

For immediate release

## **Bill 40 Violates Education Rights of Quebec’s English-speaking Minority Community, Superior Court Justice Rules**

**Montreal, August 2, 2023** – The Quebec Community Groups Network applauds a landmark Quebec Superior Court decision that strongly affirms the Constitutional minority language educational rights of Canadians.

In a far-reaching 129-page decision rendered this afternoon, Superior Court Justice Sylvain Lussier struck down parts of Quebec’s Education Act that, as amended by Bill 40, eliminated school boards and transferred decisional power from those boards to the Minister of Education.

Justice Lussier concludes that the government of Quebec must take into account the needs and preoccupations of the English-speaking community. That includes appropriate consultations on proposed legislation. The court found that adequate consultation had not taken place on Bill 40.

The decision also rejected the narrow definition imposed by the government of who could vote in school board elections and serve as commissioners, expanding eligibility to all citizens who have the right to register their children in English schools, whether those children are of school age or not, and to those who have or have ever had the right to do so.

In August 2020, the Quebec English School Board Association (QESBA) and other applicants challenged the Quebec’s reforms to the governance of English school boards contained in *Bill 40: An Act to amend mainly the Education Act with regard to school organization and governance*. The applicants argued the reforms violated Section 23 of the Canadian Charter of Rights and Freedoms by stripping the effective management and control of English schools from right-holding parents. The QESBA had earlier successfully petitioned the courts to suspend the application of Bill 40 to English school boards while the Superior Court reviewed the constitutionality of Bill 40. The Quebec Court of Appeal upheld that stay in September 2020.

“This is a significant victory not only for the English-speaking community of Quebec, but for official language minority communities across Canada,” commented QCGN President Eva Ludvig, noting that “education rights are vital because of the well-established link between education and cultural and community vitality.”

“Justice Lussier’s decision is thoughtful, and thorough,” Ludvig observed. “The Government of Quebec should do the responsible thing and not appeal today’s decision. The Court was clear that Quebec has an obligation to work with its English-speaking community when developing legislation. We have always been and remain open to effective consultation with the provincial government.”

“The amendments made to Quebec’s Education Act by Bill 40 effected a paradigm shift in the way the province’s schools were governed,” said Ludvig, explaining that the new law transferred significant decisional power to manage and control schools from school boards – now service centres – to the Minister.

The Quebec Community Groups Network ([www.qcgn.ca](http://www.qcgn.ca)) is a not-for-profit organization bringing together English-language community organizations and individuals across Quebec. Its mission is to identify, explore, and address strategic issues affecting the development and vitality of English-speaking Quebec and to encourage dialogue and collaboration.

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