

ASSOCIATION DES COMMISSIONS  
SCOLAIRES ANGLOPHONES DU QUÉBEC



QUEBEC ENGLISH SCHOOL  
BOARDS ASSOCIATION

Brief Presented to:

Senate Standing Committee on Official Languages  
as part of its examination of the subject matter of Bill C-13,  
An Act to amend the Official Languages Act,  
to enact the Use of French in Federally Regulated Private  
Businesses Act and to make related amendments to other Acts

Brief Submitted by:

The Quebec English School Boards Association

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N.B.: This Brief was originally submitted to the Senate Standing Committee on Official Languages on May 27, 2021 under the title *English and French: Towards Real Equality of Official Languages in Canada, Official Languages Act*



***Canada is a country that is rightly proud of its official bilingualism and our, multicultural, respectful peoples and philosophy. Our country has long promoted the duality of our two official languages and the respect for history, heritage, and culture. Our brief asks that the English minority-language community of Québec receive the recognition, respect, and support based on the same principles which the French minority-language community in the rest of Canada receives from the Government of Canada.***

The Quebec English School Boards Association was founded in 1929. The role of the association is to represent the nine English school boards of Québec as well as the Littoral School Board, a special status school board. Our member boards cover the full geographic territory of Québec with some board territories covering more than 400,000 square kilometres, equal to the land area of Spain. Our board student enrolments range from 1,300 (Eastern Shores in the Gaspé region) to more than 25,000 for each of the 2 boards serving the Island of Montréal. Our network is comprised of about 340 schools and adult centres, some with enrolment well below 100 to as many as 2,000. Our boards serve the youth sector from Kindergarten to Secondary V (grade 11). They also deliver Adult Education and Vocational Training. Some of our boards offer pre-kindergarten programs to 4-year-old children and the Adult and Vocational sectors cater to students 16 years of age and older. All told there are approximately 100,000 students in the minority-language English public school system.

We boast a system-wide student graduation rate of near 90% built on a collaborative and inclusive model. Every day thousands of parent and community volunteers lend a hand providing irreplaceable and invaluable support to school staff. The belief that every student deserves a chance to reach her or his full potential is demonstrated through an inclusion/integration rate that reaches over 90%.

Our boards and community are proud of what we have built together through some very difficult conditions. Due to restrictive language laws our school population has declined 60% over the past 45+ years. System-wide budget cuts have hurt our schools. This is particularly the case in the more than two-thirds (over 225) of our schools with fewer than 200 students, making the provision of a full range of services in each school a difficult task. The lack of specialized support staff and services (professionals, psychologists, consultants, etc.) in English also poses a problem particular to our schools.



The need to support the Québec minority-language education system is clear.

Although education is a provincial/territorial jurisdiction, both the Parliament of Canada and the Government of Canada have roles and responsibilities regarding minority-language education from coast to coast to coast: Parliament - through the rights guaranteed under section 23 of the Canadian Charter of Rights and Freedoms, and the Government of Canada - through the funding provided for minority-language education and second-language learning under a federal-provincial-territorial protocol.

*The Federal-Provincial-Territorial Protocol for Agreements to Support Education for Official-Language Minorities and Second-Language Learning* provides more than two hundred million dollars each year to support French education in minority-language communities, education in English for English-speaking communities in Québec as well as second-language instruction. This protocol requires bilateral agreements with each province and territory for its implementation.

The situation in Québec has historically been complicated. Successive Governments of Québec have insisted on the exclusive jurisdiction of the province in education. This often results in the Government refusing to sign the Protocol and insisting on a distinct bi-lateral agreement, which respects this exclusive jurisdiction. It also often means that the negotiation of this bi-lateral agreement is delayed, and has different provisions than those of other jurisdictions.

Additionally, the Government of Québec does not allow school boards to directly receive any funding from the Government of Canada. The *Canada-Québec Agreement for Minority-Language Education and Second-Language Instruction* is the mechanism through which federal funding flows to Québec.

Our Association wants to participate in ensuring that all Federal support for English-language education and second-language instruction in Québec is used in the most transparent, effective and efficient way possible. Measures must be in place to ensure that the funds are fully used as they are intended. It is therefore important that all funds be accounted for with full transparency and reporting, not only to government but also to the public. These taxpayer dollars are critical to Canada's minority-language communities, including the English community of Québec. In that respect the Quebec English School Boards Association appreciates this opportunity to participate in this consultation.



Schools and school boards play an important role in community development, particularly in minority-language communities. There are the focal point, meeting place, and service provider for much of our community. In some cases, they may provide the only English library or give access to English-language movies, or some health and social services. To our minority-language community, the education system is much more than a provider of pedagogy, it is the vehicle through which our future generations are developed and our vitality is ensured.

The English-speaking community of Québec is a minority within a minority. Despite living a sea of English in North America, we are a vulnerable minority with an aging population and significant out-migration of our young people due to their mobility. The presence of hundreds of millions of English-speakers on the continent does not necessarily ensure that the English-speaking community of Québec receives the appropriate level of Government or institutional services in our language. Our school population has been in decline for decades and we find it increasingly difficult to provide a full range of services in our minority-language to our students.

We understand how important the French language is and we understand and accept that it needs to be protected. And so we promote, and dedicate funds to developing fully bilingual young people. Funding from the Government of Canada is needed to enhance the minority-language school system and not to replace the provincial obligation to deliver educational services to all Québec children.

## **ISSUES**

- 1) The English-speaking Community of Québec is in a unique situation. A sound, appropriate, first-class education system is the key to the preservation, promotion, and vitality of any community and most especially to a minority-language community. It must also be recognized that we have legal protection and specific rights under Section 23 of the Canadian Charter of rights and Freedoms. These rights, stemming from successive Supreme Court decisions based on this section of the Charter, guarantee the minority-language community the right to manage and control its educational institutions.

In its landmark 1990 *Mahé v. Alberta* decision, the Supreme Court of Canada wrote “the minority-language representatives should have **exclusive authority** to make decisions relating to the minority-language instruction and facilities, including: **expenditures of funds provided for such instruction and facilities**; (emphasis ours).



This aspect of our Constitutional rights to control and management our school system is often in contradiction with the position of the Government of Québec which defends its jurisdiction very jealously. It is time that the English-speaking Community of Québec play a more direct and active role in the attribution of Federal support for official-language minority education.

- 2) Our elected leadership, Commissioners and Chairpersons, have a legal mandate, through universal suffrage of eligible voters, to represent and speak on behalf of the English community rights holders. Only legal rights holders can attend English schools. These facts make us unique and deserving of appropriate consideration.
  
- 3) As a minority-language community, we should have a role to play in determining how the funds transferred to Québec for minority-language community education support are distributed and used. This has never happened and we are concerned with the ongoing limited transparency and reporting.<sup>1</sup> We ask for but are denied specific information about how all the Federal funds are distributed, who gets the funds, what projects they are used for, how much is sustaining versus project funding, etc. Furthermore, we know that a significant portion of the federal support is attributed to the general fund of the Government of Québec, which does not disclose the disposition of these funds.

The argument that the Ministry of Education funds English students to over ten times what they receive from the Federal government is a false argument. The Québec government funds all Québec students as a part of their core responsibility. There is no relationship between the federal support and the funding of students in the English sector. These funds were meant to enhance minority-language community education, not replace the funding obligations of the provincial government.

We must, however, point out the success that can come from funding directed specifically to our community. The Community Learning Centres (CLCs) have grown and now play an important role in community development, support and vitality. In this case it is the minority community

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<sup>1</sup> While we receive detailed information about the use of these funds from the English Network sector of the Québec Department of Education, this is not the case regarding support for second-language instruction or the amounts attributed to the Government of Québec's general fund.



that decides on the use of the funds and this serves as proof that this kind of Federal support is beneficial to the minority-language community.

Due to a dearth of resources, our Association has very limited education policy development and research capacity<sup>2</sup>. QESBA has to date very limited direct funding from any level of government and as such we are unable to afford the personnel or the expertise in those two areas. Good research, data collection, and policy development are keys to long-term viability. This is a crucial element of our reflection.

Professional services in English are becoming harder and harder to ensure in all regions of the province. This is not just a rural problem but affects major urban centres as well. The lack of consultants, pedagogical specialists, diagnosticians, special needs professionals, hearing and speech specialists, psychologists, just to name a few, are a growing concern and additional funding is required to address these needs.

Finding, employing, and retaining competent French language teachers and subject specialists is becoming a serious problem in the English school system. Many of our schools are small, distant, and already understaffed. There is little to attract the needed resources to them.

Furthermore, in many regions we do not have access to infrastructure such as arenas, swimming pools, and other major facilities. An assessment of needed infrastructure should form part of the research we need to do.

Access to English-language education remains a major threat to the vitality of our community. This access is limited to those who fit a rigidly defined set of rules regarding eligibility. With little to no funds available to sustain an information campaign and in spite of a program of world class second language teaching in French Immersion, thousands of parents of eligible students are slowly but consistently moving towards the French school system as they believe that the level of French-language skills will better prepare them for the Québec job market. As we have stated previously, our system's success rates rank among the highest in all of Canada, yet we face the enrolment consequences of this ongoing misconception.

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<sup>2</sup> Every ten years or so the QESBA has to undertake legal challenges to defend our Constitutional rights to control and manage our education system. This requires significant internal financial resources. The most recent example of this is the QESBA et al's legal challenge to Québec's Bill 40 on school governance reform, which is currently before the Quebec Superior Court.



### **Modernization of the Act**

As in the current Act, the central guiding principle **must be the equality of status of English and French**. There can be no separate status or asymmetrical approach to each language and to French and English official-language minority communities. Further, the Act must categorically guarantee this equality of status in all institutions subject to the Act across Canada.

The Government of Canada's commitment and leadership on matters of official languages is demonstrated by this modernization project. QESBA is pleased with the general direction of the policy, which addresses the Canadian challenge of protecting and promoting the French language, while recognizing the importance of vital official-language minority communities across Canada including an historic vision that reconciles our national responsibility to support and promote the use of Indigenous languages.

The Government of Canada's official language reform captures important requests made by the English-speaking community of Québec during the initial consultative processes related to the modernization of the Official Languages Act particularly in matters of education.

- Expanded role of Treasury Board for implementation and accountability;
- Increased powers of the Commissioner of Official Languages;
- Increased support to our community's institutions;
- More transparency on federal transfers directed towards our vitality;
- Proposals for the enshrinement of the Court Challenges Program;

The initiatives on second-language learning should include and be made available to Québec's English school system. Québec's English schools, which lead the nation in French core and immersion, need help in attracting qualified French teachers to join our educational community.

The policy initiatives on second-language learning should be made available to Québec's English school system. Notice should be made of the needs of isolated communities, and those lacking high-speed Internet. The document recognizes that Francophone minority communities "have developed language and cultural characteristics that deeply mark their identity." The same is true of English-speaking Quebecers, who are culturally distinct from Canada's English majority, a point made clear during the modernization consultations.



Finally, the document includes 'data for action' component is a good start. However, statistical and non-statistical data collected by the Government of Canada should focus on the full range of vitality indicators, including socio-economic data. This will require additional investments to ensure official language variables are added to socio-economic data collection tools like the Labour Market Survey. Additional investments should be made to ensure robust data gathering on official languages.

The document indicates that initiatives on second-language learning should be made available to Québec's English school system. The unique culture of English-speaking Québec should be recognized and carried forward into policy.

In conclusion QESBA commends the Government of Canada for acting on its long-awaited intention to modernize the Official Languages Act. The QESBA position is geared towards English minority education in Québec, we must however, underline our support for the Quebec Community Groups Network (QCGN) position on the overall English-speaking minority position in Québec.

Given the hurdles institutions of the English-speaking Community of Québec face in directly benefitting from federal support for official-language minority education, the Federal-Provincial-Territorial Protocol and the terms of the bi-lateral Canada-Québec agreement are crucial. Québec's English school boards look forward to benefiting from the Governments of Canada and Québec working together to increase the availability of resources to meet the particular and pressing needs of our community.

Respectfully submitted by:

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