



131 Harwood Gate, Beaconsfield QC, H9W 3A5

Report on Hearings on Bill 40 Organized by APPELE-Québec

November 27, 2019

APPELE-Québec heard from 18 groups and individuals at hearings it sponsored on *Bill 40; An Act to amend mainly the Education Act with regard to school organization and governance*. We benefited from the input of a wide cross-section of representatives from Quebec's English-speaking community as well as from concerned parties from across Canada (see Appendix 1).

We thank all those who participated for the high quality of their written briefs and presentations as well as for their passion for ensuring our school system continues to meet the needs of our young people and our community. Briefs that we received are available on our web site (<https://appelequebec.org/briefs/>).

From the discussion we are able to draw the following conclusions:

- Participants declared that the proposed transformation would not lead to an improvement in student success, and many in fact maintained it would lead to poorer results. The Quebec English School Board Association summed up the community's position: "The burden is on the Government of Québec to demonstrate, through evidence-based public policy analysis, how Bill 40 will contribute to student success. In our estimation it has not adequately done so."
- Noting that Bill 40 accrues to the Minister of Education the power to intervene, direct, and exercise a significant degree of control over school service centres, many argued that Bill 40 presents unnecessary obstacles to the exercise of Quebec's English-speaking community's constitutional right to manage and control our school system.

Arguing that Bill 40 is complex and unworkable in its current format, a strong consensus emerged that more discussion and analysis is required. For this reason, **APPELE-Québec on behalf of the coalition of community groups it represents recommends delaying the passage of Bill 40 to allow for further study**. If, on the other hand, the Quebec Government is determined to pass Bill 40 in its current form, it should follow the examples of Nova Scotia, Prince Edward Island and the Yukon Territory and exempt our school boards from the legislation as they have done with the Cree School Board and Kativik Ilisarniliriniq, the school board of Nunavik.



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If the James Bay and Northern Quebec Agreement is, quite rightly, sufficient cause to exempt the Cree and Inuit educational networks from Bill 40, then the Constitutional rights of the English-speaking community to control and manage our educational system merits similar treatment.

Participants commented as well on specific aspects of Bill 40, and we wish to highlight the key points that emerged.

Composition of the Boards of Directors of Service Centres

Serious reservations were raised regarding the composition of the boards of directors of service centres. The consensus is as follows:

- There should be the same number of parent and community representatives on a Service Centre Board and that all of them should be elected through a ward system.
- The requirement that parent representatives on the board of directors of English-language school service centres be a member of a school governing board at the time of their election should be removed.
- The age and “expertise” requirements for community representatives on the boards of directors of English-language school service centres should be removed.
- The positions of school service centre staff should be removed from the composition of the board of directors.
- The mandate of members of the boards of directors of English-language school service centres should be four years, not three.
- The chair and vice-chair of the boards of directors of English-language school service centres should be elected by the board from among the parent or community representatives.
- The chair of the board or the person he/she delegates should be the official spokesperson of the board of directors.
- As the Quebec Provincial Association of Retired School Educators emphasized members of the boards of directors of Service Centres should be properly compensated in light of the extensive time commitment required.



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Elections

The Bill's electoral system for Service Centre boards of directors does not fix any of the problems with the current system that were identified by the Election Systems Study Panel chaired by Hon. Marlene Jennings in 2015. Critical issues such as who is eligible to vote in elections and strategies designed to bolster voter turn-out are not addressed.

In order to increase voter participation, our proposal is to delay the elections scheduled for November 2020 for one year and to twin them with municipal elections. The consensus is also that elections should be conducted and financed by the Director of Elections. Furthermore, he should be mandated by the Government to work with English-language school service centres to ensure the development of an up-to-date electoral list and to initiate measures to facilitate voter registration. Alternate voting methods such as internet voting and mail-in ballots should also be explored.

The Canadian School Board Association pointed out:

"In other jurisdictions across Canada, school board elections are tied with municipal elections to support voter turnout, reduce duplication of costs and improve accessibility. Quebec should consider following a similar approach, further strengthening community engagement. Well-informed effective leaders understand that the decision of citizens not to vote does not justify the elimination of the citizens' right to vote."

Centralization of Power

Many organizations were troubled by the transfer of authority from local service centres to the Minister of Education. As examples, intervenors noted the following:

- The Government would be able to modify the territories of English language school service centres unilaterally and that this could be done in a manner inconsistent with section 23 of the Charter of Rights and Freedoms;
- The Minister would have the power to annul retroactively certain decisions of school boards;
- The Minister would have the power to determine Service Centre objectives and targets unilaterally relating to the administration, organization or operation of school service centres;
- The Minister would have the power to prescribe the information that a Service Centre's annual report must contain.



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Minister Jean-François Roberge's own comments during the National Assembly committee hearings were often cited as evidence that Service Centre Boards will not exercise much real power. In response to a concern about the lack of remuneration for Board members, he answered as follows:

Et si on demandait avec les changements qui s'en viennent exactement la même chose aux gens qui sont sur le c.a. versus les commissaires ça [la non-rémunération] poserait un problème [...]

Il ne faut pas transposer exactement que font les commissaires par rapport à ce que qui feront les gens sur un conseil d'administration. C'est un changement de paradigme. On inverse la pyramide des pouvoirs. Et les gens qui siègeront sur les c.a. n'auront pas la même mission, la même charge de travail. Et il y aura justement une formation pour qu'on comprenne le rôle, devoirs, et responsabilités [...]

La mission sera différente. On leur demandera de venir siéger sur un c.a., d'être en quelque sorte le gardien de l'équité, le gardien que les décisions sont prises selon les règles et on leur demandera pas de gouverner une instance de gouvernement comme le sont en ce moment les commissions scolaires. Et c'est là où il y a un changement de paradigme.

Not surprisingly, our community is fearful that the centralization of power in Quebec City will limit the capacity of individual Service Centres to respond effectively to local needs. -

Spiritual engagement and community involvement

An element of Bill 40 that has not received much media attention but was cited as a concern by the English Speaking Catholic Council, Spiritual Care, Guidance and Community Animation Services and the Quebec Federation of Home and School Associations(QFHS) is the repeal of provisions of the Quebec Education Act entitling young people to student services in spiritual care and guidance and community involvement. Frank Lofeodo, a retired educator, stressed that the purpose of the program is to instill civic values in students. The QFHS fails to see how this change "addresses school organization and governance nor in any way, benefits our students, parents or school staff." The QFHS views the Government's position as "misguided" and warns that it "would seriously undermine our children's wellbeing and their social development toward good citizenship in Quebec."



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Conclusion

Quebec's English-speaking community is united in its belief that Bill 40, the most important reform in school governance since the creation of linguistic school boards in the 1990's, needs further study.

Our common objective is to ensure that the governance of our school system supports and enhances student success. The diverse voices who participated in our hearing are unanimous in their belief that Bill 40 in its current form fails to pass this litmus test. Only through further discussion and analysis will we as Quebecers be able to reach an agreement on the framework required to ensure a successful path forward. APPELE-Québec remains committed to working with the Quebec government and other stakeholders towards achieving this goal.



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Appendix 1

Organizations and citizens having presented their brief

Association for Canadian Studies (ACS)
Association of Administrators of English Schools of Quebec
Black Community Resource Center (BCRC)
Canadian Parents for French
Canadian School Boards Association
Citizen – Walter Duszara
Citizen– Marcus Tabachnick
Citizens of the Outaouais For the Future of English Education in Western Quebec
Community Economic Development and Employability Corporation (CEDEC)
English-Speaking Catholic Council (ESSC)
Jewish Christian Dialogue Spiritual Care, Guidance and Community Animation Services
Quebec Association of Independent Schools (QAIS)
Quebec Association of Retired School Educators
Quebec Board of Black Educators
Quebec Community Groups Network
Quebec English School Boards Association (QESBA)
Quebec Farmers' Association (QFA)
Quebec Federation of Home and School Associations (QFHSA)
Townshippers' Association