

chapter I-13.3, r. 1

Regulation respecting exceptional cases for admission to preschool and elementary school education

Education Act
(chapter I-13.3, s. 457.1).



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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1. A school service centre may, in accordance with subparagraph 1 of the first paragraph of section 241.1 of the Education Act (chapter I-13.3), admit a child to school who has not attained the age of admission in the case of:

(1) a child whose early admission is required to ensure that he will be with a group of students in the school in which he is to be enrolled for elementary school education, in a case where the school service centre does not expect to be able to form a preschool class the following year;

(2) a child who is domiciled outside Québec but temporarily resides in Québec because his parents have been assigned thereto for a maximum period of 3 years and whose early admission would enable him to attain an equivalent level in the official education system in the place of his domicile;

(3) a child who, while domiciled outside Québec, began or completed his preschool or elementary school education in an official education system outside Québec;

(4) a child who is experiencing a family or social situation which, owing to special circumstances or events, justifies his early admission to school;

(5) a child who has a brother or a sister born within 12 months following his birth and both children are eligible to begin school the same year;

(6) *(paragraph implicitly revoked)*;

(7) a child who is ready to begin preschool or elementary school owing to his advanced intellectual, social, emotional and psychomotor skills.

M.O. 93-01-21, s. 1; O.C. 651-2000, s. 12.

2. Applications for admission referred to in section 1 shall be submitted in writing by the child's parents. Applications must be accompanied by the child's birth certificate or by an authenticated copy thereof or, where it is impossible to obtain such documents, by a sworn declaration by one of his parents indicating the child's date and place of birth.

In addition:

(1) an application pursuant to paragraph 2 of section 1 must be accompanied by proof of the child's parents' temporary assignment to Québec and by a declaration from the parents' employer certifying their employment status in Québec;

(2) an application pursuant to paragraph 3 of section 1 must be accompanied by proof of the child's schooling in an official education system outside Québec;

(3) an application pursuant to paragraph 4 of section 1 must be supported by the opinions of specialists in the field of health and social services or youth protection services;

(4) an application pursuant to paragraph 5 of section 1 must be accompanied by the brother's or the sister's birth certificate or by an authenticated copy thereof or, where it is impossible to obtain such documents, by a sworn declaration by one of the parents indicating the child's date and place of birth;

(5) an application pursuant to paragraph 6 of section 1 must be supported by a report prepared by school service centre specialists or, as the case may be, by a medical report prepared by professionals working in a specialized centre;

(6) an application pursuant to paragraph 7 of section 1 must be supported by an assessment prepared by a specialist, such as a psychologist or psycho-educator. The assessment must include pertinent data and observations, particularly with respect to the child's intellectual capacity, social and emotional maturity and

psychomotor development. The assessment must also indicate clearly the nature of any harmful effects anticipated.

M.O. 93-01-21, s. 2.

3. A school service centre may, in accordance with subparagraph 2 of the first paragraph of section 241.1 of the Education Act (chapter I-13.3), admit to elementary school education a child who has attained 5 years of age and who has been admitted to preschool education if the child is developmentally advanced and has the required skills.

M.O. 93-01-21, s. 3.

4. Applications for admission pursuant to section 3 shall be coordinated by the administration of the school attended by the child. The applications shall be subject to the following rules:

(1) the case file shall contain the opinions expressed by the child's parents, school officials and a school service centre specialist showing evidence that it would be detrimental to the child to keep him at the preschool level;

(2) among the opinions contained in the case file, that of the child's preschool teacher shall show that the child has already reached the level of development normally attained at the end of the preschool year for 5 year olds; the opinion of the child's Grade 1 teacher shall contain his evaluation of the child's skills, ability to integrate into a Grade 1 class already in progress and his chances of successfully completing the year should the application be granted.

M.O. 93-01-21, s. 4.

5. An application for admission of a child to preschool education for the school year in which he would be admissible to elementary school education must be accompanied by a report including the opinions of the preschool teacher, the school administration and a school service centre specialist and by the consent of the parents if the application is not submitted by them.

M.O. 93-01-21, s. 5; O.C. 816-2021, s. 60.

6. An application for admission of a child to elementary school education for 1 school year in addition to the number prescribed in the basic school regulations for the mandatory promotion to secondary school must be accompanied by a report including the opinions of the child's teacher, the school administration and a school service centre specialist and by the consent of the parents if the application is not submitted by them.

M.O. 93-01-21, s. 6; O.C. 816-2021, s. 61.

7. Required documents that are in another language must be accompanied by an English or a French translation.

M.O. 93-01-21, s. 7.

8. The school service centre shall inform the child's parents of its acceptance or refusal of the application for admission.

M.O. 93-01-21, s. 8.

9. *(Omitted).*

M.O. 93-01-21, s. 9.

UPDATES

M.O. 93-01-21, 1993 G.O. 2, 570

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

O.C. 816-2021, 2021 G.O. 2, 2103

