

chapter I-13.3, r. 6.01

Homeschooling Regulation

Education Act
(chapter I-13.3, s. 15, 1st par., subpar. 4, and s. 448.1).



On 10 August 2020, the Superior Court ordered a stay of the application of the Act to amend mainly the Education Act with regard to school organization and governance (S.Q. 2020, c. 1) to English language school boards until a judgment is rendered on the merits of the application for judicial review challenging the validity of certain provisions of the Act.

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DIVISION I

GENERAL

O.C. 644-2018, Div. I.

1. This Regulation determines certain conditions and procedures to be complied with for a student to be excused from compulsory school attendance in order to receive homeschooling, how the Minister is to monitor the homeschooling and how the school service centre that has jurisdiction is to support the student.

O.C. 644-2018, s. 1.

DIVISION II

NOTICE

O.C. 644-2018, Div. II.

2. The notice referred to in subparagraph *a* of subparagraph 4 of the first paragraph of section 15 of the Education Act (chapter I-13.3) must provide

- (1) the student's name, address and date of birth;
- (2) the name, address and telephone number of the student's parents; and
- (3) if applicable, the date on which the student stopped or will stop attending an educational institution and the permanent code assigned to the student by the Ministère de l'Éducation, du Loisir et du Sport.

The notice sent to the Minister must also specify the student's school service centre and, if different, the school service centre to which the notice of choice of school service centre is sent in accordance with the law.

The Minister is to provide a form the parents may use for the purposes of the notice.

O.C. 644-2018, s. 2.

3. The notice must be sent to the Minister and the school service centre that has jurisdiction

- (1) on or before 1 July of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 10 days of that time.

The Minister acknowledges receipt of the notice in writing within 15 days.

O.C. 644-2018, s. 3.

DIVISION III**LEARNING PROJECT**

O.C. 644-2018, Div. III.

§ 1. — *Form and content of the learning project*

O.C. 644-2018, Sd. 1.

4. The student's learning project must

(1) provide for the application of any program of study established by the Minister under the first paragraph of section 461 of the Act, include the activities or content prescribed by the Minister in the broad areas of learning the Minister establishes under the third paragraph of that section, and provide for the taking of the examinations imposed by the school service centre that has jurisdiction under the second paragraph of section 231 of the Act, on the basis of what would be included in the educational services received by the student if the student were attending a school; or

(2) otherwise acquire a body of knowledge and various skills and, for that purpose, provide for varied and stimulating activities and the application of the programs of study established by the Minister under the first paragraph of section 461 of the Act for elementary and secondary school instructional services in the following subjects:

(a) a subject in the language of instruction and a subject in the second language, depending on the parents' choice, one in French and the other in English;

(b) the compulsory subjects in the subject area of mathematics, science and technology and in the subject area of social sciences, chosen from among the subjects that are taught during the cycle of instruction in which the student would be if the student were attending school.

For the purposes of subparagraph 2 of the first paragraph, a content to achieve the objectives included in the program of each subject must be taught to allow progress in learning equivalent to that applicable per cycle at school.

O.C. 644-2018, s. 4; O.C. 787-2019, s. 1.

5. The parents must send to the Minister a document describing the student's learning project

(1) on or before 30 September of each year; or

(2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

The document must set forth in particular,

(1) a description of the chosen educational approach;

(2) the programs of study concerned and a brief description of the activities chosen in relation thereto;

(3) the other subjects that will be taught and a brief description of the activities chosen for that purpose;

(4) the other knowledge and skills to be acquired and a brief description of the activities chosen for that purpose;

(5) the educational resources that will be used;

(6) an approximate plan of the time to be allocated to the learning activities;

(7) the names and contact information of every organization that will be contributing to the student's learning and a description of the extent of the contribution;

(8) how the student's progress is to be evaluated; and

(9) the last level of educational services received by the student from an educational institution.

O.C. 644-2018, s. 5; O.C. 787-2019, s. 2.

6. The Minister is to provide assistance to the parents if they so require to develop the learning project.

O.C. 644-2018, s. 6.

7. The Minister examines the learning project submitted. The parents must send to the Minister any information or document relevant to that examination.

If the learning project does not comply with the applicable conditions and procedures, the Minister is to so inform the parents in writing, giving reasons. The Minister's notice must contain recommendations appropriate to remedying the situation.

The parents must submit a new learning project to the Minister within 30 days after receiving such a notice.

O.C. 644-2018, s. 7.

8. The Minister may, at the request of the parents of a handicapped student or a student with social maladjustments or learning disabilities, excuse the student from part of the provisions of section 4.

O.C. 644-2018, s. 8.

§ 2. — *Implementation of the learning project*

O.C. 644-2018, Sd. 2.

9. The parents must implement the student's learning project

(1) on or before 30 September of each year; or

(2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

O.C. 644-2018, s. 9.

10. The parents may make any change they consider relevant to the learning project submitted.

They must inform the Minister of any substantial change made to the learning project within 15 days.

O.C. 644-2018, s. 10.

11. The parents must prepare a written status report on the implementation of the learning project and send it to the Minister at a time between the third and fifth month after the beginning of implementation of the learning project.

The report must describe the learning activities completed by subject, the approximate time allocated to them and, if applicable, any change made to the learning project.

Despite the first paragraph, where a student stops attending an educational institution between 1 January and 31 March, the report must be sent not later than 15 June after the beginning of implementation of the learning projects. Where a student stops attending such an institution after 31 March, the report is optional.

O.C. 644-2018, s. 11.

12. The parents and the student are to attend a monitoring meeting while the student's learning project is being implemented. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

O.C. 644-2018, s. 12; O.C. 787-2019, s. 3.

§ 3. — *Problem in implementing the learning project*

O.C. 644-2018, Sd. 3.

13. If a problem arises in implementing the student's learning project, the parents and the student are to attend a meeting for the purpose of finding a solution to the problem. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

O.C. 644-2018, s. 13; O.C. 787-2019, s. 4.

14. The Minister is to provide assistance to the parents if a problem arises in implementing the learning project and submit recommendations to the parents that are conducive to remedying the situation.

O.C. 644-2018, s. 14.

DIVISION IV

EVALUATION OF THE STUDENT'S PROGRESS

O.C. 644-2018, Div. IV.

15. The parents must monitor the student's progress during the learning project using one or more evaluation methods chosen from among the following:

(1) an evaluation by the school service centre that has jurisdiction, including an examination it imposes under the second paragraph of section 231 of the Act, conducted according to the procedure it determines;

(2) an evaluation by a private educational institution governed by the Act respecting private education (chapter E-9.1), conducted according to the procedure it determines;

(3) an evaluation by a holder of a teaching licence;

(4) an examination imposed by the Minister under the first paragraph of section 463 of the Act and administered by the school service centre that has jurisdiction; or

- (5) a portfolio submitted to the Minister.

Subparagraphs 1 to 3 of the first paragraph may not be construed as restricting the methods of evaluation to those generally used in the school setting, such as summative evaluations.

O.C. 644-2018, s. 15.

15.1. In addition to the evaluations chosen by the parents to evaluate the student's progress, the student must submit to any examination imposed by the Minister under the first paragraph of section 463 of the Act, not later than at the end of the learning project in which the content to achieve the objectives included in the program of the subject to be examined must have been taught.

The Minister may exempt a student from taking an examination referred to in the first paragraph if it is impossible for the student to be present at the examination sittings by reason of illness or other exceptional circumstances. A student who is unable to be present at a specific sitting must be present at another sitting.

O.C. 787-2019, s. 5.

16. The parents are to prepare two written reports on the student's progress and send them to the Minister at the following times:

(1) a mid-term report at a time between the third and fifth month after the beginning of implementation of the learning project; and

(2) a completion report not later than 15 June after the beginning of implementation of the learning project.

Both reports must show the student's learning progress and indicate the evaluations conducted to assess it. If applicable, the portfolio must be sent with the completion report.

Despite the first paragraph, where a student stops attending an educational institution after 31 December, the mid-term report is optional.

Parents may, while complying with the applicable periods, send the report referred to in section 11 and a report on the student's learning progress at the same time and using only one document.

O.C. 644-2018, s. 16.

17. The Minister examines the reports on the student's learning progress, taking into account the student's ability and learning project. The parents must send to the Minister any information or document relevant to that examination.

If a report does not allow the student's progress to be adequately assessed, the Minister must so inform the parents in writing, giving reasons. The Minister's notice must contain appropriate recommendations to remedy the situation and also mention that a request may be made to the Minister to have the Minister evaluate the student's progress.

Within 30 days after receiving such a notice, the parents must provide the Minister with a new report on the student's progress, or request the Minister to evaluate the student's progress.

O.C. 644-2018, s. 17.

18. If the student is not making adequate progress, the parents and the student are to attend a meeting intended to more clearly identify the shortcomings and how to deal with them. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

O.C. 644-2018, s. 18.

19. The Minister makes available to parents preparatory documents for the examinations the Minister imposes under the first paragraph of section 463 of the Act and is to ensure that the parents are informed of the standards and procedures for the certification of studies.

O.C. 644-2018, s. 19; O.C. 787-2019, s. 6.

DIVISION V

SCHOOL SERVICE CENTRE SUPPORT

O.C. 644-2018, Div. V.

20. The school service centre that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with access, free of charge, to the textbooks approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act that are required for the teaching of a program of studies to be used as part of the student's learning project or a subject within the project. The student is to have personal use of the textbooks.

The school service centre must also, at the request of the parents, provide the student, subject to availability and on the conditions it determines, with access, free of charge, to the instructional material that is offered free of charge by the school service centre to the students within its jurisdiction, is approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act, and is required for the teaching of a program of studies to be used as part of the student's learning project or a subject within the project.

O.C. 644-2018, s. 20.

21. The school service centre that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with free access to student support services for the use of the documentary resources of the school library, academic and career counselling and information, psychological services, psychoeducational services, special education services, remedial education services and speech therapy services.

Those services are accessible subject to their availability and the needs of the student.

O.C. 644-2018, s. 21.

22. The school service centre that has jurisdiction must provide the student receiving homeschooling, subject to availability and on the conditions it determines, with free access to

- (1) the library of at least one of its schools and the reference and reading material in it;
- (2) the science laboratory of at least one of its schools and the related material and equipment used in the laboratory;
- (3) the computer laboratory of at least one of its schools and the related material and equipment used in the laboratory;

(4) the auditorium and art rooms of at least one of its schools and the related material and equipment used in the laboratory; and

(5) the sports and recreational facilities of at least one of its schools and the related material and equipment used in the facilities.

O.C. 644-2018, s. 22.

23. The school service centre organises and holds, free of charge, sittings to allow a student receiving homeschooling

(1) to sit for any examination imposed by the Minister under the first paragraph of section 463 of the Act;

(2) to sit for any examination imposed by the school service centre under the second paragraph of section 231 of the Act; and

(3) to take part in preparatory activities for any examination referred to in subparagraph 1.

Nothing in this section prevents the Minister from holding a sitting for the taking of an examination imposed by the Minister under the first paragraph of section 463 of the Act.

O.C. 644-2018, s. 23; O.C. 787-2019, s. 7.

23.1. The school service centre must take the necessary measures to allow a student receiving homeschooling to be evaluated free of charge to earn the credits required for the issue of a diploma recognized by the Minister, without having taken the corresponding course, provided the pedagogical and organizational requirements are met.

O.C. 787-2019, s. 8.

24. Parents who make a request under section 20, 21 or 23.1 must provide the school service centre that has jurisdiction with the student's learning project.

O.C. 644-2018, s. 24; O.C. 787-2019, s. 9.

DIVISION VI

TRANSITIONAL AND FINAL

O.C. 644-2018, Div. VI.

25. Despite section 3 of this Regulation, for the year 2018, the date provided for in subparagraph 1 of the first paragraph of that section is deemed to be 1 September.

O.C. 644-2018, s. 25.

26. *(Omitted).*

O.C. 644-2018, s. 26.

UPDATES

O.C. 644-2018, 2018 G.O. 2, 2451

O.C. 787-2019, 2019 G.O. 2, 1649

S.Q. 2020, c. 1, s. 312