED FULL-TIME AND STUDENTS DEEMED TO BE ENROLLED”.

2. The following sections are inserted after the title of Division VIII of Chapter I:

“**52.1.** A student is deemed to be enrolled full-time in a program of studies recognized by the Minister if he is pursuing studies in such a program part-time and if he is in any of the following situations:

(1) the student is single and is living with his child, who is under 12 years of age;

(2) the student is at least 20 weeks pregnant or has lived with her child from his birth until the age as of which he is subject to compulsory school attendance.

When the child suffers from a major functional deficiency within the meaning of section 54 or from mental disorders described in a medical certificate issued by a physician, the period during which the student is deemed to be enrolled full-time in a program of studies recognized by the Minister is extended until the child, if he is pursuing studies, has reached the age of 21.

52.2. When the student is deemed to be enrolled full-time in a program of studies recognized by the Minister, the trimesters for which he may receive financial assistance in the form of a loan or in the form of loans and bursaries are taken into account proportionally with regard to the amount of time for which the student is enrolled.”.

3. The following chapter is inserted after section 75:

“CHAPTER I.1

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

DIVISION I ELIGIBILITY

75.1. A student whose annual financial resources are under \$35 000 is eligible for a loan.

The amount provided for in the first paragraph is increased to \$50 000 when the student has a spouse or when the student is deemed to be receiving a contribution from his parents or sponsor. The amount is, however, not increased when the student is in one of the situations described in section 17.

The amounts provided for in the first and second paragraphs are increased by \$2600 for the first child and by \$2400 for each additional child when the student is living with his child or his spouse’s child. The amount provided for in the first paragraph is increased by \$1995 when the student is single and is living with his child.

75.2. The financial resources of a student are established by adding his gross income within the meaning of the Taxation Act and, if applicable, that of his spouse or, if the student is single, that of his parents or sponsor for the calendar year preceding the current year of allocation.

In the case provided for in section 14, the parents’ income consists of only the gross income of the sole parent whose income must be taken into account according to that section.

Notwithstanding the first paragraph, when the student is in one of the situations described in section 17, the income of his parents or sponsor shall not be taken into account.

75.3. Notwithstanding section 75.2, when a student’s financial resources for the calendar year ending during the current year of allocation are at least 10% lower than for the calendar year preceding the current year of allocation, the financial resources taken into account shall be those for the calendar year ending during the current year of allocation.

¹ The Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, *G.O.* 2, 1685), was last amended by the Regulation made by Order in Council 595-2002 dated 22 May 2002 (2002, *G.O.* 2, 2533). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

DIVISION II ALLOWABLE EXPENSES

75.4. The expenses allowable for the purpose of computing the amount of financial assistance are the following:

- (1) the student's school fees;
- (2) child day-care expenses.

75.5. The amount allocated to a student for school fees for each trimester is determined as follows:

- (1) for vocational training at the secondary level: \$2 per course hour;
- (2) for the college level: \$3 per period of instruction;
- (3) for the university level: \$85 per credit.

The amount provided for in subparagraph 2 of the first paragraph is increased to \$10 when the student is attending a private educational institution.

75.6. The amount allocated to a student for child day-care expenses for each trimester is \$350 per child when all of the following conditions are met:

- (1) the student is living with his child or his spouse's child;
- (2) the child is under 12 years of age, or if the child is 12 years of age or older, he suffers from a major functional deficiency within the meaning of section 54 or from mental disorders described in a medical certificate issued by a physician.

75.7. Notwithstanding sections 75.5 and 75.6, no amount is allocated to the student in respect of a category of allowable expenses when amounts are allocated to him for the same purpose for the trimester concerned by a government department or body.

75.8. No loan certificate is issued for an amount under \$100.

DIVISION III ELIGIBILITY PERIOD

75.9. A student is eligible for a loan for a maximum of 14 trimesters.

DIVISION IV LEVEL OF INDEBTEDNESS

75.10. The balance of all loans granted under this loans program may not exceed \$8000.

DIVISION V MANAGEMENT OF A LOAN

75.11. The provisions of Division XII of Chapter I pertaining to the presentation of the loan certificate, to the payment of the loan, to the repayment of the loan, to cases where a borrower is considered to be in default, to the applicable rates of interest or to the obligations of a borrower in a precarious financial situation shall apply, with the necessary modifications, when the borrower obtains a loan under Division II of Chapter III of the Act respecting financial assistance for education expenses.”.

4. Section 76 is amended by inserting “or, if he is studying outside Québec, who resides in Québec” in the text preceding subparagraph 1 after the words “studying in Québec”.

5. The following division is inserted after section 78:

DIVISION II.1 APPLICATIONS UNDER MORE THAN ONE FINANCIAL ASSISTANCE PROGRAM

78.1. A student may, for a same year of allocation, make applications under more than one financial assistance program. He may, however, receive financial assistance under the loans program for a given trimester only if he is not receiving financial assistance under the loans and bursaries program for the same trimester. He is not entitled to financial assistance under that program for the summer trimester if he receives financial assistance under the loans and bursaries program for the autumn trimester.”.

6. This Regulation applies from the autumn trimester of the 2002-2003 year of allocation.

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