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Quebec Federation of Home and School Associations

## A Brief on Bill 86

An Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body

Submitted by: The Rights and Education Committee of the  
Quebec Federation of Home and School Associations

To: M. Sébastien Proulx, Ministre de l'Éducation, du Loisir et du Sport  
And to: La Commission de la culture et de l'éducation

Address: Quebec Federation of Home and School Associations  
3285 Cavendish Blvd., Room 560  
Montréal, QC H4B 2L9

Contact: Linton Garner and Ginette Sauvé-Frankel, Co-Chairs  
The Rights and Education Committee  
T: 514 481-5619  
F: 514 481-5610  
info@qfhsa.org  
www.qfhsa.org

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## Part 1 – THE SUMMARY

To say that the English-speaking community dislikes the proposed Bill 86 would be a gross understatement. To say the English-speaking community views Bill 86 as an attack on its continued existence in Quebec is the more accurate view of the community's feelings about this "projet de loi". The community senses, with this bill, a fundamental shift that seeks to completely submerge and eradicate any public sign of the presence of the English-speaking community in Quebec.

The community feels threatened not only about the future of its schools, but equally about its continued existence as an entity. The impression is that the present government is pursuing a systematic dismantling of the public institutions serving the English-speaking community and increasingly diminishing its role in the public life of the province. The importance of the presence of our public institutions cannot be understated either, as they are an extremely important social construct acting as central pillars or anchors on which our community is built. The dictionary defines an institution as follows: "an organization, establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character." (Dictionary.com).

Sociologically, an institution is "a well-established and structured pattern of behaviour or relationships that is accepted as a fundamental part of a culture". Nowhere is this fact truer than in the manner with which the English-speaking community of Québec regards its community institutions. The importance of our institutions to the vitality (life blood) of our communities throughout Québec cannot be dismissed off hand.

Obviously, this fundamental element of a culture was evident to the framers of the Canadian Charter of Rights and Freedoms, as it confirms the right of minority linguistic communities in Canada, regardless of jurisdiction, the right to control and manage its own schools. Section 23 of the Charter is unequivocal on this issue. Even in small communities, as was the case in *Arsenault-Cameron v. Prince Edward Island* (2000) where even a small school might struggle with providing certain educational services, protecting the culture of the French minority language community was considered too important to do away with. Such is the case with school boards for the English-speaking community in Québec. In other words, the rights of minority linguistic communities, in this case the English-speaking community of Quebec, must be upheld, preserved and protected, by the government of Quebec.

Bill 86 does not do that. In fact, not only does it want to dismantle the very structures it is required to protect, it wants to transform the English school boards into some hybrid invention, which will effectively wrest control and management of said institutions from the English-

speaking community. Our community considers this unacceptable, because our rights are not negotiable at any price. We would no more accept the hybrid proposal of the Quebec government, than we would the elimination of all English schools in the province.

To that end, we find it necessary and prudent to demand the Government of Quebec, officially recognize its English-speaking minority, and establish an equitable educational system, managed and controlled by the English-speaking community of Québec. Clearly the present “projet de loi”, does not respect the Charter’s requirement to protect the English education system in Quebec.

The two linguistic communities must not and cannot be treated the same. The needs, functioning and responsibilities of our respective systems are not the same, yet we are painted with the same brush. The Ministry of Education, Higher Education and Research initiated discussions to restructure and possibly to abolish school boards in Quebec in 2014. This was the latest effort of the Ministry to address low retention and success rates among students in the education system and to improve efficiency in spending at the school board level.

Testimony from the English-speaking community before previous commissions on Bill 78, Bill 14 and Bill 60 clearly demonstrated the assumptions about the English and French education systems were similar. The facts, though, clearly show that the success rates for the English education system are much higher than that of the French system no matter which cohort you may choose. Secondly, on average, English school boards have been consistently more efficient than French school boards, using under 6% of their allocated budgets for administrative costs, a figure not equaled by our French language counterparts.

As such, we have called for equity not equality, which would allow each community to be treated according to their needs. Equity means providing our community with what we need to succeed, rather than equality, which assumes we need the same things, when clearly there are different needs in each system. Equality is fair when the needs are the same and unfair when applied to differing needs.

We believe that the proposed Bill 86 should be withdrawn and the government should work in partnership with the current School Boards to resolve issues and develop an equitable school system that would better serve the unique needs of the English-speaking linguistic minority of Quebec.

Finally, the proposed shift of power and decision-making to the Ministry is of grave concern to the English-speaking communities of Quebec. If implemented, those powers would constitute a *de facto* usurping of the English-speaking community’s ability to manage and control their own schools. Making personnel decisions, deciding territory, missions and even the future of individual schools, is a slap in the face of the community and belittles the hard work we put into

creating the policies, practices, programs and community collaboration that have served our community and the people of Quebec well, since the inception of linguistic school boards.

The following brief highlights some of the most serious concerns we would like to bring to the Ministry's attention and provides 16 recommendations for improving the current educational system.

## Part 2 – A STATEMENT OF FUNDAMENTAL PRINCIPLE

### **We don't want equality, we want equity.**

The Sex and Gender Base Analysis e-Learning Resource provides the following differentiation between Equity and Equality. (Source: [www.sgba-resource.ca/en/concepts/equity/distinguish-between-equity-and-equality/](http://www.sgba-resource.ca/en/concepts/equity/distinguish-between-equity-and-equality/))

*“Equity, as we have seen, involves trying to understand and give people what they need to enjoy full, healthy lives. Equality, in contrast, aims to ensure that everyone gets the same things in order to enjoy full, healthy lives. Like equity, equality aims to promote fairness and justice, but it can only work if everyone starts from the same place and needs the same things.*

*Let's think for a moment about runners sprinting around an oval track during a competition. The concept of equality would have us treat the runners in exactly the same way, ensuring that they all start at the same place on the track. On the surface, this seems fair. But we know that runners in the inside lanes have a distinct advantage over runners in the outer lanes because the distance they have to travel is shorter. As a result, equality – starting at the same place – doesn't result in fairness.*

*The concept of equity, in contrast, would lead us to stagger the starting positions of the runners in order to offset the disadvantages facing those in the outer lanes. In this case, different or tailored treatment is a surer path to fairness and justice than the same treatment”.*

Clearly, we can draw parallels between the above example and the government's inequitable treatment of the English and French education systems by employing the concept of one-size fits all (equality), which does not result in fairness as the proposed Bill 86 pretends to claim. The English-speaking community would prefer the *'different or tailored treatment (equity) as a surer path to fairness...'* versus the cookie cutter approach outlined in the “projet de loi”. In other words, the government's approach to reforming the educational system does not recognize that although both communities are charged with providing quality education for its constituents, the English-speaking community's needs, missions and responsibilities are entirely different.

The equitable way of treating the English-speaking community's challenges would be to maintain its rights to universal suffrage in order to select its representatives to sit on school board councils, as this would ensure they are chosen from people with roots in this community. To allow sectorial representation and appointments to these governing bodies might also

diminish English-speaking community representation on the very structures designed to look after its community's interests, as these representatives may not understand the particular needs and challenges facing English school boards. Thus the need for equity, not equality.

The Canadian Charter of Rights and Freedoms fundamentally recognizes this fact by guaranteeing linguistic minority communities across the country the right to control and manage their respective education systems. The Charter under Section 23 recognizes the inherent difficulty for linguistic minority communities to maintain their language and culture (equity) amidst a territorial government's need and responsibility to provide universal access (equality) for all. In fact, it charges said governments with the responsibility to provide linguistic minority communities with equitable treatment rather than equal treatment.

As such, the Quebec Federation of Home and School Associations contends that the proposed Bill 86 falls woefully short of providing a fair and equitable treatment of the English-speaking community within the education system of Quebec. The proposed legislation fails to take into account the unique character, nature, needs and responsibilities of the English-speaking community by forcing the English education system to accept a **one-size-fits-all** approach that clearly **does not fit** the needs of the English-speaking community.

In essence, the proposed law puts us all on the same starting line, with the French education system on the inside lane, while the English education system is mired unfairly on the outside lane.

Equitable treatment under the law would mean that the Government acknowledges certain realities for English-speaking Quebecers, namely:

- a) The Government of Quebec must protect **and advance** the linguistic minority rights of English-speaking Quebecers, and it cannot unilaterally dictate to Quebecers how their rights will be enjoyed, nor can it independently restrict or remove those rights from citizens;
- b) The inequitable representation of the English-speaking community in the civil service, political parties, the public discourse and, of course, seemingly all of our public institutions, necessitates that the Quebec government formally recognize, preserve and protect the linguistic minority rights of the English-speaking community of Quebec;
- c) English school boards are key institutions of the English-speaking community as they allow this linguistic minority to control and manage its education system and are its last locally elected governing bodies;
- d) English public schools have always provided quality education to its students, its primary mission, but they also exist to preserve and promote the language and unique culture of English-speaking Quebec;

- e) Schools and school boards have become the single most important institution for the survival of Quebec’s official language minority as they are hubs for the whole community, as demonstrated by the growing network of the Community Learning Centres throughout Quebec, and by the extensive involvement of volunteers that is and has been a traditional part of school life in the English Education system of Quebec since 1913;
- f) Minority Language Educational Rights are **collective**, not individual in nature; the collective and constitutional right of English-speaking Quebecers to manage and control their educational institutions cannot be *unilaterally* restricted;
- g) All citizens of majority age have the right to be a candidate and to vote in an election; universal suffrage in relation to school board governance is the best guarantee to maintain local representation for the communities. The Government of Quebec must work with the English-speaking community of Quebec, to **preserve and promote the English public school system**, and develop legislative and regulatory measures that will ensure substantial equity between the French and English educational systems.

In officially recognizing and supporting the linguistic and cultural rights of the English-speaking minority, as have the other provinces for the French-speaking linguistic minority in their respective territories, the Government of Quebec would honour the substantial contribution to the development of Quebec society and institutions that the English-speaking community has provided since the 18<sup>th</sup> century. It would also put the “two solitudes” on an equitable footing.



## Part 3– THE BRIEF OF THE QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS

### PREAMBLE

*The English-speaking community of Quebec has long been a trusted and valuable partner in the development and construction of Quebec society and Quebec’s educational system. Recognition of that fact is nowhere more visible and concrete than in Section 23, paragraph b of the Charter of Rights and Freedoms of Canada. The article and subsequent Supreme Court challenges affirm the privilege and right that the English-speaking community has merited, because of its unique history, to control and manage the educational system serving its population.*

*The Supreme Court and the framers of the Charter recognized educational services must be universally accessible to all Canadians regardless of the official language they speak, or the region in which they reside. Clearly there are fundamental understandings and guarantees in Section 23 that recognizes where linguistic communities are in the minority, measures must be taken to ensure the preservation of the character, quality and quantity of educational services available in the minority’s own language.*

*Undoubtedly, the lawmakers understood the precarious nature of minority linguistic communities and the preservation of their institutions, so they were specific in stating that it is the community itself that is best placed to decide where and how its children are to be educated. These guarantees clearly indicate a partnership between the government and the community based on the trust that both parties will act in the best interests of society in general and the linguistic community concerned in particular.*

*Bill 86 dishonours that trusted partnership by potentially wresting the control of the English system from the English-speaking community. The measures invoked in this ‘projet de loi’ violate the very basic tenets of the partnership we have built together and rend asunder the trust we have developed over the years since the advent of linguistic school boards. Our community is perplexed and disheartened about this turn of events and is deeply concerned about the future of its last public institution, the English school boards of Quebec.*

## **INTRODUCTION**

The Quebec Federation of Home and School Associations is dedicated to promoting the involvement of parents, students, educators and the community at large in the advancement of learning.

The Quebec Federation of Home and School Associations welcomes this opportunity to present a Brief to M. Sébastien Proulx, Ministre de l'Éducation, du Loisir et du Sport, and to La Commission de la culture et de l'éducation, as a response to the call for consultation on Bill 86, *an Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body*.

## **OUR ORGANIZATION**

The Quebec Federation of Home and School Associations (QFHSA) was officially inaugurated in May 1944 and was incorporated by Letters Patent under the Quebec Companies Act in August 1959. QFHSA is an independent, incorporated, not-for-profit volunteer organization dedicated to enhancing the education and general wellbeing of children and youth. QFHSA promotes the involvement of parents, students, educators and the community at large in the advancement of learning and 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. The over four thousand (4,000) family 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.

### **1. The Context and the Intent of Bill 86**

The issues surrounding the presentation of Bill 86 are strange indeed. The government has seemingly decided, that, based on its pre-election reading of the concerns of the population in general, 1) school boards are not a very popular public institution and 2) are not doing a good job. The government's criticism of school boards has been that they are not very efficient in their use of public funds and that voter turnout is low at best. The people do not seem to know or understand the functions of school boards and what may be required to improve efficiency and student success. Is this the reality for the English community or is this the result of negative French media and political pronouncements?

In fact, the government and the public perceptions do not reflect the reality of the English school boards. If the focus of Bill 86 is to put emphasis on student success by the new “commitment-to-success” plan, let us remind the ministry that under the previous partnership agreements with the Minister and local partnerships between school and school boards (following the amendments to the Education Act of 2008), there was a real *commitment to success* in action as the English school boards and schools worked together to increase the success rate (*taux de diplomation*) of students. For the English boards, the success rate of 80% set by the Ministry in the partnership agreements to be reached by 2022 was actually reached and exceeded (82%) in 2015; five of the English school boards actually surpassed 85% for the 7-year cohort results in 2015. (Source: *RAPPORT - Diplomation et qualification par commission scolaire au secondaire, Édition 2015*).

Given these numbers, it is hard to argue that English school boards have not done well in their primary directive which is to educate the students in their jurisdictions and prepare them to be productive citizens in society, while implementing fiscal efficiency. By any measure, English school boards have succeeded beyond Ministerial expectations and have done so while keeping **administrative costs under six per cent (6%)** across the board, while French-speaking boards have consistently averaged fourteen per cent (14%) or higher. In fact, English school boards have always done more with less, managing to use their funds most efficiently to provide additional support for special needs students beyond what the ministry had allocated.

In fact, the ‘projet de loi’, rather than build a better educational system in collaboration with the communities concerned, proposes **to tear down an already extremely effective English school system, through an unprecedented, unilateral, anti-democratic concentration of power in the hands of the Minister.**

As to the voter turnouts in school board elections, a few facts need to be mentioned to put things into perspective. Over the last three school board elections in 2003, 2007, and 2014, we are looking at two different trends: a **positive** rise in voter turnout in English language school boards – from 14.6 % in 2003 to 16.7 % in 2007 to 16.88 % in 2014, (and this despite the flawed voters’ lists) and a **negative** drop in French language school boards – from 8.1 % in 2003 to 7.2 % in 2007 to 4.87 % in 2014; since French language school boards outnumber English language school boards by sixty to nine, the overall turnout rate provincially dropped from 8.4 % in 2003 to 7.9 % in 2007 to 5.54 % in 2014.

Nor does Bill 86 appear to encourage greater participation of the community, as is the government’s basis for changing the system. In fact, these changes are cutting off community participation, not increasing it, as it only allows parents with children in the school system to choose representation. Nor does this legislation address the English-

speaking community's linguistic minority constitutional guarantees under the Charter. The only thing it does do is wrest control and management of our English school system away from the hands of the English-speaking community and into the hands of a few and into those of the minister.

## **2. Our Reading of Bill 86 as it Affects the English Community**

### **a) English School Boards as an Institution**

The Rights and Education Committee of the Quebec Federation of Home and School Associations (QFHSA) firmly believes a community institution (in this case school boards) is an extremely important social construct as it is one of the central pillars or anchors on which a community is built. The dictionary defines an institution as follows: "an organization, establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program, especially one of a public, educational, or charitable character". (Dictionary.com)

Sociologically, an institution is "a well-established and structured pattern of behaviour or of relationships that is accepted as a fundamental part of a culture". Nowhere is this fact truer than in the manner in which the English-speaking community of Québec regards its community institutions. The importance of our institutions to the vitality (life blood) of our communities throughout Québec cannot be underestimated or dismissed off-hand.

### **b) Equity, not Equality, for Protection of Linguistic Minority Rights**

Fundamental to our community's existence is the control and management of our own public institutions. Equitable treatment under the law, and not equal treatment under the law, is the cornerstone of Section 23 of the Canadian Charter of Rights and Freedoms. The framers of the Charter clearly understood the significance of the difference, and used that section to define it. The law reads as follows:

*(1) Citizens of Canada:*

- a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or*
- 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 to 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.*

The Supreme Court also ruled that the right to "facilities" in section 23 (3) b) could include more than classrooms and schools. Namely, the existence of a large number of children could mandate that minority language schools have their own school boards. Somewhere between the right to an education in a minority language, and the right to its control and management, is the right of the minority community to select its representatives for its own interests. Is that a school board or some other institution? No matter what the entity, the community has the right to select the representatives it feels best represent its interest, and that would be by universal suffrage. The proposed law is in direct contravention of the Charter in this regard, as it only allows a minute portion of the English-speaking community to choose representation for all school tax payers.

We believe that only a fraction of 1% (of the English community) might be the turnout to elect parent representatives under Bill 86 as often fewer than 30 parents show up for governing board elections in a school (and often there are not even enough candidates to actually have a vote) – well below the 17% voter turnout in the 2014 school board elections (English boards). And parents will never choose to go to universal suffrage elections for community representatives, if they deem the funds necessary for holding such an election could be used for increased special services and resources for their students.

Even in small communities, as was the case in *Arsenault-Cameron v. Prince Edward Island* (2000) where even a small school might struggle with providing certain educational services, protecting the culture of the French minority language community was considered too important to do away with. Such is the case with school boards for the English-speaking community in Québec. Regardless of the size of the community, low voter turnout for

elections, or the political winds of change, **English language school boards are too important to the life and future of the Québec English-speaking Community (ESC) to be tampered with unilaterally.**

**c) The English-speaking community's control of its institution is under siege**

The English community cannot accept Bill 86 as it stands because we feel it threatens the very existence of our schools and our community. Our community's existence is under continual threat due to the series of legislation that always seems to chip away at our very foundations and our capacity to survive and thrive.

The Rights and Education Committee of the Quebec Federation of Home and School Associations adamantly believes **in the constitutional right of the English-speaking community to manage and control its educational system.** Our community has long believed this to be the best method to preserve the existence and quality of English education in Quebec.

The increased powers to the Minister constitute a particularly disturbing element of the proposed changes to the Education Act. Never before have we seen such an intrusion into the very structuring of school boards as this bill proposes. Under the proposed Bill 86 the Minister without consultation may:

- *Dissolve a school board*
- *Change a school board's boundaries*
- *Hire and fire school board personnel (DGs in particular)*
- *Set and/or change policy*
- *Circumvent proposed policy by placing representatives on school board councils*

Although these increased powers affect all boards, we feel that they represent a particular threat to the English-speaking community. By these increased powers, the Minister can, at any time, wrest the management and control of the English linguistic minority's educational system. In fact, the Minister, at his or her discretion, and depending on his or her political stripe, could eliminate English school boards altogether. Our community cannot function under threat of elimination every time a new minister is appointed or a new political party comes into power. Our students cannot continue to succeed if the threat to their school's existence continues to come up every few years. And how does this Bill propose actually to increase student success?

**d) The Director General – Not an employee of the Minister**

There are a number of troubling elements to the government's proposal to make the Director General of the School Board Council responsible to the Minister and Ministry, rather than to the public he or she serves and the elected members of the council. On the face of it,

it is unacceptable because the Director General should be, and always has been, an employee of the Board. The notion that the Director General can be hired and fired by the Minister puts the lie to the government's contention it is giving more control to the community under the proposed bill.

Clearly, an institution's ability to choose its own Director General is fundamental to its ability to establish its policies, procedures, goals and objectives as well as its vision for how to deliver services to the unique population it serves. Taking away that purview further limits the community's right to decide what is in the best interests of their respective populations. School boards were established to do just that, to decide for their respective populations, through their elected representatives, what is in the best interests of their communities. As such, the proposed restructuring in Bill 86 would only leave a shell of what school boards once were, as it would take away the essential character, nature and orientation of the English school boards and thus the voice of the English-speaking community itself. As such, this bill does nothing to increase our student's success that better resourcing wouldn't do. In fact, we contend that those appointed by sector, would not share the same concerns elected representatives have, precisely because they will represent their respective sectors' concerns, rather than those of our students.

**e) Best practice models from outside do not fit our reality -**

The government professes that the changes proposed in Bill 86 are based on **best practice models** from other jurisdictions. We contend that going outside our province is unnecessary when we have an excellent model within the Quebec English school system. We believe the government should be working with our educational experts, both French and English, to help our respective communities build better systems, rather than imposing systems from elsewhere which bear little relevance to the context in which we actually live.

Our community continually does its part: the 85% graduation rate of our students is vastly superior to that of our French language counterparts; the level of bilingualism in our community of English-speaking Quebecers is over 75% for those between 15 and 54 years of age, according to Statistics Canada in its last census.

*In fact, « les chiffres de la Direction générale des programmes d'appui aux langues officielles du Ministère, concernant les élèves de langue maternelle anglaise du Québec entre 5 et 24 ans indiquent que 77,45% d'entre eux sont parfaitement bilingues et plus que capables de fonctionner et de travailler en français ». « Les statistiques concernant la région métropolitaine de Montréal sont encore plus impressionnantes, car 80,05% de ces jeunes personnes sont parfaitement bilingues. » Notre compétence dans l'enseignement du français ne peut être mise en doute étant donné que la majorité de ces jeunes fréquentent ou ont*

*fréquenté des écoles du secteur anglophone.* (Source : Consultation sur le projet de loi no 14 Loi modifiant la Charte de la langue française, et d'autres dispositions législatives – MÉMOIRE présenté à : l'Assemblée nationale Commission de la culture et de l'éducation par : La Commission scolaire Lester-B.-Pearson.)

Clearly, the English school boards of Quebec have a system that works and works well. So in the vernacular of our youth *"if it ain't broke, don't fix it!"*

**f) No Taxation without representation – a must for the English-speaking community**

We totally reject the government's 'Electoral College' approach to filling the representation on the proposed school board councils. This goes against the widely held principle of *"No Taxation without Representation"*, a model our society has always believed is the best practice to select representation at any institutional level. Given our context, that we are a minority linguistic community recognized under the Charter, the English-speaking community is best placed to ensure the continued existence and quality of English language education in this province. We cannot, and will not, leave the selection of governance in the hands of others who do not share our concerns or perspective.

In addition, these 'electoral colleges' would be accountable to no one. The basic tenet of universal suffrage is not only access for all, but also accountability to those who elect you. The various appointed representatives will not be accountable to the English-speaking community in any way, shape or form. Therefore, the imposition of said appointees would be a direct betrayal of the relationship the English-speaking community has built with the Quebec government over the years, particularly since the inception of linguistic school boards.

**g) Electoral Lists: a long-standing problem for the English-speaking community**

This bill does not address the **long-standing problems with the electoral lists** that automatically register English school graduates on French school board electoral lists. The government has been complicit in systematically diminishing the participation of the English-speaking community in their English system by continuing this practice. Critics have stated that all one has to do is to request to be taken off one list and then added to the other. As everyone knows, bureaucratic processes are never that easy and this one, in particular, has its own complications. Notably, one has to first be informed one has been de-listed from one and added to the other.

Our community members only discover this information upon arriving to vote and many are turned away extremely discouraged about the whole election process. As such, the



government has to shoulder some of the blame for low voter turnout and the people's dissatisfaction with school board elections. If the community, through the lobbying of its school board commissioners, had not been there to protect its interest by informing our community, many more members of our community might not have been able to vote.

#### **h) A Voice for students**

If the whole point of this Bill is to give schools a greater say in decision-making, one major component should be the students themselves and, currently, they have no voice. Our students – our main constituents and the reason for our being – should have a voice in how to improve their schools and education system. They have a right to participate and give their opinion on matters that affect them. After all, they have a vested interest in making sure the board works to their best interest.

A Central Student's Committee, the equivalent of a Central Parents Committee, has already been constituted in two of the English school boards – Lester B. Pearson and English Montreal. Student participation in decision-making at the school board level through active participation in a Central Student Committee and serving as Student ~~Councillors~~ commissioners on the Boards themselves, could serve two valuable purposes. 1) Allow students a say in how to distribute resources and implement programs in their schools and 2) Create a system that encourages youth participation in community service and community governance. We propose that student representatives (from Secondary 4) be elected to Student positions on the school Board council and enjoy the right to vote.

### **3. Our Reading of Bill 86 as it Affects All School Boards**

Bill 86, as proposed, has indirect implications for the English School system in Quebec that give us concern as a minority language community, but we also believe that certain measures proposed will have negative impacts on all school board governance, including that of the French school boards

#### **a) No Voting Rights for Employees**

QFHSA firmly believes that no employee of the School Board should have voting rights at the school board council level. It has long been a widely held view in our society that allowing employees the vote at the Board level of any public institution may constitute a "*prima facie*" conflict of interest. The practice and policy of most institutions has been to avoid such entanglements and to prohibit their representation as a constituent body on the board, except as represented by the Director General (DG), who has no vote.

We are also concerned that giving the vote to staff could lead to Union Activism which we believe has no place on a governing council. Unions, as with other membership organisations, usually act in their own interests and the possibility of having several unions present would lead to divisiveness and in-fighting between organizations that would have nothing to do with student success. One cannot serve two masters, as the one who puts money in your pocket will inevitably win out.

Even the DG's presence has always been recognized as "*ex-officio*" and thus without voting status but with a clear recognition as representing the interests of the personnel of said institution. In fact, this has always been the mechanism that has been employed to ensure the institution is beholden to the public rather than to its employees. We believe this is just another method, which the government is deploying, to wrest control of the school boards out of the hands of the English-speaking population.

**b) 2-year mandate insufficient for contribution and continuity**

As anyone who has participated at the School Board level can tell you, there is no possible way anyone can make a significant contribution to the board in a two-year term. First of all, it takes at least a year before one is really cognizant and comfortable with all the work and responsibilities of a commissioner. In actuality, a two-year term is really only 16 months and by the time one gets acclimatized to the position, one's term would be over.

Secondly, often it takes more than a year to see projects through from start to fruition due to the workings of policies, procedures and government regulations. As such, the quality, quantity and continuity of said projects could and would be adversely affected by the short mandates. Effectively a two-year mandate would make it so, and new commissioners would have to familiarize themselves with the ongoing projects continually, thus causing further delays.

Finally, a two-year mandate puts into question whether such a short mandate is in the best interests of the student. Continuity is as important at the governance level as it is at the classroom level. Good governance is sustained by long-term relationships and the build-up of trust. Shortened mandates as proposed in Bill 86 would certainly jeopardize continuity at the board level and thus negatively affect the quality of the commissioner's interventions. In addition, we would lose a number of excellent prospective candidates who would not appreciate having to go through the selection process every two years.

**c) Increased powers to the Minister disturbing**

This point has been stated in Section 2.c) but it bears reiterating as it affects the whole public education system. The increased powers of the Minister constitute a particularly disturbing element of the proposed changes to the Education Act. Never before have we

seen such an intrusion into the very structuring of school boards as this bill proposes. Under the new proposals the Minister without consultation may:

- Dissolve a school board
- Change a school board's boundaries
- Hire and fire school board personnel (DGs in particular)
- Set and/or change policy
- Circumvent proposed policy by placing representatives on the school board councils

Given these proposed changes, communities, all school boards and the whole educational system will be subject to changes at the whim of the Minister and with no need for consultation. This is unacceptable.

#### **d) Private school system: An inappropriate model**

Even more galling is the notion that the private school model should be imprinted on Quebec's public school system. Using the **private school system as a model** defies any logical pedagogical or social approach to public school conditions. Public schools are, by nature, infinitely more diverse in pedagogical orientation, population composition, governance structure, cost and accessible resources. We believe Quebecers choose public schools precisely because of those differences and do not want their schools run by an unknown small group of individuals. Quebecers believe strongly in selecting their own leadership rather than appointees based on political or financial privilege.

### **Part 4 – RECOMMENDATIONS**

The Rights and Education Committee of the Quebec Federation of Home and School Associations would respectfully like to offer the following recommendations:

1. That the Government of Quebec withdraw Bill 86, modify the current Education Act to increase the number of parent commissioners, maintain the Act Respecting School Elections and implement the many recommendations regarding school elections that we have made in the brief;
2. That the Government of Quebec officially recognize the linguistic and cultural rights of the English-speaking minority, as have the other provinces for their French-speaking minorities, acknowledge the constitutional right of the English-speaking community to manage and control its educational system, and establish a cooperative and consultative relationship with our community in order to achieve an equitable school system;
3. That the Government of Quebec work with the English-speaking community of Quebec, to preserve and promote the English public school system, and develop legislative and

regulatory measures that will ensure substantial equity between the French and English educational systems.

4. That the Government of Quebec recognize the importance of our institutions to the vitality (life blood) of our communities throughout Québec and take measures to protect it.
5. That the Director General's position on a school board remain *ex officio* and report to the school board council, not the Ministry of Education.
6. That the Ministry of Education, Leisure and Sport consider the English school System of Quebec as an excellent model for improving student retention and success rates.
7. That the Government of Quebec maintain the policy of universal suffrage for the election of school board commissioners.
8. That the Government of Quebec improve the school board election system by:
  - a) The introduction of electronic voting as an option for voters, and by the twinning of school board and municipal elections;
  - b) Mandating *Le Directeur général des élections du Québec* (DGEQ) to run the elections and to hold them on a weekday, as is the case with provincial and federal elections.
  - c) Consulting with other English-speaking community organizations to build a process that would assure our community's right to vote, and to modify the regulations governing school board electoral lists, in order to ensure a true representation of the English-speaking community.
  - d) Exploring the idea of enticing the voters through tax credits or deductions.
9. That the Government of Quebec create Student Commissioners and mandate that both Parent Commissioners and Student Commissioners have the right to vote;
10. That the Government of Quebec maintain the policy that no employee of the School Board should have voting rights at the school board council level. The Director General's presence has always been recognized as "*ex-officio*" and thus without voting status but with a clear recognition as representing the interests of the personnel of said institutions.
11. That the Government of Quebec maintain the current term of four (4) years for School Board Commissioners.
12. That the Government of Quebec assist current school boards by instituting mandatory training for all commissioners under the law concerning their roles and responsibilities.
13. That the Government of Quebec amend the Education Act to decentralize the offices of commissioners to local schools, particularly in regions where vast geographic territories are under the jurisdiction of a single school board such as the Eastern Shores, Central Quebec, Sir Wilfrid Laurier, and Western Quebec school boards.

14. That the Government of Quebec mandate the use of technology – such as videoconferencing, Skyping, and other technological platforms – to increase voter participation, save money and reduce bureaucracy.
15. That the Government of Quebec take into account the cultural and linguistic nature of our communities and respond to our repeated requests for recognition of our unique needs in preserving the number, nature and character of the English-speaking communities of Quebec.
16. That the Government of Quebec amend the regulation de-listing graduated English students and their families from the English Voting List and placing them automatically on the French Voting List, in order to preserve the constitutional right of all members of the English-speaking community to vote for representatives on their English language school boards.

The Quebec Federation of Home and School Associations welcomes the opportunity to work with the Government of Quebec to develop and support an equitable education system for the English Speaking minority of Quebec and for all.