

Draft Regulation

Act respecting private education
(chapter E-9.1)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1), appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces new provisions respecting advertisement, solicitation and offers of service, the verification of judicial records of directors, shareholders and officers, and the information and documents that a permit holder must provide when changing one of the directors, shareholders or officers of the institution. Other measures increase the security from institutions and the fees exigible for applications for the issue of a permit, introduce fees exigible for applications for the modification of a permit, and update the rules governing the educational contract and enrollment. Other provisions must be updated and clarified, in particular the information and documents to be provided for the issue, renewal or modification of a permit.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Éric Beauregard, Director, Enseignement privé, Ministère de l'Enseignement supérieur, 1035, rue De La Chevrotière, 12^e étage, Québec (Québec) G1R 5A5; email: eric.beauregard@mes.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Isabelle Taschereau, Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, aile René-Lévesque, bloc 4, 3^e étage, Québec (Québec) G1R 6C8; email: isabelle.taschereau@mes.gouv.qc.ca, or Nancy-Sonia Trudelle, Secretary General, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; email: nancy-sonia.trudelle@education.gouv.qc.ca.

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Regulation to amend the Regulation respecting the application of the Act respecting private education

Act respecting private education
(chapter E-9.1, s. 111, pars. 2, 3, 4, 5, 6 and 11)

1. The Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended by replacing section 5 by the following:

“**5.** Every application for the renewal or modification of a permit shall be filed with the Minister not later than 1 September preceding the school year referred to in the application, except in the case of an application relating to a program of studies leading to an attestation of college studies, an application for a change of name of the holder of the permit or an application for a change of name or address of the institution or one of its facilities.”.

2. Section 7 is amended

- (1) by replacing “\$351” by “\$1,275”;
- (2) by adding the following paragraph at the end:

“The amount of the fees exigible for an application for the modification of a permit shall be \$1,020.”.

3. Section 9 is amended

(1) by replacing “tuition fees relating” in the first paragraph by “admission or enrollment, educational service and accessory service fees relating”;

(2) by replacing the second paragraph by the following:

“The security is established as follows:

Total revenue from admission or enrollment, educational service and accessory service fees	Security
\$0 to \$49,999	\$12,500.00
\$50,000 to \$99,999	\$25,000.00
\$100,000 to \$249,999	\$62,500.00
\$250,000 to \$499,999	\$125,000.00
\$500,000 to \$999,999	\$250,000.00
\$1,000,000 to \$1,499,999	\$375,000.00
\$1,500,000 to \$2,499,999	\$625,000.00
\$2,500,000 to \$4,999,999	\$1,250,000.00
\$5,000,000 to \$9,999,999	\$2,500,000.00
\$10,000,000 to \$24,999,999	\$5,000,000.00
\$25,000,000 and over	\$10,000,000.00

””.

4. Section 10 is amended by replacing “tuition” in the second paragraph by “admission or enrollment, educational service and accessory service”.
5. Section 11 is amended by striking out paragraph 2.
6. Section 12 is amended by striking out “in the form of a bond or other evidence of indebtedness, or” in the second paragraph.
7. Section 14 is amended by striking out paragraph 2.
8. The following is inserted after section 16:

**“CHAPTER II.1
CHANGE OF DIRECTOR, SHAREHOLDER
OR OFFICER**

16.1. A notice of change of a director, a shareholder or an officer of the institution must contain the following information and be accompanied by the following documents:

(1) the name, address and telephone number of the director, shareholder or officer and, where applicable, the name of any person being replaced;

(2) a declaration concerning their judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting private education, using the declaration form established by the Minister and including an indication that the Minister may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification of the declaration, duly completed and signed;

(3) in the case of a director or officer, a curriculum vitae, the function or the position held, the date of taking office, the resolution of the board of directors, in the case of a legal person, or a declaration from the highest authority of the institution who confirms the change, and the updated organization chart of the institution if it is modified.”

9. Section 17 is replaced by the following:

“17. Every institution shall mention in any advertising, offer of service or solicitation that the institution or a mandatary makes, the name of the institution and the educational services or program titles concerned, as they appear in the permit of the institution.

In addition, any advertising, offer of service or solicitation shall, when made in writing, mention the following information:

(1) the address of the institution and, if applicable, the addresses of the buildings or premises made available to the institution as they appear in the institution’s permit;

(2) the email address and the address of the institution’s website and its telephone number, where applicable;

(3) the code of the program concerned, where applicable;

(4) that the obtention of a diploma, certificate or other attestation is subject to an examination or other requirement imposed under an Act or regulation, where applicable;

(5) that the instruction dispensed leads to a diploma, a certificate or other attestation awarded by the Minister or awarded pursuant to the College Education Regulations (chapter C-29, r. 4) made under section 18 of the General and Vocational Colleges Act (chapter C-29), where applicable.

17.1. Every offer of service shall mention, in addition to the name of the person to whom it is addressed the following information:

(1) the school year concerned for the preschool education services, elementary school instructional services and secondary school instructional services in general education, the school year or term concerned and the duration of the program in number of weeks for vocational education and college level education and, in all other cases, the dates of the beginning and end of the provision of the services;

(2) for educational services in vocational training and college level education, any prerequisite course or other preliminary condition to be met;

(3) for educational services in vocational training and college level education, a list of the courses, including laboratory work and internships;

(4) for educational services in general education to adults, vocational training and college level education, the terms and conditions of the offer of educational services: in classroom, distance education or both;

(5) accessory services, the instructional material and the equipment, including textbooks and course notes, required for the implementation of programs of activities or for the teaching of programs of studies or to take the

courses specifying, if applicable, those that are not provided by the institution or that are not included in the price referred to in paragraph 6;

(6) the total price charged by the institution and the detailed price according to the following apportionment:

(a) admission or enrollment fees;

(b) educational services;

(c) accessory services, instructional material and equipment included;

(d) in the case of an institution accredited for purposes of subsidies, the amount of the additional financial contribution for a student who is not a resident of Québec, within the meaning of government regulations, set in accordance with the budgetary rules established by the Minister of Education, Recreation and Sports or by the Minister of Higher Education;

(7) the following text: “Except in the case of a bursary, the payment of the fees to the institution may only be made by the student, a parent or a person connected by marriage or a civil union.”;

(8) for educational services in vocational training and college level education, the stages and dates of the routing of an application for admission up to enrollment.”.

10. Section 18 is amended

(1) by replacing “or offer of service” in the portion before paragraph 1 by “, offer of service or solicitation”;

(2) by inserting the following before paragraph 1:

“(0.1) guarantee admission to a program of studies or guarantee that a person enrolled in the program will successfully complete it.”;

(3) by replacing paragraph 3 by the following:

“(3) suggest that the admission of a foreign student to an institution will guarantee the right to enter Canada under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) and the Québec Immigration Act (chapter I-0.2.1) or receive a visa or other document required by those Acts;

(4) mention any other information that the institution or its mandatory knows is incomplete, false or misleading.”.

11. Section 19 is amended by replacing “the course is dispensed” by “the programs of studies are dispensed and, if applicable, the language of each course offered in another language”.

12. The following is inserted after section 19:

“**19.1.** The institution keeps the following information concerning each advertisement, offer of service and solicitation made by the institution or a mandatory:

(1) the text of the advertisement, offer of service or solicitation whether written, oral or video recorded;

(2) if the advertisement or solicitation is an audio or video recording or contains an image, a copy of the recording or image in a format that allows the playing or viewing;

(3) the period during which the advertisement or solicitation was published or broadcast;

(4) if the advertisement or solicitation was published or broadcast in a language other than French or English, the translation of the text made by a sworn translator;

(5) if the advertisement or solicitation contains testimony, a recommendation or an opinion, a separate text of the testimony, recommendation or opinion dated and signed by its author and any translation of the text made by a sworn translator;

(6) if the advertisement or solicitation mentions that a program is recognized as a valid program, for training purposes, by a regulatory body of a profession or by a professional association or organization, proof to that effect;

(7) if the advertisement or solicitation mentions that a program is recognized by the government of a province, territory or country for a particular purpose, proof to that effect;

(8) if the advertisement or solicitation mentions that another educational institution recognizes a program by giving any person who successfully completes it equivalencies in credits applicable to a program that it offers, proof to that effect.”.

13. Section 20 is replaced by the following:

“**20.** Every educational service contract or registration form shall contain the following information:

(1) the complete text of section 14;

(2) the information provided for in sections 17, 17.1 and 19, except paragraph 8 of section 17.1;

(3) the complete text of sections 70 to 75 of the Act respecting private education;

(4) the following text: “The institution undertakes not to assign or sell this contract.”;

(5) a space directly below the text referred to in paragraph 4 for the client’s signature.”.

14. Section 21 is replaced by the following:

“**21.** For educational services in vocational training or college level education, in addition to the information provided for in section 20, the contract or registration form shall contain the following information:

- (1) a list of the courses offered;
- (2) the nature of the recognition or the certification of studies;
- (3) the days of the week and hours during which the training may be dispensed.

In the case of vocational training, the contract or registration form shall also contain the standards governing admission to and the practice of the trade or occupation concerned, where such standards exist.”.

15. Schedule A is amended

(1) by inserting “, email address” after “address” in point 1.1;

(2) by inserting “, except as regards college level education,” after “of the institution and” in point 4;

(3) by adding “, the students enrolled in a program offered in French and those enrolled in a program offered in English, and the residents within the meaning of the Regulation respecting the definition of resident in Québec (chapter E-9.1, r. 2) and those who are not residents” at the end of the first dash in point 5.2;

(4) by replacing the dashes in point 6.1 by the following:

“— description of the mandates, duties and responsibilities of the directors and officers;

— attach the organization chart, including the names of the persons who perform the duties indicated;

— attach, for each director, shareholder or officer of the institution, a declaration concerning their judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting

private education (chapter E-9.1), using the declaration form established by the Minister and including an indication that the Minister may verify the declaration, or have it verified, in particular by a Québec police force, and communicate or receive any information for the purposes of the verification of the declaration, duly completed and signed.”;

(5) by replacing “— number of staff members in each category and employment group and their qualifications” in point 6.3 by

“— number of staff members in each category and employment group and their qualifications;

— curriculum vitae of the directors and officers;

— curriculum vitae of the prospective teachers;

— documents certifying the verification of the judicial record of every person who is required to work with minor students or be regularly in contact with them”;

(6) by adding in point 9.3

(a) “for each facility” at the end of the portion before the first dash;

(b) “for each type of premises:” at the beginning of the first dash;

(c) “of each facility” at the end of the second dash;

(7) by inserting “for each facility and, except as regards college level education,” after “student capacity” in point 9.4;

(8) by inserting the following after point 9.4:

“9.5 If the programs of studies include internships, provide letters from employers ready to accept or intending to accept trainees, signed by a duly authorized representative and including the following information:

— name and address, Québec business number;

— name and number of the program of studies concerned;

— terms or school years concerned and number of trainees anticipated for each term or school year.”;

(9) by replacing point 10.2 by the following:

“10.2 Indicate the prices charged to students in the manner provided for in paragraph 6 of section 17.1.”.

16. For the period included between 1 July 2023 and 30 June 2024, section 7 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is to be read as follows:

“7. The amount of the fees exigible for an application for the issue of a permit shall be \$715.

The amount of the fees exigible for an application for the modification of a permit shall be \$570.”

17. This Regulation comes into force on 1 July 2023, except section 2, which comes into force on 1 July 2024.

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