



**A PUBLIC CONSULTATION BRIEF ON BILL 47
AN ACT TO REINFORCE THE PROTECTION OF STUDENTS**

**Presented by:
The English Parents' Committee Association**

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**English Parents' Committee Association
Association des comités de parents anglophones**

Bill 47

AN ACT TO REINFORCE THE PROTECTION OF STUDENTS

EPCA BRIEF

INTRODUCTION

The English Parents' Committee Association (EPCA) is a coalition of Parents' Committees from English-language school boards across Québec, representing nearly 100,000 students in the English language youth sector. EPCA is a non-profit association funded by the Ministère de l'Éducation. EPCA advocates for English public education in Québec and lobbies on issues of concern of our Parents' Committee members. Whenever there is an educational issue, we are the voice of English-speaking parents.

OBJECTIVE AND METHODOLOGY OF THE BRIEF

Quebec parents and the English Parents' Committee Association have harbored deep concerns about the persistent threat of violence and bullying within our schools for far too many years. The recent, horrific murders of several of our students over the past three years have propelled parental distress to an unprecedented level. The message is clear: the well-being of our children, both physical and psychological, must be forcefully prioritized.

With this brief, EPCA argues that solutions must be put in place that go further to protect students in their learning environments and that put in the forefront their physical and psychological wellbeing. These recommendations are imperatives born of the urgent need to correct existing deficiencies and usher in an era where our educational institutions are safe and nurturing for every child.

This brief was produced from comments from EPCA members on Bill 47, collected in December 2023 and January 2024.

ANALYSIS OF BILL 47

GENERAL COMMENTS

The English Parents' Committee Association supports the spirit of Bill 47 to reinforce the protection of students. Bill 47 is a major step forward in ensuring the physical and psychological safety of students by reinforcing protective measures within the school environment. It responds to a major concern of parents and will help create a safer, more comfortable learning environment.

We support the Bill's provisions aimed at preventing the presence in the school environment of people who pose a risk or have a disciplinary or criminal record, as well as the ongoing sharing of information about undesirable behavior from one school organization to another.

COMMENTS ON THE MEASURES INTRODUCED BY THE BILL

1. A code of ethics for each school board

Articles 2, 3, and 6

Article 3 of the Bill requires school boards to adopt a code of ethics. Although most of our school boards have already adopted a code of ethics for their staff and stakeholders, the Bill's obligation will thus standardize a practice that is not only already common but is intended to assist all people working with students in determining the appropriateness of their behaviour.

Article 3 reads as follows: "The school board must adopt a code of ethics applicable to the members of its staff and to any person called upon to work with minor students or to be in regular contact with them." EPCA believes the Bill should protect all students, regardless of age. Students with special needs who complete their education at the age of 21, whether in vocational training or adult education, must also be protected.

To avoid disparities among school boards, EPCA proposes that the Ministère de l'Éducation create a template for a code of ethics. The primary goal of this recommendation is to avoid a narrow definition of "any person called upon to work with minor students or to be in regular contact with them" (Article 3). In fact, this wording should be interpreted broadly enough to require that anyone who comes into contact with a student follow the code of ethics.

Given that some school boards already have a code of ethics, it would be wise to consult widely to gather best practices that could be evaluated in order to propose a template that incorporates them.

EPCA is in favor of making it mandatory for all people working with, or who are in contact with, students to commit to the school board code of ethics as well as all persons called upon to work with students, or to be in contact with them. This would include having those whose service is governed by a contract or agreement, such as bus drivers, commit to respecting the code of ethics. EPCA further requests that all students must be protected by the Bill as described above.

2. Code of Ethics should be renewed annually

EPCA supports the obligation of the school board to make their code of ethics available to anyone who requests it but suggests that it be taken a step further. School boards should publish their code of ethics on their website for easy public access to all.

EPCA supports the Bill's section 3 provision requiring school board personnel to report any breach of the code of ethics that raises concerns about a student's safety. In addition to this obligation, EPCA recommends that school boards be required to follow up on reports of code of ethics violations, using timeframes similar to those of the National Student Ombudsman.

3. Obligation to report, the Minister's authority to refer a situation to an inquiry committee and to initiate an administrative inquiry

Articles 1, 5, and 7

Bill 47 aims to streamline the process for taking legal action against teachers engaged in serious faults or acts derogatory to the honor and dignity of the teaching profession.

In Section 1, the Bill eliminates the requirement for the Minister to receive a sworn written complaint before referring a situation to a committee of inquiry.

Section 5 introduces a new provision (section 262 of the Education Act), compelling School board staff to promptly report instances of serious misconduct by teachers to the Minister.

Section 7 grants the Minister the authority to initiate administrative investigations to confirm allegations of serious errors committed by teachers.

Parents expressed disappointment that these measures exclusively target teachers, while acknowledging their relative feasibility due to the Ministère de l'Éducation's issuance of teaching certificates or authorizations. EPCA notes that this provision highlights the Ministry's lack of administrative authority over other school personnel concerning behaviors that could jeopardize student safety.

Parents advocate for similar measures which would encompass all staff categories within school boards, including support staff, professional staff, and administrative staff. They emphasize the need for a clear, well-defined process in implementing these measures.

EPCA firmly supports the mandatory reporting of a teacher's behavior by school staff to the Minister. This empowers the Minister to refer the matter to an inquiry committee or initiate a comprehensive investigation. The association underscores the necessity of extending these measures to ensure a comprehensive approach to student safety across all staff categories within school boards.

4. Exhibited behavior

Articles 4 and 5

EPCA supports incorporating behaviour verification into the criminal record checks to ensure student safety.

5. Better information sharing between employers

EPCA supports better information sharing between employers. This should be done in the simplest and most transparent way possible between employers, while maintaining the privacy of the individuals involved.

6. End of amnesty clauses

Article 5

The elimination of amnesty clauses in disciplinary measures for behaviour that could pose a safety risk is a significant step forward that must be included in the bill and adopted. EPCA is in favor of ending amnesty clauses

CONCLUSION

In conclusion, the English Parents' Committee Association strongly supports the measures proposed in Bill 47 to improve student protection, while also urging the inclusion of additional considerations. Throughout our consultations on this legislation, parents expressed concerns about its implementation, emphasizing the primary goal: ensuring the safety of each individual student.

As the Bill moves from development to implementation, a critical question emerges: Are we using all available means to protect the most vulnerable? Furthermore, it is critical to maintain comprehensive consultations throughout the implementation phase to ensure the incorporation of current best practices and the safety of all students. The commitment to student safety remains at the forefront of our shared goals.

SPECIFIC RECOMMENDATIONS

Recommendation 1

EPCA is in favor of requiring school boards to adopt a code of ethics.

Recommendation 2

EPCA recommends that a code of ethics template be drawn up to avoid disparities and varying interpretations amongst school boards, particularly with regard to the application of the code to "any person called upon to work with under-age students or to be in regular contact with them". This wording should be interpreted to include as many people as possible.

Recommendation 3

We recommend removing the word "minors" from all references to "minor students" and treating students as a collective group, regardless of age.

Recommendation 4

EPCA is in favor of all staff members, as well as all persons called upon to work with or be in contact with students - including those whose service is governed by a contract or agreement, such as bus drivers - having to commit to respecting the code of ethics.

Recommendation 5

School boards should make their code of ethics available on their website for the general public to access, not just to those who request it.

Recommendation 6

School boards should be obligated to follow up on reports of breaches of the code of ethics, with deadlines modelled on those of the National Student Ombudsman.

Recommendation 7

EPCA is in favor of verifying behaviors that could result in a criminal record check.

Recommendation 8

EPCA is in favor of better information sharing among employers, while protecting personal information.

Recommendation 9

EPCA is in favor of ending amnesty clauses.