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LANGUAGE RIGHTS
SUPPORT PROGRAM

FOR THE
CLARIFICATION AND
ADVANCEMENT OF
CONSTITUTIONAL
LANGUAGE RIGHTS
IN CANADA.

Education in English

Section 23 of the Charter

This part of Section 23 applies to Quebec:

(1) Citizens of Canada

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.



Foreword from the Director of the LRSP Geneviève Boudreau

Section 23 of the Canadian Charter of Rights and Freedoms guarantees the existence of the English-language schools in Quebec and the right to instruction in English in this province.

English-language schools in Quebec serve an important purpose for the English-speaking communities. In general, schools are the hub around which gravitate community life and activities in the surrounding communities.

In fact, Quebec has excellent English-language schools that are ranked among the best in the province. These schools also create generations of well-rounded students who are bilingual and who may become the leaders of tomorrow.

Schools, in conjunction with other institutions, are fundamental for preserving the vitality and the essence of official language minority communities in Quebec.



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Education in English



English schools contribute to vitality of Quebec society

The English-speaking community is rightfully proud of its school system, which continues to be a central hub of community vitality.

Section 23 of the Constitution Act (1982) codifies the minority language education rights enjoyed by Canadian citizens. A central purpose of these rights is to preserve and promote the culture of English-speaking Quebec, and English-speaking parents have a right to manage and control the educational facilities where their children are taught.

Not all rights conferred in section 23 of the Constitution Act apply in Quebec. Restrictions contained in Quebec's Charter of the French Language (commonly referred to as Bill 101) designed to protect and promote the French language in Quebec, generally prevent children whose parents did not receive the majority of their own education in English in Canada from attending the English school system.

Unfortunately, the pool of eligible children for English schools is declining, posing a serious and growing threat to the sustainability of this community cornerstone. The Quebec Community Groups Network (QCGN), believes that Quebec must find a way to "breathe oxygen" into its declining English-speaking school population or face institutional loss.

"Prior to Bill 101, people chose the schools they wanted their children to attend. English-speaking families sent their kids to French schools and French-speaking families sent their kids to English schools, so a balancing effect took place in that regard," explains Walter Duszara, Secretary of the Board of Directors of the QCGN, a 20-year-old not-for-profit organization that links 41 English-language community groups across Quebec.

Duszara estimates the number of students attending English schools in Quebec has been reduced from over 200,000 to 100,000, while many

schools have shrunk in size to student populations of 100 or less over the past four decades since Bill 101 was enacted. Meanwhile, he says that parents pay higher school taxes to send their children to English schools given the lower number of students attending them.

And that number is unlikely to increase any time soon.

According to Quebec's statistics-collection agency, the Institut de la statistique du Québec, the province lost nearly 13,100 residents to other provinces in 2013 – the most significant inter-provincial migration since 1998. Quebec also welcomed fewer immigrants in 2013 than the previous year, which seriously impacts the future of the province's English schools since the population from which eligible children can be drawn is in demographic decline, points out Stephen Thompson, Director of Policy, Research and Public Affairs at the QCGN. "Immigrant children are not a source of renewal for our school system, nor are children coming from elsewhere in Canada, as Quebec experiences significant net emigrant loss."

Furthermore, he says that Quebec's demographic renewal relies heavily on immigration. However, if Quebec is to ensure the French language remains "the distinctive language of a people that is in the majority French-speaking [and] is the instrument by which that people has articulated its identity" – as the Charter of the French Language states – the province believes that immigrant children must attend French schools in order to properly integrate into society, Thompson explains.

In its unanimous decision in *Mahe v. Alberta* 25 years ago, delivered by then-Chief Justice Brian Dickson, the Supreme Court of Canada stated that section 23 of the Canadian Charter of Rights and Freedoms is an important component in Canada's constitutional protection of its two official languages "because of the vital role of education in preserving and encouraging linguistic and cultural vitality."

Duszara says the challenge for Quebec's English-language schools is to ensure they survive amid a declining student population.

"We need to find a way to provide the fuel and the space for the English language to flourish and the English community to not find itself marginalized within the province, and ensure that it continues to contribute to the social, economic, cultural and political life of Quebec and Canadian society."

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in **Education** **English**



Parents provide hands-on support for Quebec's English schools

Established in 1944, the Quebec Federation of Home and School Associations (QFHSA) is a unique not-for-profit volunteer network of local associations primarily driven by parents dedicated to enhancing and advancing the education and well being of their children who attend Quebec's English-language schools.

Home and School parents organize fundraisers to acquire library books, and gym and computer equipment for schools unable to access sufficient funds from their local school boards. Home and Schools also organize a host of activities for students: talent shows, school dances and winter carnivals as well as subsidizing bussing for fieldtrips.

Parents also volunteer in schools to help teachers in the classroom – as kindergarten assistants, for example – and outside the classroom, for school plays, book fairs, skating parties among many other events held during the school year.

Parental involvement is appreciated and encouraged in the English school system, explains Carol Meindl, executive director of the QFHSA. “This is partly the reason the Quebec government introduced governing boards and parent participation organizations to legislate a process where parents are involved in decision-making at the school level. This initiative built on the work of home and school associations, which brought parents, principals and teachers together to work for what was best for students.”

She says that when parents actively participate in the life of the school that their children attend, they can better appreciate the school's mission and reinforce the same principles and ideas back at home.

“The parents' activities not only work with schools to help reduce

bullying and boost morale, but to help build community, too, within the surrounding neighbourhood, placing the school at the centre of the local community.”

Meindl points out that parental involvement also helps boost student retention. “When parents value education, so will their children. When the school remains the hub of the community, the community remains vital and flourishes.”

Enriching community life is also at the core of the QFHSA's work, which has long served as an advocate for English-educational rights and as a voice for parents whose children attend English schools in Quebec. The association has been a strong proponent of the right of parents to choose the language of school instruction they believe is best for their children and which is guaranteed to them under section 23(1)(b) and section 23 (2) of the Canadian Charter of Rights and Freedoms.

But as a representative of Quebec's minority-language community, the QFHSA faces challenges – and one of the main challenges it faces is as an advocate for English schools that are struggling to maintain enrolment numbers high enough to keep their doors open.

“Every year it seems we lose another school,” says Meindl, who estimates that the number of English language schools in Quebec has dropped from just under 500 in the 1960s to about 250 today. Over the same period, the QFHSA has gone from consisting of as many as 192 local associations to about 85 in 2014.

“It's not because parents aren't involved,” explains Meindl.”

“It's that there are a lot fewer of them, partly because many of them left the province when Bill 101 was introduced in the 1970s.”

She adds that the decline in the number of schools can also be attributed to the declining birthrate in Quebec. The fact that more families have both parents in the workforce also affects the amount of free time available for them to volunteer.

As Meindl highlights, statistical data reveals that English schools, which teach French at various levels, actually help Quebec ensure the French language remains, as the Charter of the French Language states, the “distinctive” language of the province's Francophone majority.

She says that the province's English public school system consists of French-immersion and bilingual schools, and offers increasing levels of French-language instruction to students as they progress from grade to grade.

“By providing instruction to students in both English and French, our English schools provide children with greater opportunities to pursue careers and explore the world.”



English-language Schools among the best in Canada

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In 2014, the average student success rate across the province's nine English school boards was 82 percent – a rate much higher than the 80-percent target for 2020 set by the Quebec government.

Six of the nine English boards are in the top 10 among Quebec's 69 public school boards; all nine are in the top 15.

In terms of quantity, an estimated 100,000 students are enrolled in English schools that receive \$850 million in provincial government funding annually. By comparison, there are about 100,000 students in Ontario's French school system that has 12 French school boards with more than 425 schools and which receives more than \$1.2 billion in provincial funding.

Yet Quebec's government proposes to reduce the number of English school boards to seven as of July 1– the first amalgamation of school boards to occur in the province since 1998. "If it ain't broke, don't fix it," says David D'Aoust, president of the Quebec English School Boards Association.

He explains that under section 23 (1B) and Section 23(2) of the Canadian Charter of Rights and Freedoms, Anglophone Quebecers have the right to send their children to English schools as part of their constitutional minority-language rights. "Can it truthfully be argued that a further decrease to the number of school boards meets the legal test for the minority community to have proper management and control of its educational institutions and its ability to guarantee the preservation of its heritage?"



D'Aoust, a former associate deputy minister of education in Quebec, says the provincial government has yet to both explain how forged mergers will improve outcomes and define how much, if any, money will be saved without affecting classroom services – noting that the English school system has the lowest operating cost of any level of government in the province.

The three school boards subject to the planned merger – New Frontiers, located in the Chateauguay Valley; Riverside, situated on Montreal's South Shore; and Eastern Townships each serve a unique portion of Quebec's English minority community and have no natural affinity to one another – and would result in an amalgamated board stretching from the Ontario border to near New Brunswick and Maine, he explains. "That cannot logically be seen as beneficial for student success."

Furthermore, D'Aoust, who also serves as chair of the New Frontiers School Board, says the Quebec government will also make changes to the French system, which would see the number of its school boards reduced by nearly half from 60 to 36, also as of July 1.

He explains that English public schools help students master French and fully contribute to Quebec society – a point the Quebec English School Boards Association successfully made in challenging Bill 104 before the Supreme Court of Canada in 2009.

D'Aoust says the focus should be on student success, on teacher education and support, and on continued administrative efficiency, while respecting the rights and needs of Quebec's minority English community.

"Our school boards fully support change that improves success and opportunity for students of all ages," he explains.

"The Quebec government must recognize the good work and success of the English school board system and support our ongoing efforts for improvement and we will continue to work to reduce system costs, as we have already done."

"Ultimately, we must never lose sight of the fact that education is an investment in students who are tomorrow's leaders."

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