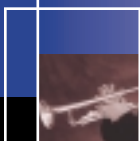


FEE CHARGED TO PARENTS

GUIDELINES



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INTRODUCTION

A

fter much discussion on free education

in Québec, the Minister of State for Education and Youth, François Legault, asked that a study be carried out on this topic last summer. All school boards participated in the study.¹

The purpose of the study was to determine what fees are charged to parents for school services or material and what are the current practices in the Québec school system.

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 study also indicates that certain practices have been adopted over the years in the school system. The existence of the practices shows that the *Education Act* is understood and interpreted in different ways in terms of what must be provided free of charge and what contributions may be required of parents.

Consequently, the Ministère de l'Éducation 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 under the *Education Act* of the different authorities, that is, the school boards, the schools and the governing boards.

1. Ministère de l'Éducation, *Frais exigés des parents*, 1999.

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 document will present some useful guidelines which certain school boards and schools have adopted and which may be used as a model by others.

Mandatory public schooling and free education

RIGHT TO FREE EDUCATION

The *Education Act* prescribes mandatory public schooling for every resident of Québec, generally 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 of 5 and 21 in the case of a handicapped person, is entitled to receive, free of charge, the educational services provided under the Act and under the basic regulations for general training and vocational training (s. 3).

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

The Act also states that the use of the textbooks and instructional material required for teaching must be provided free of charge; that means, therefore, that school boards must provide students with the textbooks and objects needed to meet the objectives of the programs without charge (s. 7).

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

- documents designed to be altered by students and which the students cannot reuse;
- pencils, paper and other objects of a like nature, as they are not considered under the Act to be instructional material.

The exceptions to the right of free use must be interpreted restrictively, since the basic principle is that textbooks and required instructional material 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 textbooks) are not considered to be instructional material 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 which 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

The Act lists in the subdivision entitled “*Functions and powers relating to community services*” 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 within their area of competence (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 for such services (s. 258), but only on those persons who choose to use the 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 to benefit from free student transportation, such as fees for mandatory identity cards, photographs and so on.

The Act provides an exception to the principle of free student transportation, with regards to transportation provided by a public transit authority. In this case only, school boards may claim the part of the cost of a pass which corresponds to a 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 the 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 at noon, whether or not student transportation is available (s. 292). They may impose a financial contribution for students who stay at school during the lunch hour. Such a contribution may be required only of students who stay at school at noon, 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 school 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;
- in the name of the school board, enter into a contract for the provision of goods or services (s. 91).

A 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

This summary of provisions of the *Education Act* and the interpretation given by the Ministère in this document call for certain observations.

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 wood for an introductory course in technology, or to purchase fabric and food for a home economics course;
- 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;
- a requirement to lease or purchase locks;
- fees to retake local examinations or official examinations;
- fees to register in a special project;
- refusal to provide the schedule to students who have not paid their school fees;
- the withholding of school material from students who have not paid the fees.

USEFUL GUIDELINES

Certain school boards and schools have adopted guidelines that the Ministère became aware of while carrying out the study on the fees charged to parents. It is hoped that they will promote discussion on the topic in those milieus wishing to adopt new guidelines.

A number of school boards ask schools that charge parents fees for activity books to ensure that at least 80 percent of the activity books are used.

Certain school administrations prefer to purchase the activity books and other types of material 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 the real cost and that it is indicated whether a fee is mandatory or optional.

Certain school boards fix maximum amounts per student or per family, while others adopt a single fee structure in all of their schools, in particular for transportation and supervision services at noon.

A number of school boards regularly remind schools that only users should pay for transportation or supervision services at noon or for childcare.

CONCLUSION

By means of this document, and with the help of its partners, in particular the Fédération des commissions scolaires du Québec, the Quebec English School Boards Association and the Fédération des comités de parents de la province de Québec, the Ministère 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 those provisions.