



Association des commissions scolaires anglophones du Québec
Quebec English School Boards Association

QESBA backgrounder on Bill 86 brief

The Quebec English School Boards Association (QESBA) has conducted an in depth study of Bill 86, analyzing its consequences, if adopted, on students, parents, tax payers, school boards and English language public education in Quebec. In its analysis of Bill 86 QESBA has been guided by the imperative that all legislation concerning education in Quebec must be effective and efficient in setting out the framework by which public education is delivered to ensure student success.

QESBA is presented today in the same spirit of collaboration and cooperation and respect that we have demonstrated since the beginning of this elections and governance discussion over a year ago.

The conclusions listed in this brief are made with a very heavy heart. We have concluded that:

- a) Bill 86, as it will apply to the English language public school system in Quebec, is unconstitutional, and in violation of Section 23 of The Charter;
- b) Bill 86, if adopted, will be the subject of a constitutional challenge, whether by, or together with, QESBA, students, parents of children enrolled in Quebec English language public education, English language school Commissioners recently elected some 18 months ago, English language public school boards and Quebecers who pay taxes to support the English language public school system;
- c) Bill 86 accrues to the Minister of Education the power to intervene, direct, control and impose his orders on school boards, rendering them illusory and removing from school boards their independence and autonomy as legal persons in the service of local communities;

- d) Bill 86 creates an impossible governance structure, convoluted, confusing, complicated and difficult to implement. This structure is likely to sooner or later collapse of its own inertia. It serves no constituency;
- e) Bill 86, if adopted, will fracture and fragment every school board in Quebec, as no two school boards will necessarily have the same governance structure or be run according to the same operational rules, the Minister having the power to intervene in different and inconsistent ways with each school board, whether French or English;
- f) Bill 86 must be withdrawn in its entirety.

We have proposed positive change measures that could easily be incorporated into the existing Education Act. Among those suggestions are:

- Giving Parents Commissioners full voting rights. This is something that QESBA has been advocating since 1998, with only one exception in 2012.
- Adding a teacher and an administrator to internal standing committees of the Council of Commissioners where the in depth discussion and debate are held and from where the recommendations to the full Council of Commissioners emanate. This is a practice already in place in some of our English boards. It would also alleviate the issue of conflict of interest by having employees playing the role of employer in the formal public meetings of the Council. It also allows employees to take positions that truly reflect their colleagues without being part of the decision of the Council. Administrators have also expressed concern about the availability and willingness of Principals to participate in another volunteer commitment, taking even more time from their prime task of pedagogical leaders.
- Maintaining coopted member seats but allow each Council of Commissioners to decide on what community or specialized input may be required.
- Making training for Chairpersons, Commissioners, and Governing Board member's mandatory.

- Give Governing Boards some mandated input into budgeting, program, and other community issues but leave the evaluation of professionals (teachers and administrators) to be done by professionals.
- Making voting easier for the general public. That could be in the form of twinning the voting with municipal elections, as is done in 8 of the 9 other provinces in Canada. Allowing the current universally elected Commissioners to complete their term is a must, however, we suggest the next election be twinned with municipal elections in 2017, effectively cutting one year off the current legislated term. This system would improve voter turn out, reduces the impact on the community in terms of voter apathy, it would combine resources, and make voting stations more accessible. Merging of elections should be implemented at least once to determine success before moving onto alternate methods of elections.
- QESBA has also experienced positive results with online elections. Should the twinning of municipal and school board elections prove to not be efficient, we suggest moving to an online elections model. It will take time to develop a fully inclusive and secure online voting system in the subsequent election period. It would be necessary for the government to pay all costs of the election to preserve, as much as possible, funds available for our programs and student and staff support. That said, each network, French and English working together, should be required to develop plans to promote, advertise, and encourage voters to know the candidates and vote at the appropriate time.