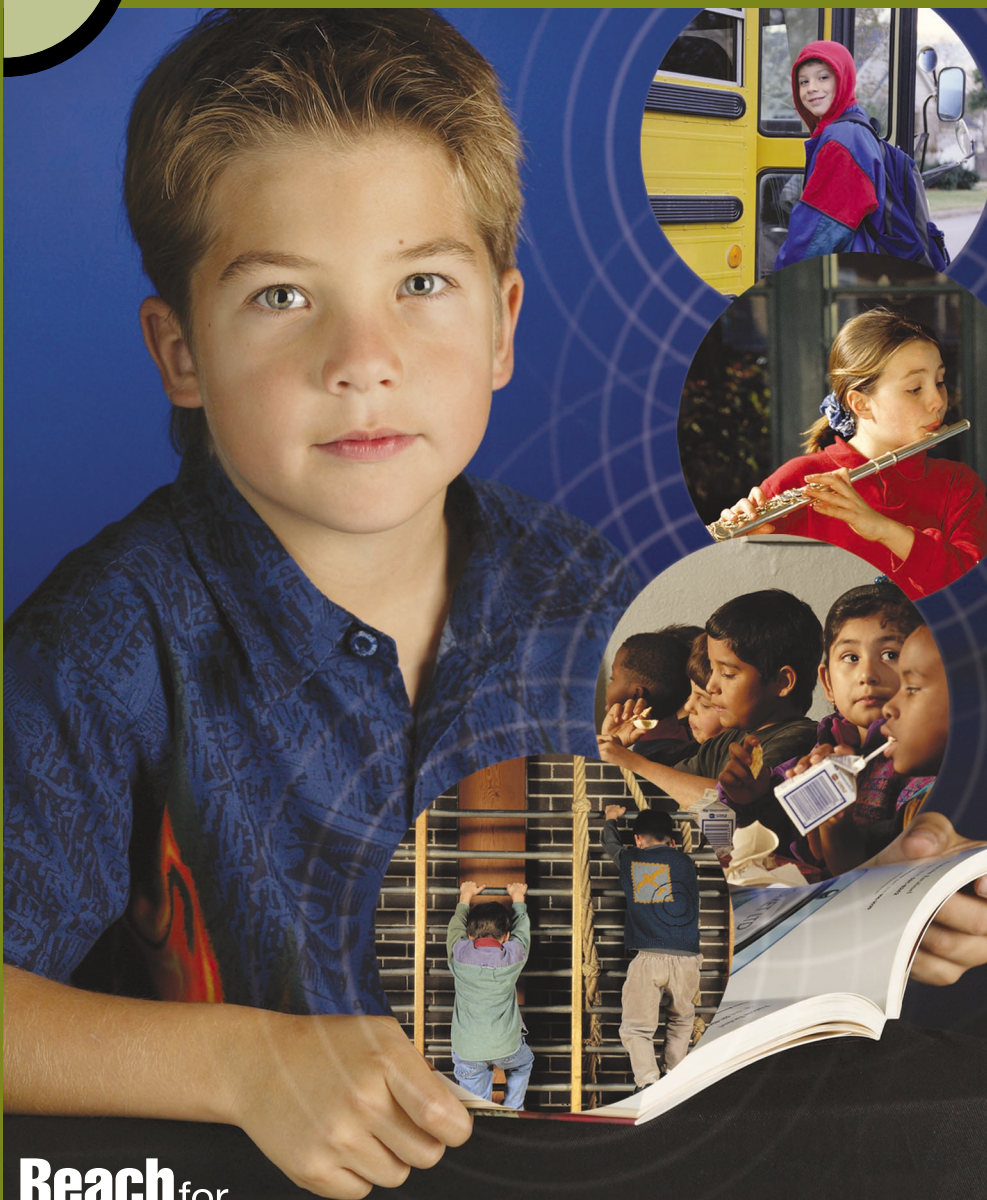


FEES CHARGED TO PARENTS: GUIDELINES



Reach for
your **Dreams**

Québec 



FEES CHARGED TO PARENTS: GUIDELINES



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The issue of free education is often the topic of much discussion among school stakeholders, who wonder what must be provided free of charge and what contributions may be required of parents.

In February 2004, the Minister of Education, Pierre Reid, set up a working group whose mandate was to examine the issue of fees charged to parents. In March 2004, this group collected information from school boards and schools on the fees charged to parents for general education in the youth sector. This made it possible to ascertain the situation during the 2003-2004 school year and compare it with the one described by a similar study carried out in 1999.



The findings reveal that most school boards and schools make every attempt to find imaginative ways to reduce and limit the fees charged to parents.

The Ministère de l'Éducation (MEQ) must make sure that there is a common understanding and interpretation throughout Québec of the principle of free education, while taking into account the autonomy and responsibilities of the different authorities (i.e. the school boards, the schools and the governing boards under the Education Act).

This document will first summarize the provisions of the Education Act that relate to mandatory public schooling and free education. It will then deal with practices that infringe on the right to free education. Lastly, the docu-

ment will present some useful guidelines, described in the 1999 and 2004 studies, which certain school boards and schools have adopted and which may be used as a model by others.

Right to free education

The Education Act prescribes mandatory public schooling for every resident of Québec, usually until the age of 16 (s. 14).

Under the Act, every resident of Québec who is between the ages of 5 and 18, or between the ages 5 and 21 in the case of an handicapped person, is entitled to receive, free of charge, the educational services provided under the Act and under the basic regulations for general education and vocational training (s. 3).

Educational services consist of preschool education services, instructional services, student services and special educational services.

The Act also states that the textbooks and instructional materials required for teaching must be provided free of charge, meaning that school boards must not charge students for the textbooks and objects needed to meet the objectives of the programs (s. 7).

The Act provides two exceptions to this right, thereby allowing school boards to charge fees for:

- documents in which the student writes, draws or cuts and which the student cannot reuse
- pencils, paper and other objects of a like nature, as they are not considered under the Act to be instructional materials

The exceptions to the right of free use must be interpreted restrictively, since the basic principle is that textbooks and required instructional materials are to be provided free of charge.

The use in the Act of the words “pencils, paper and other objects of a like nature” means that objects (and not text-books) are not considered to be instructional materials if they are similar to pencils or paper. The use of such objects may be necessary in the teaching of a program of study, but school boards are not required to provide them.

When, however, it must be determined whether an object required for the teaching of a program is of the same nature as pencils or paper, priority must be given to the right of free use. Typically, these objects are non-specialized and inexpensive objects that are used on a regular basis in schools. For instance, rulers, erasers, notebooks and tubes of glue are of the same nature as pencils and paper.

If an object is either specialized or expensive and is required for a specific course or program, then it is considered to be instructional material and must be provided free of charge, otherwise the use of the object must be optional.

Lastly, the right to receive educational services free of charge means that, among other things, a school board may not charge fees for the opening of a file or for registration or admission.

Financial contributions imposed by school boards

The other financial contributions that school boards may impose on users relate to services other than the educational services provided under the Act.

Community services

In the subdivision entitled “Functions and powers relating to community services,” the Act lists the following non-educational services that school boards may provide (ss 255 to 258):

- manpower training and technical assistance to enterprises (s. 255, para. 1)
- cultural, social, sports, scientific or community services (s. 255, para. 2)
- participation in international agreements in fields under their jurisdiction (s. 255, para. 3)
- childcare services in schools (s. 256)
- services to promote access to educational services, such as meals and lodging (s. 257)

School boards may impose a financial contribution on users of such services (s. 258), but only on those persons who choose to use these services.

Student transportation services

Student transportation must be provided by school boards free of charge before and after classes each day (s. 292).

The right to free student transportation implies that school boards may not require students and their parents to pay incidental fees (e.g. fees for mandatory identity cards, photographs and so on) to obtain free student transportation.

The Act provides an exception to the principle of free student transportation when transportation is provided by a

public transit authority. In this case only, school boards may claim part of the cost of a bus pass; the amount to be claimed corresponds to the cost of service over and above the provision of transportation before and after classes each day.



Also, student transportation at noon is not free, and school boards may charge those who choose to use this service.

It should be noted that adults are not entitled to free student transportation, and school boards may claim the cost for such a service (s. 293).

Supervision at noon

School boards must ensure supervision of students who stay at school during the noon hour, whether or not student transportation is available (s. 292). They may impose a financial contribution for students who stay at school during lunch hour. Such a contribution may be required only of students who stay at school, and not of students who leave the school premises and return once the noon-hour period is over.

Financial contributions imposed by governing boards

The Act also allows a governing board in certain circumstances to require users to pay a financial contribution.

A governing board may organize educational services other than those prescribed by the basic regulations,

including instructional services outside teaching periods during the school day or on non-school days (s. 90). Such services are not educational services that must be provided free of charge pursuant to section 3 of the Act. They must, however, be educational services and not services of any other nature. It should be noted that the services organized by a governing board are not restricted to students of the school and may be provided to others.

A governing board may also organize social, cultural or sports services, and for that purpose may:

- allow other persons or bodies to organize such services on school premises
- on behalf of the school board, enter into a contract for the provision of goods or services (s. 91)

Governing board may impose a financial contribution on users of such goods and services.

Lastly, it should be remembered that no other fees may be charged to parents by school boards or governing boards.

Practices to be reviewed on the basis of the rules pertaining to the right to free education

Certain observations can be made about this summary of provisions of the Education Act and the interpretation given to them by the MEQ in this document.

Over a period of time, certain practices have been adopted in the school system in good faith. We have examined them in the light of the rules pertaining to the right to free education.

THE FOLLOWING IS A NON-EXHAUSTIVE LIST OF SOME OF THE PRACTICES TO BE REVIEWED:

- fees for the maintenance of musical instruments
- a deposit required for textbooks, which is reimbursed at the end of the school year
- fees to purchase a flute
- fees to purchase a graphing calculator
- fees to purchase novels or bibles
- fees to purchase dictionaries or grammars
- fees to change a schedule
- fees to retake local examinations or official examinations
- fees to register for a special project
- a requirement to lease or purchase locks
- refusal to make the schedule available to students who have not paid their school fees
- the withholding of school materials from students who have not paid the fees

Useful guidelines

Certain school boards and schools have adopted guidelines that should be brought to your attention. It is hoped that they will promote discussion on the topic in those educational institutions wishing to adopt new guidelines.

The MEQ became aware of the following facts while carrying out the 1999 and 2004 studies:

- At several school boards, schools that charge parents fees for exercise books are required to ensure that at least 80 percent of the exercise books are used.
- Some school administrations prefer to purchase the exercise books and other types of materials themselves because of the savings, which can be passed on to parents.
- Some school boards ask schools to make sure that fees paid by parents reflect actual costs and that it is indicated whether a fee is mandatory or optional.
- Certain school boards set maximum fees per student or per family, while others adopt a single fee structure in all of their schools, in particular for transportation and non-hour student supervision services.
- A number of school boards regularly remind schools that only users should pay for the costs of transportation or supervision services at noon or for childcare.
- Several schools offer more flexible payment methods, such as installments or deferred payments.
- Many schools are calling on charities and sending parents to these organizations. Some schools organize fundraisers in order to help parents who are unable to pay the fees.
- Certain school boards and schools have set up a fund in order to provide parents with financial assistance.

CONCLUSION

By distributing this document, and with the help of its partners, in particular the Fédération des commissions scolaires du Québec, the Quebec English School Boards Association, the Association des directeurs généraux des commissions scolaires, the Association of Directors General of English School Boards of Québec, the Fédération québécoise des directeurs et directrices d'établissement scolaire, the Association montréalaise des directions d'établissement scolaire, the Association québécoise du personnel de direction des écoles and the Fédération des comités de parents du Québec, the MEQ aims to achieve two main goals: first, to promote a common understanding of the provisions of the Education Act pertaining to the right to free education and, second, to ensure that all school authorities comply with these provisions.





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