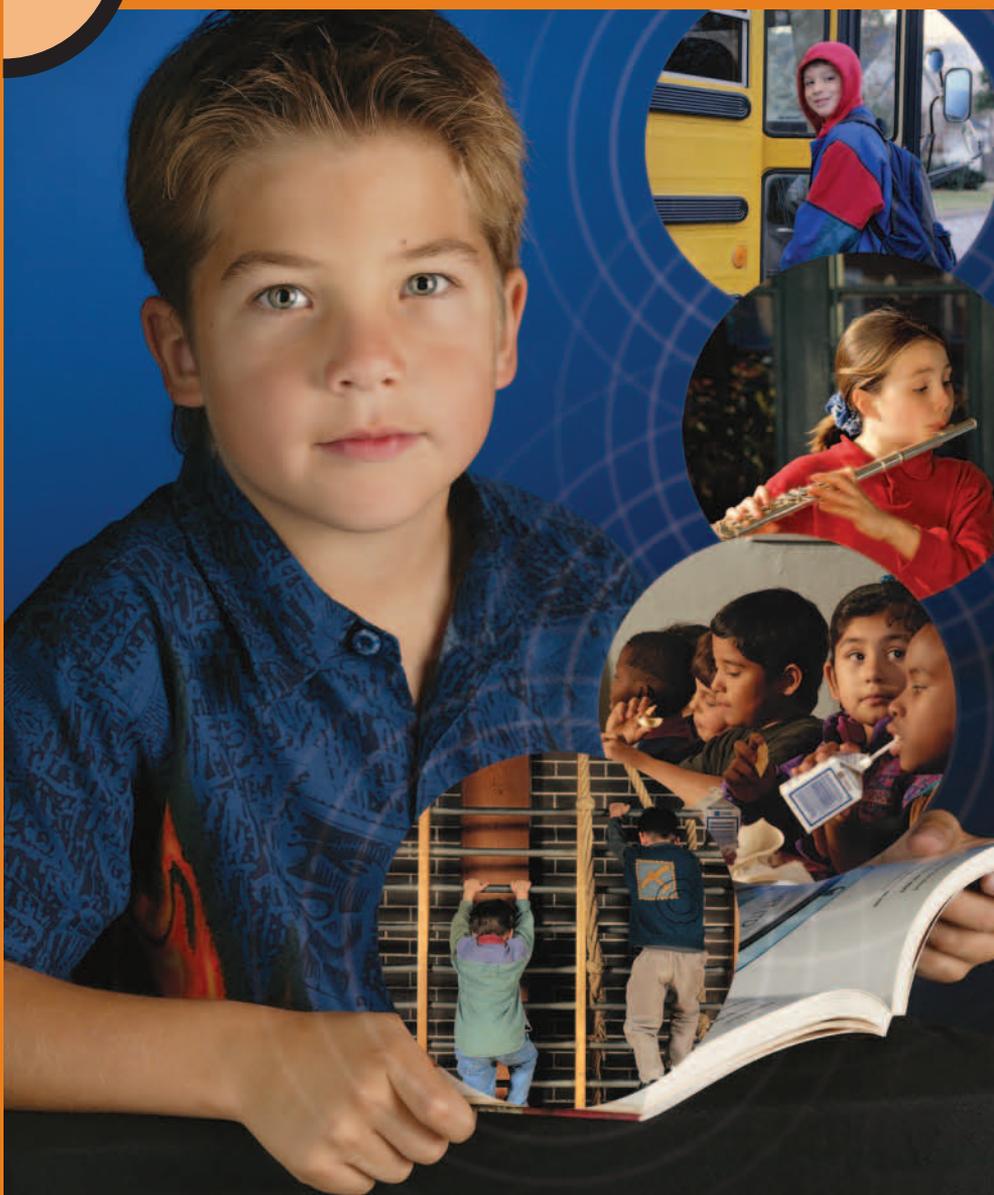


FEEs CHARGED TO PARENTS : GUIDELINES





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Data analyses carried out in 1999 and 2004 show that most school boards and schools make every attempt to find imaginative ways to reduce and limit the fees charged to parents.

The issue of free education regularly raises questions for both parents and school stakeholders, who wonder which services must be provided free of charge and which can require a financial contribution from parents. These questions also pertain to the amendments made to the Education Act in 2005, which bestow new powers on governing boards and provide for the adoption by the school boards of a policy with respect to parents' financial contributions.



The Ministère de l'Éducation, du Sport et du Loisir 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.

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 to be reviewed. Lastly, drawing upon the data gathered in 1999 and 2004, 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.

Right to free education

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

Every resident of Québec 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 education and vocational training (s. 3).

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

The Act also states the use of the textbooks and instructional material required for teaching must be provided free of charge; this means, therefore, that school boards must provide students with the textbooks and objects needed to meet the objectives of the programs free of charge (s. 7).

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

- 1) documents designed to be altered by students and which the student cannot reuse;
- 2) pencils, paper and other objects of a like nature, as they are not considered under the Act to be instructional material.¹

1. See the sections "Adoption by the School Boards of a Policy on Financial Contributions" and "New Powers of Governing Boards with Respect to Financial Contributions Made by Parents."

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 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 opening 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 for an exception to the principle of free student transportation in regard to transportation provided by a public transit authority. In this case only, school boards may claim 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 adult students are not entitled to free transportation, and school boards may claim the cost for such a service (s. 293).

Noontime supervision

School boards must ensure that students who stay at school at noon are supervised, whether or not student transportation is available (s. 292). School boards may also 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 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 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.

ADOPTION BY THE SCHOOL BOARDS OF A POLICY ON FINANCIAL CONTRIBUTIONS

The Education Act stipulates that the school board shall adopt a policy on the financial contributions that parents may assume for the two exceptions provided for in section 7, or that can be claimed for childcare services in the school, noontime supervision and school transportation. This policy must respect the competencies of the governing board and facilitate access to educational services. Finally, it must be submitted to the parents' committee for consultation before it is adopted (s. 212.1).

NEW POWERS OF GOVERNING BOARDS WITH RESPECT TO FINANCIAL CONTRIBUTIONS MADE BY PARENTS

The Act also stipulates that the governing board establishes the principles governing the costs of documents in which students write, draw or cut, and which cannot be reused (first exception provided for in section 7). These principles

are taken into account in the process used for approving school textbooks and instructional material. Moreover, the governing board approves the list, submitted by the school principal, of pencils, paper and other objects of a like nature which the Act does not consider to be instructional material (second exception provided for in section 7.)

These principles are established, and this list approved, by taking into account the school board's policy with respect to these and other financial contributions that may be claimed for childcare services in the school, noontime supervision and school transportation (s. 77.1).

Revision of practices on the basis of the right to free education

This summary of provisions of the Education Act and the interpretation of them 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. Many school boards are currently revising their practices, or have already done so. We have examined them in the light of the rule governing 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
- the 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 grammar books
- fees to change a schedule
- fees to retake local examinations or official examinations
- registration fees for a special project
- a requirement to lease or purchase locks
- 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 of which you should be aware. It is hoped that they will facilitate discussion among those who wish to have additional guidelines.

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

- 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 the savings can be passed on to parents.

- Some school boards ask schools to make sure that fees paid by parents reflect real costs and distinguish between mandatory and optional fees.
- 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.
- Some schools offer more flexible payment options such as instalments or deferred payments.
- Many schools refer parents to charitable organizations, while some conduct fundraising activities to help parents who are unable to pay their fees.
- Some school boards set up a relief fund to provide parents with financial aid.

By means of this document and with the help of its partners, 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. The partners include the Fédération des commissions scolaires du Québec, the Québec 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 d'enseignement, the Association montréalaise des directions d'établissements scolaires, the Association québécoise du personnel de direction des écoles and the Québec Federation of Parents' Committees.



