



**ASSOCIATION DES COMMISSIONS SCOLAIRES ANGLOPHONES DU QUÉBEC
QUEBEC ENGLISH SCHOOL BOARDS ASSOCIATION**

BRIEF SUBMITTED BY THE

**QUEBEC ENGLISH SCHOOL BOARDS ASSOCIATION
(QESBA)**

ON

**BILL N° 105
An Act to amend the Education Act**

TO THE

COMMITTEE ON CULTURE AND EDUCATION

September 2016

“An effective democracy demands a public that is well informed and capable of making critical decisions about its leaders, its direction, and its future. This issue is truly personal and impactful, affecting everyone. That is why, whether in Canada or the United States, education is deeply rooted in the community and why leadership of it must be, too.

Schools are local assets, appreciated for the education they provide as well as for the way they bind diverse portions of the public, creating a sense of common purpose. People everywhere can appreciate these benefits. They see the value of a well-educated citizenry, of young people who are prepared to take their rightful place in the life of the community, and of a public that is capable of addressing complex challenges that require deliberation and action. They also want schools to meet the unique needs of the towns, cities or rural areas where they live. They want them to be responsive to changing conditions. And, they want them to be held accountable.

How to balance high expectations for all children to learn with a means for the public to have a direct stake in how that happens? Herein lies the true genius of our educational systems, which are both a universally provided service and a local enterprise. It is why school boards matter. These citizens from all walks of life, ethnic and racial backgrounds, occupations and religious beliefs, serve as local stewards of these systems, ensuring that the public feels a sense of ownership of the education that is being delivered in their communities without school boards and the leadership role they provide, education would be little more than just another public service. In a democracy, the people should be as much in control of their schools as they are of the government itself.”

Tom Genzel, Executive Director
National School Boards Association

Summary

The Quebec English School Boards Association (QESBA) believes that Bill n° 105 is not as catastrophic as its predecessor, Bill n° 86. While the current bill contains a number of winning elements, the Association also affirms the necessity to propose amendments to certain key elements in order to protect the minority language educational rights of English-speaking children.

Historical context

Since 1929, the Quebec English School Boards Association (QESBA) and its predecessors have served as a vehicle through which school boards, elected commissioners and parents have shared ideas and worked together to achieve our community's common goal of ensuring quality educational services. The member school boards of QESBA serve roughly 100,000 students in over 300 elementary and high schools, as well as adult education and vocational training centres across Québec. Each school board has its unique demographics, orientations and history. All of them share a "made-in-English-Quebec" sensibility to delivering public education services, with equal regard for the needs and wants of all students, staff and communities. Our member boards have successively proved themselves, always placing student success as the primary focus of what they do.

The protection of the linguistic communities in a minority situation in Canada described in the Canadian Constitution and supported by the Supreme Court of Canada guarantees the preservation, protection and promotion of the English-language minority in Québec and the French-language minorities in the rest of Canada.

Not only does the government have the responsibility to recognize and protect the community in a minority situation, but also to carry out a positive obligation concerning the community in a minority situation described in the Constitution.

The QESBA recognizes that, since the hearings on Bill n° 86 in March, it has made significant progress in education and appreciates that Bill n° 105 has not created the turmoil that surrounded Bill n° 86. But like everything else in life, there is not a perfect situation. It also wishes to acknowledge the fact the government listened to the suggestion proposed by the English-speaking minority to simply amend the current Education Act to achieve our common goal—student success.

The QESBA considers the following to be winning elements of the new bill whereby it:

- grants parent commissioners the right to vote at meetings of the council of commissioners—government position supported by QESBA;
- maintains and increases the seats of co-opted commissioners with a specific role.

QESBA also believes that amendments in these two areas would benefit both the council of commissioners and students.

While Bill n° 105 contains many suggested changes that we can and do support, we remain concerned that the right to manage and control our educational institutions is in danger. The Board of Directors of QESBA has adopted a resolution that mandates the Association's administration to work with government officials to arrive at a bill that meets the goals of the government, while respecting all the section 23 rights of the Canadian Charter of Rights and Freedoms. That is our intention and we appreciate the fact that the Minister has indicated to the English community that he favours a similar approach.

Our goal, as that of the Minister, is to provide the best possible opportunities for educational success to all learners. Some sections of the proposed legislation will strengthen that mission, while others will only result in a shift in the

decision-making process and the distancing of duly and democratically elected community representatives of citizens and taxpayers.

The QESBA considers the following sections to be of particular interest to our community.

Granting of additional power to the Minister of Education

We understand and recognize that the Minister must have the powers necessary to enable him to intervene in certain situations involving immoral or illegal acts to protect the integrity of the public education system. However, the bill gives the Minister ultimate powers to issue directives to school boards. With respect to our minority school system, we can imagine a number of scenarios where a Minister could decide to close a village school or the long distances that students would have to travel. We strongly believe that we are best placed to make these decisions for our students, our youth. Also, the Supreme Court of Canada has upheld that we, as members of the minority community, must make our own decisions.

Resource Allocation Committee

The bill provides for the creation of a resource allocation committee with executory powers and composed mainly of school board employees, many of whom are not members of the minority community, to replace an already existing entity with limited powers. While this reality is part of our system's richness, the voice of the community in decisions dealing with the allocation of school board resources is silenced. This is not about trust or relationships. In fact, our school boards have well-established relationships with teaching and administrative staff as well as with parents and students through governing boards, parent committees and the community at large. We not only respect those groups, but also actively seek their input on budget building. Their participation in the process cannot be underestimated or undervalued. That being said, it is the council of commissioners that makes the final decision on the school board, schools, and committee budgets.

That is the only way to protect our guaranteed rights. There is no magic formula, no other configuration or limitation on that decisional step that can, in any way, be acceptable to our elected council members. It is important to remember that the Minister of Education and the members of the National Assembly make the decisions, not the civil servants.

Based on numerous court decisions in favour of the French minority communities across Canada, it also became clear that the right to manage and control is the exclusive purview of the minority language community. That right has been clearly defined in both pedagogical and financial matters. The government has a positive obligation to take all the necessary steps to preserve management and control issues. Proactive protective measures must be put in place by the government of each province, including the minority English community of Québec.

QESBA points to the following elements to describe this "made-in-English-Quebec" sensibility:

- a) *An educational approach based on "teaching the student, not the subject", that is to say, in the spirit of Québec's curriculum reform, to focus on the acquisition of competencies as well as knowledge and to encourage critical thinking, citizenship, enquiry and teamwork.*
- b) *Parent and community involvement: As our school boards answer to parents and taxpayers, our schools have always been accessible to and transparent towards parents and community.*
- c) *A commitment to preparing our students for a future in Québec: This commitment starts with the extensive concentration on French second-language acquisition. It is one of the prime missions of each of our school boards to provide every student with the opportunity to master French. Our commitment contributes to ensuring that every student graduating from the English school system has the capacity to remain, live and work in Québec.*

- d) *A recognition of our particular status as English-speaking institutions: Quebec's English-speaking community, in all its diversity, continues to contribute to the rich culture of Quebec life.*
- e) *The recognition of Section 23 of The Constitutional Charter: Quebec English-language public school boards are the manifestation of the constitutional rights of Quebec English-speaking parents and children to obtain and maintain public education instruction in English through the management and control of English-language educational institutions.*

The Supreme Court of Canada upheld that "the minority language representatives should have exclusive authority to make decisions relating to the minority language instruction and facilities, including:

- a) expenditures of funds provided for such instruction and facilities;
- b) appointment and direction of those responsible for the administration of such instruction and facilities;
- c) establishment of programs of instruction;
- d) recruitment and assignment of teachers and other personnel; and
- e) the making of agreements for education and services for minority language pupils."

The above elements which apply to the situation where the official language minority numbers do not warrant independent school boards indicate that, where independent school boards are so warranted, as they are in Québec, the power of the English-language minority to manage and control its school boards is much greater and broader.

We believe that together we can find solutions to improve Bill n° 105. That requires both the Association and the government to keep an open mind. We reiterate our commitment and a renewed sense of collaboration as we have always demonstrated with successive governments.

Recommendations

Enclosed

Conclusion

In closing, it is time to turn the page on governance and structures and to focus on our shared primary mission: the future of Québec—our youth and student success.