



**REQUEST FOR
DEROGATION
2022-2023**

**SUBJECT OF REQUEST
REQUEST FOR DEROGATION TO ADMISSION AGE
AS DEFINED UNDER SECTION 241.1
OF THE EDUCATION ACT
2022-2023 SCHOOL YEAR**

Name of School

Date of Request

STUDENT'S IDENTIFICATION:

It is important to verify that the names, given names and date of birth be identical to the ones showing on the birth or baptismal certificate.

Student's Name

Date of Birth

Name and Given Name of the Parent or Legal Guardian

Address

City

Postal Code

Telephone Number (office)

Telephone Number (home)

INTRODUCTION

In accordance with paragraph **1 and 2 of section 241.1** of the Education Act, the English Montreal School Board may grant a derogation. The Minister determines by regulation (L.R.Q., c.I-13.3) the cases in which a school board may exercise the powers (**see attached Regulations**).

It is therefore necessary to provide sufficient evidence of a real and serious potential prejudice to a child, in order to submit a request for derogation. Such requests are generally submitted to the school by the parents or by the legal guardian.

For the cases requesting an evaluation report from a psychologist or a psycho-educator, *l'Ordre des Psychologues du Québec* has issued for its members, in May 2006, an explanatory text listing all tests to be used as well as the content of the evaluation report. One could refer to this text. In November 1990, *l'Association des Psycho-éducateurs du Québec* has published to the intention of its members, a similar document.

The school board has a duty to inform the applicants. Depending of the nature of the request, the school administrator must ensure that sufficient proof is included in the student file.

In accordance with article **96.17** of the Education Act, the school principal may admit a child to preschool education even though the child is eligible for elementary education (**see Regulation No. 5**).

In accordance with article **96.18** of the Education Act, the school principal may admit a child to an additional year in elementary school (**see Regulation No. 6**).

An English or a French translation must accompany required documents that are in another language.

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

ANNEX

Extra preschool.

96.17. Exceptionally, in the interest of a child who has not achieved the objectives of preschool education and following a request, with reasons, made by the child's parents, the principal may admit the child, as prescribed by regulation of the Minister, to preschool education for the school year in which he would be eligible for admission to elementary school education, if there are reasonable grounds to believe that such a measure is necessary to foster the child's academic progress.

1997, c. 96, s. 13; 2006, c. 51, s. 91.

Extra elementary instruction.

96.18. Exceptionally, in the interest of a student who has not achieved the objectives or mastered the compulsory notional contents of elementary school education at the end of the period fixed by the basic school regulation for mandatory promotion to secondary school and following a request, with reasons, made by the student's parents, the principal may admit the student, as prescribed by regulation of the Minister, to elementary school education for an additional school year, if there are reasonable grounds to believe that such a measure is necessary to foster the student's academic progress.

1997, c. 96, s. 13; 2006, c. 51, s. 92.

Exceptions.

241.1. For humanitarian reasons or to avoid a serious prejudice to a child who has not attained the age of admission, the school board may, following a request giving reasons therefore made by the parents, in cases determined by regulation of the Minister,

- 1) admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age;
- 2) admit to elementary school education a child admitted to preschool education who has attained 5 years of age.

Minister's order.

In the event of refusal by the school board, the Minister may, at the request of the parents and if he considers it expedient on the grounds mentioned in the first paragraph, order the school board to admit the child, in the cases and subject to the conditions prescribed in the first paragraph.

1992, c. 23, s. 1.