



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 5
(2019, chapter 24)

**An Act to amend the Education Act
and other provisions regarding
preschool education services for
students 4 years of age**

**Introduced 14 February 2019
Passed in principle 14 June 2019
Passed 5 November 2019
Assented to 7 November 2019**

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EXPLANATORY NOTES

This Act amends mainly the Education Act and the Act respecting private education in connection with the provision of preschool education services.

First, the Minister of Education and Higher Education is empowered to provide for school boards to organize, starting from the 2020–2021 school year, preschool educational services intended for students having reached 4 years of age, regardless of the economic area that they live in.

Furthermore, starting from the school year determined by the Government, all children having reached 4 years of age will be entitled to preschool education services, thereby requiring those services to be offered by all school boards according to the general framework provided for in the Education Act.

The Act respecting private education is also amended so that private educational institutions can, starting from the 2020–2021 school year, provide preschool education services to children having reached 4 years of age.

Lastly, the Act also includes consequential amendments.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting private education (chapter E-9.1);
- Education Act (chapter I-13.3).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting exceptional cases for admission to preschool and elementary school education (chapter I-13.3, r. 1);
- Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8).

Bill 5

AN ACT TO AMEND THE EDUCATION ACT AND OTHER PROVISIONS REGARDING PRESCHOOL EDUCATION SERVICES FOR STUDENTS 4 YEARS OF AGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

- 1.** Section 1 of the Education Act (chapter I-13.3) is amended by replacing “5 years” in the third paragraph by “4 years”.
- 2.** Section 37.2 of the Act is repealed.
- 3.** Section 224.1 of the Act is amended by replacing “to achieve them” in the second paragraph by “to provide quality service”.
- 4.** The Act is amended by inserting the following section after section 224.1:

“224.2. Each year, the school board shall consult the governing board concerning the organization in the school of preschool education services intended for students 4 years of age on the date determined in the basic school regulation.”
- 5.** Section 241.1 of the Act is amended by striking out “to preschool education for the school year in which he attains 5 years of age, or admit him” in subparagraph 1 of the first paragraph.
- 6.** Section 447 of the Act is amended, in the third paragraph,
 - (1) by striking out subparagraphs 6 and 7;
 - (2) by adding the following subparagraph at the end:

“(11) determine the number of students per teacher for the preschool education services intended for students 4 years of age on the date determined under subparagraph 2 of the second paragraph.”

7. Section 461.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “permit the organization, by the school boards” and “age of four” by “, after consultation with the school boards, provide for the organization, by the latter” and “age of 4”, respectively;

(b) by striking out “from underprivileged backgrounds”;

(2) by replacing “define the expression “from underprivileged backgrounds” in those conditions and procedures and” in the second paragraph by “, in those conditions and procedures,”;

(3) by adding the following sentence at the end of the third paragraph: “They are primarily designed to meet the needs of students from underprivileged backgrounds, as defined by the Minister, when allocating available physical, human and financial resources.”;

(4) by replacing the fifth paragraph by the following paragraph:

“The aim of the consultation provided for in the second paragraph is to ensure consistency between the preschool educational services intended for the students referred to in the first paragraph and organized under this section and, in particular, the childcare services for children 4 years of age governed by the Educational Childcare Act (chapter S-4.1.1).”

8. Section 472 of the Act is amended, in the second paragraph,

(1) by replacing “, to a school board authorized, for the purpose of subsidies” by “to a school board which is authorized, for the purpose of subsidies,”;

(2) by replacing “subparagraphs 6 and 7 of the third paragraph of section 447 and sections 461.1 and 468” by “section 468”.

ACT RESPECTING PRIVATE EDUCATION

9. Section 24 of the Act respecting private education (chapter E-9.1) is amended by replacing “5 years” by “4 years”.

10. Section 26 of the Act is amended by striking out “to preschool education for the school year in which he reaches 5 years of age, or” in paragraph 1.

REGULATION RESPECTING EXCEPTIONAL CASES FOR ADMISSION TO PRESCHOOL AND ELEMENTARY SCHOOL EDUCATION

11. The title of the Regulation respecting exceptional cases for admission to preschool and elementary school education (chapter I-13.3, r. 1) is amended by striking out “preschool and”.

12. Section 1 of the Regulation is amended

- (1) by striking out paragraph 1;
- (2) by striking out “preschool or” in paragraph 7.

BASIC SCHOOL REGULATION FOR PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION

13. Section 12 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) is amended

- (1) in the first paragraph,
 - (a) by replacing “age of 5” by “age of 4”;
 - (b) by inserting “so that the program of activities established by the Minister for their age is provided to them” at the end;
- (2) by striking out the second and third paragraphs.

14. Section 16 of the regulation is amended by striking out the second paragraph.

15. Section 17 of the regulation is amended by replacing the third paragraph by the following paragraph:

“However, the school board may exempt from the minimum set out in the first paragraph, on the conditions and to the extent determined by the Minister, handicapped students, within the meaning of Schedule I, who are admitted to preschool education services intended for students 4 years of age on the date determined in the first paragraph of section 12.”

16. Schedule I to the regulation is replaced by the following schedule:

“SCHEDULE I

(s. 17)

HANDICAPPED STUDENTS

1. Handicapped students are students whose overall functioning, evaluated by a qualified person, shows that they satisfy the following conditions:

- (1) they are considered handicapped within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

(2) they display disabilities that limit or prevent participation in educational services; and

(3) they need support in order to function in a school environment.”

TRANSITIONAL AND FINAL PROVISIONS

17. Each school board reports to the Minister on the implementation of this Act as regards the following elements, in connection with preschool education services intended for students 4 years of age:

(1) the type of educational childcare services attended, if any, by students before their admission to preschool education services, namely, a childcare centre, day care centre or home childcare;

(2) the number of students per teacher;

(3) the support services provided to teachers by a person specialized in the development of preschool-age children;

(4) the student services offered to students, namely, the psychological, psychoeducational, special education, remedial education, speech therapy, and health and social services under the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8);

(5) the childcare services provided at school, including the number of students per childcare staff member; and

(6) the organization of student transportation, including safety measures.

The Minister draws up an overall report, including the amount of operating expenses allocated to school boards, and tables it in the National Assembly not later than 1 November after receiving the reports, which must be submitted not later than,

(1) for the first time, 30 June following 7 November 2019;

(2) subsequently, 30 June of each year until the date determined by the Government for the coming into force of section 1; and

(3) for the last time, 30 June of the fifth year following the date determined by the Government for the coming into force of section 1.

18. Sections 224.1 and 461.1 of the Education Act (chapter I-13.3), as amended by sections 3 and 7, are repealed on the date determined by the Government for the coming into force of section 1.

19. For the purposes of the Act respecting private education (chapter E-9.1), the first paragraph of section 12 of the Basic school regulation for preschool, elementary and secondary education is to be read, until the date determined by the Government for the coming into force of section 13 of this Act and for the 2020–2021 school year and subsequent years, as if “age of 5” were replaced by “age of 4” and as if “so that the program of activities established by the Minister for their age is provided to them” were inserted at the end.

A permit to operate a private educational institution, in force on 7 November 2019, that is issued in accordance with section 12 of the Act respecting private education and authorizes its holder to dispense education services termed “éducation préscolaire 5 ans” (preschool education services for 5-year-olds), does not authorize the holder to dispense preschool education services intended for students having reached 4 years of age, as provided for by the amendments made by this Act. To be authorized to do so, the holder must make a request for the modification, under section 20 of the Act respecting private education, of the educational services mentioned in his permit.

Despite the time limits prescribed by sections 4 and 5 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1), any application for the issue or modification of a permit to operate a private educational institution in order to dispense, for the 2020–2021 school year, preschool education services intended for students having reached 4 years of age, as provided for by the amendments made by this Act, must be filed with the Minister not later than 6 January 2020.

20. This Act comes into force on the date to be determined by the Government, except section 3, paragraph 2 of section 6, section 7, paragraph 1 of section 8, and sections 9, 10, 17, 18, 19 and 20, which come into force on 7 November 2019.

However, despite the coming into force of sections 3, 7, 9 and 10, sections 224.1 and 461.1 of the Education Act and sections 24 and 26 of the Act respecting private education, as they read before being amended, continue to apply for the purposes of the 2019–2020 school year.