



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 56

(2012, chapter 19)

An Act to prevent and stop bullying and violence in schools

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EXPLANATORY NOTES

This Act makes amendments to the Education Act and the Act respecting private education in order to prevent and stop bullying and violence in schools.

The duties and responsibilities of the players concerned are set out, and school boards are put in charge of seeing to it that each of their schools provides a healthy and secure learning environment which allows every student to develop his or her full potential, free from any form of bullying or violence.

Every public and private educational institution will be required to adopt and implement an anti-bullying and anti-violence plan. The plan must include prevention measures to put an end to all forms of bullying and violence and measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment, specify the actions to be taken and the supervisory or support measures to be offered when an act of bullying or violence is observed, determine the disciplinary sanctions applicable to bullying and violence and specify the follow-up to be given to any report or complaint concerning an act of bullying or violence.

Lastly, the Minister is granted the power, in the broad areas of learning established by the Minister, to prescribe activities or content to be integrated into the educational services provided to students.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3).

Bill 56

AN ACT TO PREVENT AND STOP BULLYING AND VIOLENCE IN SCHOOLS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 8 of the Education Act (R.S.Q., chapter I-13.3) is repealed.

2. Section 13 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) the word “**bullying**” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;”;

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

“(3) the word “**violence**” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

3. The Act is amended by inserting the following after section 18:

“DIVISION III

“STUDENTS’ OBLIGATIONS

“**18.1.** Students shall conduct themselves in a civil and respectful manner toward their peers and school board personnel.

They shall contribute to creating a healthy and secure learning environment. To that end, they shall take part in civics and anti-bullying and anti-violence activities held by their school.

“**18.2.** Students shall take good care of the property placed at their disposal and return it when school activities have ended.

If a student fails to take care of or return the property, the school board may claim the value of the property from the student's parents if the student is a minor, or from the student if the student is of full age."

4. The Act is amended by inserting the following sections after section 75:

"75.1. The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

(1) an analysis of the situation prevailing at the school with respect to bullying and violence;

(2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;

(3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

(4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;

(5) the actions to be taken when a student, teacher or other school staff member or any other person observes an act of bullying or violence;

(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

(8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The governing board shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

“75.2. The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the principal to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the principal to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.

“75.3. Every school staff member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the school is a victim of bullying or violence.”

5. Section 76 of the Act is amended by replacing the second paragraph by the following paragraphs:

“In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

(1) the attitudes and conduct that are required of students at all times;

(2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and

(3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.”

6. Section 77 of the Act is amended by replacing the first paragraph by the following paragraph:

“77. The plans, rules and measures provided for in sections 75 to 76 shall be developed in collaboration with the school staff.”

7. The Act is amended by inserting the following section after section 83:

“83.1. Each year, the governing board shall evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence.

A document reporting on the evaluation must be distributed to the parents, the school staff and the Student Ombudsman.”

8. Section 85 of the Act is amended by adding the following paragraph at the end:

“The governing board is also responsible for approving the conditions and procedures proposed by the principal for integrating, into the educational services provided to the students, the activities or content prescribed by the Minister in the broad areas of learning.”

9. Section 96.6 of the Act is amended by inserting the following paragraph after the first paragraph:

“A further purpose of the student committee is to encourage the students to conduct themselves in a civil and respectful manner toward each other and the school staff.”

10. The Act is amended by inserting the following section after section 96.7:

“96.7.1. The principal shall, on the recommendation of the team established under section 96.12, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.”

11. Section 96.12 of the Act is amended by adding the following paragraphs at the end:

“The principal shall see to the implementation of the anti-bullying and anti-violence plan, and shall receive and promptly deal with all reports or complaints concerning bullying or violence.

On receiving a complaint concerning bullying or violence, and after considering the best interest of the students directly involved, the principal shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan. The principal shall also inform them of their right to request assistance from the person specifically designated by the school board for that purpose.

For each complaint received, the principal shall send the director general of the school board a summary report on the nature of the incident and the follow-up measures taken.

The principal shall set up an anti-bullying and anti-violence team and designate a school staff member to coordinate its work as part of his or her regular duties.”

12. Section 96.13 of the Act is amended by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan;”.

13. Section 96.21 of the Act is amended by inserting the following paragraph after the first paragraph:

“The principal shall see to it that all school staff members are informed of the school’s rules of conduct, safety measures and anti-bullying and anti-violence measures, and of the procedure to be followed when an act of bullying or violence is observed.”

14. The Act is amended by inserting the following section after section 96.26:

“96.27. The principal may suspend a student if, in the principal’s opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the school’s rules of conduct.

When determining the duration of the suspension, the principal shall take into account the student’s best interest, the severity of the incidents, and any previously taken measures.

The principal shall inform the student’s parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

The principal shall also inform the student’s parents that, in the event of any further act of bullying or violence, on a request by the principal to the council of commissioners under section 242, the student could be enrolled in another school or expelled from the schools of the school board.

The principal shall inform the director general of the school board of the decision to suspend the student.”

15. The Act is amended by inserting the following section after section 210:

“210.1. The school board shall see to it that each of its schools provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence. To that end, it shall support the principals of its schools in their efforts to prevent and stop bullying and violence.”

16. The Act is amended by inserting the following sections after section 214:

“214.1. A school board and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the school board and the competent authority in respect of a police force in the territory of the school board, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.

“214.2. A school board shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.”

17. Section 220 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

“In the report, the school board shall state separately for each school the nature of the complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman.”;

(2) by adding “no later than 31 December each year” at the end of the last paragraph.

18. Section 220.2 of the Act is amended by inserting the following sentences after the first sentence of the fourth paragraph: “The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence.”

19. Section 242 of the Act is amended by adding the following paragraphs at the end:

“The school board shall promptly decide on the principal’s request, at the latest within 10 days.

A copy of the decision is sent to the Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence.”

20. Section 297 of the Act is amended by adding the following at the end of the third paragraph: “The contract must require the carrier to adopt measures to prevent and stop any form of bullying or violence during the transportation of students, and to inform the principal of the school concerned of any act of bullying or violence that occurs during transportation. The contract must also require the carrier to make sure, in collaboration with the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible.”

21. Section 461 of the Act is amended by inserting the following paragraph after the second paragraph:

“The Minister may, in the broad areas of learning established by the Minister, prescribe activities or content to be integrated into the educational services provided to students, and determine exemption conditions.”

ACT RESPECTING PRIVATE EDUCATION

22. Section 9 of the Act respecting private education (R.S.Q., chapter E-9.1) is replaced by the following section:

“**9.** In this Act,

“bullying” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;

“school year” means the period commencing on 1 July of one year and ending on 30 June of the following year; and

“violence” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

23. Section 32 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies with respect to the activities or content the Minister may prescribe in the broad areas of learning.”

24. The Act is amended by inserting the following sections after section 63:

“**63.1.** An institution providing educational services belonging to the categories listed in paragraphs 1 to 3 of section 1 must provide a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence. To that end, the institution must adopt an anti-bullying and anti-violence plan.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other personnel member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

(1) an analysis of the situation prevailing at the institution with respect to bullying and violence;

(2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;

(3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

(4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;

(5) the actions to be taken when a student, teacher or other personnel member or any other person observes an act of bullying or violence;

(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

(8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The institution shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

63.2. The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the institution to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the institution to deal with the perpetrator and his or her parents, and specify the form and nature of

the undertakings they must give in order to prevent any further act of bullying or violence.

“63.3. The anti-bullying and anti-violence plan must be accompanied by a document that sets out the rules of conduct and the safety measures applicable in the institution, including the obligation for students to conduct themselves in a civil and respectful manner toward their peers and the institution’s personnel, to contribute to creating a healthy and secure learning environment, and to take part in civics and anti-bullying and anti-violence activities held by the institution.

In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

- (1) the attitudes and conduct that are required of students at all times;
- (2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and
- (3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the institution in collaboration with its personnel, and must be sent to the parents at the beginning of each school year.

“63.4. The plan, rules and measures provided for in sections 63.1 and 63.3 are prepared with the participation of the members of the institution’s personnel.

“63.5. The institution shall set up an anti-bullying and anti-violence team and designate, from among the members of its personnel, a person to coordinate its work as part of his or her regular duties.

The institution shall see to it that all the members of its personnel are informed of the institution’s rules of conduct and safety measures and anti-bullying and anti-violence measures and of the procedure to be followed when an act of bullying or violence is observed.

Every personnel member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the institution is a victim of bullying or violence.

On the occurrence of an act of bullying or violence, and after considering the best interest of the students directly involved, the person designated by the institution specifically for that purpose from among the members of its

management personnel shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan.

“63.6. The institution may suspend a student if, in its opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the institution’s rules of conduct.

When determining the duration of the suspension, the institution shall take into account the student’s best interest, the severity of the incidents, and any previously taken measures.

The institution shall inform the student’s parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

“63.7. The institution shall, on the recommendation of the team established under section 63.5, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.

“63.8. Not later than 31 December, the institution shall send the Minister a yearly report which states the nature of the complaints reported to the institution and the measures taken.

“63.9. The institution and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the institution and the competent authority in respect of a police force in the territory of the institution, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

“63.10. The institution shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.”

TRANSITIONAL AND FINAL PROVISIONS

25. The agreements described in sections 16 and 24 must be entered into before the date that occurs 12 months after the date of coming into force of the government regulations made under the provisions introduced by those sections.

26. Any agreement entered into before 15 June 2012 for purposes similar to those set out in sections 16 and 24 ceases to apply on the earlier of

(1) the date of its expiration; and

(2) the date that is 12 months after the coming into force of the government regulations made under the provisions introduced by those sections.

27. The first anti-bullying and anti-violence plan and the first rules of conduct and safety measures prepared in accordance with this Act must, in the case of a school, be approved by its governing board and, in the case of a private educational institution, be adopted by the institution at the latest on 31 December 2012.

28. This Act comes into force on 15 June 2012.