



Quebec Federation of Home and School Associations Inc.

Brief addressed to the Committee on Culture and Education

**And Bill 56: An Act to prevent and deal with bullying and
violence in schools**

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The Quebec Federation of Home and School Associations Inc. is dedicated to promote the involvement of parents, students, educators and the community at large in the advancement of learning. It acts as a voice for parents.

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Comments on Bill 56: An Act to prevent and deal with bullying and violence in schools

Introduction

The Quebec Federation of Home and School Associations (QFHSA) welcomes the opportunity to comment on Bill 56, *An Act to prevent and deal with bullying and violence in schools*.

The QFHSA is an independent, incorporated, not-for-profit volunteer organization dedicated to enhancing the education and general wellbeing of children and youth. The QFHSA promotes the involvement of parents, students, educators and the community at large in the advancement of learning. It acts as a voice for parents.

We are a Federation of local Home and School Associations driven by one objective: to provide a caring and enriched educational experience for students. Members of Home and School Associations come from all sectors of society: working parents, stay-at-home parents, grandparents, educational professionals and other ordinary citizens with an interest in maintaining a high level of education in this province. We represent eighty-four (84) local associations, namely four thousand six hundred and thirty-three (4,633) family members across the province of Quebec. These members represent the cultural diversity within our education system. We also work with learning centres and community organizations, as well as other associations who share the same goals and objectives.

The QFHSA supports the goal of the Minister of Education, Leisure and Sports to ensure that school is a safe place for everyone.

COMMENTS:

Name of the Bill - Translation

We encourage the use of the word “*prevent*” in the English title instead of the word “*fight*” used in the French title. We believe that prevention is a better reflection of the intention of the legislator.

We have difficulty understanding why different words are used in the French and English versions: the word “*intimidation*” is translated as “*intimidation*” while the word “*bullying*” is translated as “*taxage*”. (Larousse)

We also question the fact that the words “*and deal with*” do not appear in the French version.

- **We ask the Committee to use a common terminology in both the French and English versions in order to avoid any divergence in interpretation.**

THE EDUCATION ACT

Section 1:

No comments.

Section 2:

The current definition of bullying is too vague. In fact, there is no difference between an isolated incident and repeated acts. The concept of **repetitive and discriminatory act or gesture in order to exert power on the victim** seems to have been forgotten in the proposed definition. This could lead to the misinterpretation that could lead to the misinterpretation that a conflict between students is bullying and these students could be wrongly punished where a simple intervention would have sufficed.

In the case of the word “*intended*” about the required intention, we are wondering how this intention could be demonstrated. Without using legalese, should this intention not be expressed beyond any reasonable doubt or by preponderance of proof? And who should judge this intention?

- **We ask the Committee to provide the necessary clarification of the definition of bullying in order to represent the real intention of the legislator;**
- **We ask the Committee to clearly explain the intention, as mentioned above;**
- **We ask the Committee to provide the same clarification of Section 22 of the Bill (Section 9 of the Act Respecting Private Education).**

Section 3:

We agree with section 3 of the Bill. However, it would be preferable if the Bill applied to all learning institutions and not only elementary and secondary schools.

- **We ask that the Committee replace the word “*school*” in section 3 with “*learning institutions*”, and to do so throughout the Bill;**
- **Should the Committee accept this recommendation, we ask the Committee to add “*or its equivalent*” to the words “*government board*”, and to do so throughout the Bill.**

Section 4:

75.1. Section 4 mentions the obligation of the governing board to adopt an anti-bullying and anti-violence plan. However, the term *violence* is not defined herein and this could lead to misinterpretation within the governing board. We question the coherence of the required analysis. In fact, not everyone sees bullying in the same way, and there is a risk of disparity, year after year, at the discretion of the changing school administrations and governing boards.

In the case of adoption of the ant-bullying plan, the governing board should, under no circumstances, receive this plan on the day of their meeting.

- **We ask the Committee to define the word “*violence*”;**
- **We also ask the Committee to add a provision to the Bill to ensure necessary instruction for the governing board;**
- **In conclusion, we ask the Committee to ensure that the members of the governing board receive the plan to be adopted a minimum of twenty-one (21) days before the meeting.**

75.2. We welcome section 75.2 of the Bill.

75.3. We believe that this section is too broad in scope for the members of the staff. Indeed, (...) *see to it that no student in the school is a victim of bullying or violence (...)* is disproportionate.

- **We ask the Committee to replace the words “*no student*” with the words “*that students*”.**

Section 5:

The new version of section 76, while greatly appreciated, contains some requirements that cannot be met. Indeed, each case being a case in point, it would be difficult, if not impossible, to foresee (...) *the attitudes and conduct that are required of students at all times (...)*, and to foresee all (...) *the behaviours and verbal or other exchanges that are prohibited at all times (...)*.

While we welcome this new version of section 76 in principle, it would appear that it was omitted in the section dealing with private education.

Finally, and to insure the cohesion and continuity of the anti-bullying and anti-violence plan, it would be preferable that the rules of conduct also be given to the carrier.

- **We ask the Committee to add the following words “*without being exhaustive*” between the words “*The rules of conduct*” and “*must specify*” in the second paragraph of the new version of section 76;**
- **We ask the Committee to include section 76 in the Act Respecting Private Education with the above-mentioned amendment;**
- **We ask the Committee to insert the words “*as well as the carriers*” between the words “*to the parents*” and “*at the beginning of each school year*” in the last paragraph of section 76 of the Education Act.**

Section 6:

We welcome the new section 77.

- **We ask the Committee to include the wording of section 77 in the Act Respecting Private Education.**

Section 7:

We welcome new section 83.1 **if, and only if**, the results achieved by the school with respect to preventing and dealing with bullying and violence respect all aspects of confidentiality.

- **We ask the Committee to add a provision to Bill 56 to provide necessary training for the governing board to help them make these evaluations, as well as a provision dealing with confidentiality.**

Section 8:

We welcome section 8 of Bill 56.

Section 9:

We welcome section 9 of Bill 56.

Section 10:

Considering that the gestures of a single person can have a positive effect on the whole community, we believe that it would be desirable to offer this opportunity.

The words "*the principal considers*" are too subjective.

- **We ask the Committee to add the words "*any student or*" after "*shall support*";**
- **We ask the Committee to establish an appeal procedure for "*the student or group of students*" as a recourse when a principal refuses, without cause, to hear the case.**

Section 11:

We question the use of the word "*promptly*" in the second paragraph of 96.12.

First of all, it is not clear whether the principal of the school must immediately contact the parents of the student who was a victim of bullying, as well as with those of the perpetrator, and this, whether there was a complaint or not. The right to the presumption of innocence must not be ignored. We believe that it is very important to investigate before an accusation is made.

We also question the possible interpretation of the word "*promptly*". What time limit should be established? The Ministry website www.moi.jagis.com refers to a time limit of forty-eight (48) hours. What would happen if a parent refused to cooperate? In such a case, it would be unfortunate if the responsibility fell on the school administration or on the school board.

Furthermore, what would happen in schools where the principal is only present part-time? What would the word "*promptly*" mean in that case?

The new version of section 77 clearly illustrates the intention of the legislator regarding the involvement and participation of **all** staff members. However, in the last paragraph of new version of section 96.12, it is stipulated that the principal has an obligation to designate (...) “a school staff member to coordinate its work”. We believe that this measure could disengage and remove the responsibility from all parties, to the detriment of the person designated in the case of available resources and possible solutions.

- **We ask the Committee to add the word “substantiated” between the words “Upon receiving a” and the word “complaint” at the beginning of the second paragraph being proposed;**
- **We ask the Committee to use consistent terminology which reflects the spirit of the Bill throughout its website: www.moi.jagis.com**

Section 12:

We welcome section 12 of Bill 56.

Section 13:

We welcome section 13. However, we prefer the use of the words “*must see*” used in section 63.3 in the French version of the Act Respecting Private Education, as opposed to “*shall see*” used in section 96.21 of the Education Act.

- **We ask the Committee to use the wording of section 63.3 of the Act Respecting Private Education in section 96.21 of the Education Act.**

Section 14:

The insertion of the new section 96.27 gives the power to expel a repeated offender from all schools on the territory of a given school board. We question the logistics of such a scope.

In the case where a repeated offender could register in a school at a different school board, the lack of support and necessary resources will only mean that the problem has gone from one school to another.

Furthermore, some school boards cover a large area. What would happen if a repeated offender were expelled from the schools of one school board which is far from the neighbouring school board?

- **We ask the Committee to rethink section 14, taking into account the actual location of all school boards in the Province of Québec.**

Section 15:

The transmission deadline stipulated in the Education Act, namely, “*not later than 30 September*”, is different from the one stipulated in the Act Respecting Private Education which is: “*at the time and in such form as he determines*” 63.4*. It would be unfortunate if a list of the schools most susceptible to bullying should suddenly appear.

* Section 65 in the updated version of February 1st, 2013.

Section 15 of the Bill seems to want, among other things, to specify the number of acts of bullying or violence. It would be unfortunate if such a list were to lead the public schools to denigrate one another.

If it is the intention of the legislator, to quantify and identify the infractions, we feel that it would be appropriate for the results of both sectors, public and private, to be transmitted at the same time, and that they remain confidential and only used as a follow-up.

- **We ask the Committee to review this section in order to avoid such a list;**
- **We ask the Committee to provide the same deadline for both legislations.**

Section 16:

We welcome section 16 of Bill 56.

Section 17:

We welcome section 17 of Bill 56.

- **We ask the Committee to add this section to the Act Respecting Private Education.**

Section 18:

We welcome section 18 of Bill 56.

Section 19:

We welcome section 19 of Bill 56.

Section 20:

We welcome section 20 of Bill 56. However, we are wondering what "*exemptions*" the Minister might foresee.

Section 21:

- **The Quebec Federation of Home & Schools Associations does not wish to comment on this section.**

ACT RESPECTING PRIVATE EDUCATION

Section 22:

- **Same comments as those given for section 2 of the Bill.**

Section 23:

63.1 This section stipulates the obligation of the institution to adopt an anti-bullying and anti-violence plan. However, the word “*violence*” is not defined and could lead to a divergence of interpretation.

- **We ask the Committee to define the word “*violence*”.**

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63.2. We welcome section 63.2 of Bill 56.

63.3. We believe that this section is too broad in scope for the staff members. Indeed, (...) “*shall see to it that no student in the institution is a victim of bullying or violence*” (...) is disproportionate.

- **We ask the Committee to replace the words “*that no student*” with the words “*that students*”.**

63.4. The required timeframe indicated in section 15 of the Bill should also apply here.

- **We ask the Committee to have the same time frame in both legislations.**

63.5. We welcome section 63.5 of Bill 56.

63.6. We welcome section 63.6 of Bill 56.

Section 24:

- **The Quebec Federation of Home & Schools Associations does not wish to comment on this section.**

TRANSITIONAL AND FINAL PROVISIONS

We welcome provisions 25 to 27.

CONCLUSION

Bullying is already entrenched in the law. Harassment, threats of injury, aggression and assault are criminal acts covered in sections 264, 264.1 and 265 of the Criminal Code. The spirit of Bill 56 seems to demonstrate a will to remove these acts or infractions from the judicial process and put the responsibility where it belongs.

Ironically, the Bill adopts a punitive rather than a proactive stance.

The fines will undoubtedly generate many problems. In this time of budgetary cuts, we cannot help but wonder how many schools will be tempted to embellish their reality in order to keep their funding. It also goes without saying that these fines will lead to a lack of resources so badly needed in the schools. Ultimately, all the children will be punished because of the lack of funds and resources.

Furthermore, the Bill places the onus of responsibility for all acts of bullying and violence solely on the school boards and the schools, and this, even when these acts occur when the student is no longer under their responsibility (cyberbullying). It would also be important to put some of the responsibility on the parents who are, without a doubt, essential partners in the fight against violence and bullying.

We believe that, beyond the Bill, it is necessary to follow-up on this bullying and violence dossier in order to establish long-term educational and proactive strategies.

Respectfully submitted,