



BRIEF SUBMITTED BY THE

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

**THE ASSOCIATION OF DIRECTORS GENERAL OF ENGLISH
SCHOOL BOARDS OF QUÉBEC (ADGESBQ)**

ON

**BILL N° 9
An Act respecting the National Student Ombudsman**

TO THE

**NATIONAL ASSEMBLY
COMMITTEE ON CULTURE AND EDUCATION**

January 2022

**UNDER STRICT EMBARGO UNTIL OUR APPEARANCE
BEFORE THE PARLIAMENTARY COMMITTEE
SCHEDULED FOR JANUARY 19, 2020 AT 9:55**

Introduction

N.B. This brief is submitted jointly by the QESBA and the ADGESBQ.

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 some 100,000 students in over 300 elementary and high schools, as well as adult and vocational centres across Québec and employ some 20,000 people. Each Board has its unique demographics, orientations and history. All of them share a "made-in-English-Québec" sensibility to delivering public education services, with equal regard for the needs and wants of all students, staff, and communities.

- *Parent and community involvement:* as our school boards answer to the taxpayers, our schools have always been accessible to and transparent towards parents and community;
- *A recognition of our particular status as English-speaking institutions:* Québec's English-speaking community, in all its diversity, continues to contribute to the rich tapestry of Québec life. English public school boards, representing the sole level of elected government answerable to that community, assumes as part of their mission the job of teaching about and strengthening that fundamental contribution;

All of the points listed above have elected commissioners on the front lines of all decisions that will affect and ultimately benefit students. Our sector has much to be proud of, including attaining an 86% success rate.

The **Association of Directors General of English School Boards of Québec (ADGESBQ)** represents directors general and assistant directors general of the nine English school boards. Its mission is to influence the development of educational policies in Québec and to promote the professional interests of its members. The ADGESBQ promotes collaboration between the various school boards to advance education in Québec. It makes available to its members all useful information concerning the improvement of the education system.

History of the QESBA

QESBA has been advocating for English (protestant boards before 1998) public education in Québec since the association was founded in 1929. QESBA and its predecessors have gone from 129 member boards to 9 since the creation of the Ministry of Education in 1964.

Our enrolment in 1975 was over 250,000 students across the province and has declined to approximately 100,000 in 2015. There were as many as 172-elected Commissioners in 1975 and as of November 2014 there are 95 Commissioners and 9 elected Chairpersons. We consistently register a high above average success rate and our administrative overhead costs are among the lowest of any publicly funded institutions at a 4% average.

Bill 9

Bill 9 creates a new statute, namely the *Act Respecting the National Student Ombudsman*¹. It also modifies 3 Québec statutes and one regulation, most notably the *Education Act* and the *Act respecting private education*.

¹ The terms “ombudsman” and “ombudsmen” are taken directly from the legislation and should be understood to be gender neutral.

Bill 9 establishes a uniform process for dealing with complaints from students and parents in our school system. It creates the position of National Student Ombudsman and Regional Student Ombudsmen, and sets out their roles and responsibilities. It also establishes a timeline for the processing of complaints at the level of the school board and private education institutions, regional ombudsman, and national ombudsman.

The goal of legislation is to address a pressing public policy issue. Our two associations are not convinced that there are major problems regarding the students' complaints process in the English education network. From our perspective, the current system of arms-length student ombudsmen in our school boards, reporting to the Councils of Commissioners, whose members are elected either by the population at large, or in the case of parent commissioners by their peers, is adequate. If the MEQ wishes to ensure that more students and parents are aware of their rights and of the complaints process, and to establish a uniform and realistic timeline for such complaints, these objectives could be achieved without establishing an entirely new regional and central bureaucracies.

This position is borne out by the very small numbers of cases that are actually submitted to the Student Ombudsmen in our network. According to their annual reports, in the last year for which the numbers are available², the Student Ombudsmen in the nine English school boards received a total of 285 complaints. It is estimated that 75-100 of those were related to the COVID-19 pandemic.

In addition, we have serious concerns regarding the proposed Bill 9, relating to access to the regional and national complaints process in English and to the

² The numbers for four school boards are from the 2019-2020 financial year, and five are from the 2020-2021 financial year.

diminution of the role and authority of the Councils of Commissioners, the highest governing authority of school boards, in the process.

Bill 9 essentially eliminates the existing school board Student Ombudsman, as well as the direct recourse of parents and students to the Council of Commissioners to overturn a decision of that body. It replaces these with a centrally administered National Student Ombudsman and regional student ombudsmen system and a standardized complaints process. While this standardizes and professionalizes the ombudsman function, it also takes this function largely out of the hands of local school boards.

This standardization and centralization of the complaints process may decrease local ownership of the complaints process, and further diminishes the role of the Council of Commissioners. This is another example of the government instituting more centrally administered public educational services. In combination with other recent legislation (Bills 40 and 21 among them), it contributes to the gradual diminution of local management and control of education by the English-speaking community.

It is also unclear whether Bill 9 will make the complaints process more accessible and effective for complainants (parents and students) in the English system.

Specific Concerns

1. Services of the National Student Ombudsman

The National Student Ombudsman will have to deal with French-language service centres, English-language school boards and the special status boards representing Indigenous communities, and private schools. We worry that the situations and concerns of the English minority communities and Indigenous

communities across Québec do not always receive the full attention of governments. This is one of those times when we must emphasize the importance of having access to English- language services for any stakeholders that have important questions or concerns regarding their children's situation. They must be able to receive services in either French or English.

Recommendation 1.

The National Student Ombudsman and its personnel must be sensitive to the particular realities of English school boards, special status school boards and the special status school service centre and the people they serve.

2. Ensuring that the regional student ombudsman process is accessible in English and is sensitive to the particularities of the English education network

Our understanding is that there will be a Regional Student Ombudsman in each administrative region. There are 17 MEQ administrative regions throughout Québec. We do not think that a regional territorial model will be able to guarantee the necessary regional student ombudsman services in English, particularly outside the Greater Montreal area. In fact, the intent of the Government's proposed Bill 96 amending the Charter of the French Language, appears to be to limit the designation of bilingual positions in the Québec civil service. Complaints from students and parents in English school boards may be marginalized in a regional territorial model due to their small proportion, particularly in the regions.

The Regional Student Ombudsmen need to be sensitive to the cultural and educational differences in our network. Again, given the small proportion that the English network represents overall in many regions, we are concerned that not all 17 of them will make this a priority.

The majority of our school boards cover more than one administrative region (for example the Sir Wilfrid Laurier School Board covers 3). The proposal in Bill 9 means that school boards would be dealing with a number of different regional ombudspersons. This would only increase the complexity for parents and will represent a significant administrative challenge for many school boards.

There is no provision for Regional Student Ombudsmen to be aware or sensitive to the particular context of English boards. It is unclear whether Regional Student Ombudsmen serving English boards will have the ability to communicate with complainants in English.

For all of the reasons above the QESBA and ADGESBQ propose a different regional complaints model better adapted to our educational network.

Recommendation 2.

That the linguistic nature of Québec’s school system be recognized with amendments to Bill 9 instituting one (or more) “regional” ombudsman which would deal exclusively with complaints emanating from English school boards and private English schools. Furthermore, that legislative provisions in Bill 9 allow for the two special status school boards (Cree and Kativik) and one special status school service centre (Littoral) to opt into this proposed model if they so choose.

3. Selection process for the Regional Student Ombudsmen

Section 5 of Bill 9 specifies that the Minister of Education appoints Regional Student Ombudsmen from among persons declared qualified for appointment

to those functions by a selection committee. As per section 6 of the Bill, a Québec-wide selection committee is formed for Regional Student Ombudsmen chaired by the National Student Ombudsman with representatives from parents, teachers, principals, directors general, private education institutions and ortho-pedagogists and designated by the National Student Ombudsman after consultation with those associations or organizations. While there is varied representation on the selection committee, it is interesting to note that there is no representative of either the association of school boards or of the federation of school service centres. There is, in our view, inadequate local input.

Recommendation 3.

The selection committee referred to in section 6 of Bill 9 for the regional student ombudsmen must include a representative of the association of school boards.

4. Treatment of complaints at the school board level

Initially, the board-by-board Student Ombudsman role was developed as an arms-length impartial body to examine and determine solutions to local student issues and make appropriate recommendations to the Council of Commissioners. The QESBA has some very clear concerns with the proposed Bill 9 abolishing the arms-length local Student Ombudsman in favour of assigning the local task to a school board employee making the impartiality of the role moot and unfairly asking a school board employee to take on these specific cases.

Our boards have limited staff and our school board staffs are already over taxed in terms of workload. Secondly, the initial Student Ombudsman role was

necessarily to be an impartial separate body to both protect the complainant and school board staff.

Recommendation 4.1.

That Bill 9 be amended to empower Councils of Commissioners to either maintain the current arms-length school board Student Ombudsman as the person in charge of processing complaints or to designate a person in charge of processing complaints from amongst the personnel of the school board.

Administrative Challenges

Although many English school boards cover huge territories (the territory of the Central Québec School Board is roughly equivalent to Spain), a number of them are, relatively speaking, quite small. This represents particular challenges in the organization of services where a number of administrators occupy multiple functions. The pressure on school board administrations is intense and resources are stretched to the limit.

Recommendation 4.2.

That the timeline for the treatment of complaints at the school board level be lengthened slightly in order to reflect the ability of our boards to realistically process those complaints.

5. Role of the Council of Commissioners

Currently, a student or parent can directly ask the Council of Commissioners to reconsider a school board decision. Under Bill 9, the Council can still overturn a decision based on a student or parent request, but only on the

recommendation of the Regional Student Ombudsman. In other words, parents and students can no longer complain directly to the Council of Commissioners, the highest governance body of the school board. Rather, they must pursue the complaint to the Regional Student Ombudsman.

This new process both diminishes the role of the Council of Commissioners and restricts the right of the complainant to petition the Council of Commissioners.

Furthermore, under the current system, the Council must decide what actions to take in response to Student Ombudsman recommendations. Under Bill 9, this appears to become a staff function. Because of the short timeline and the lack of mention of the Council, it appears to fall to school board staff to respond to Regional Student Ombudsmen reports, bypassing altogether the highest and duly elected governing body of school boards, namely the Council of Commissioners.

Recommendation 5.1.

That Bill 9 provide for direct recourse of a complainant to the Council of Commissioners at any time in the complaints process as is currently the case.

Recommendation 5.2.

That Bill 9 allows the person in charge of processing complaints within the school board, whether that be the school board Student Ombudsman as we propose or the administrative model proposed in Bill 9, to make recommendations to the Council of Commissioners.

Conclusion

The QESBA thanks the Committee on Culture and Education for the opportunity to be heard during the Parliamentary consultations on Bill 9.

The QESBA and the ADGESBQ are not convinced that the complaints process in the English education network needs the creation of regional and national bureaucracies to improve the rights of students and their parents to appropriate educational services. However, if the National Assembly should decide to proceed with this reform, we have proposed certain modifications to take into account the particular realities of both the governance of and needs of our school system and the people it serves.

The concerns about local sensitivity and language of service are a very important factor for the National Assembly to consider.

Finally, Bill 9 removes several elements of self-management of our school system which school boards have vigorously defended over decades, self-management which is crucial to the English-speaking community of Québec. These elements of self-management do not conflict with the objectives of Bill 9 and, as outlined in the recommendations of this brief, they should be restored in the legislation.