



ALLIANCE QUEBEC SUBMISSION PRESENTED TO  
THE *COMMISSION DE L'ÉDUCATION* ON BILL 109 - AN  
ACT TO AMEND THE EDUCATION ACT, THE ACT  
RESPECTING SCHOOL ELECTIONS AND OTHER  
LEGISLATIVE PROVISIONS

QUÉBEC CITY, MAY 28, 1997

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Alliance Quebec welcomes the opportunity to comment on Bill 109 - An Act to amend the Education Act, the Act respecting school elections and other legislative provisions.

Alliance Quebec is a forum for Quebec's English-speaking communities; it promotes and protects the concerns of Quebec's minority-language communities: English-speaking Quebecers.

In April 1995, Alliance Quebec completed a comprehensive evaluation of its role and mandate in a changing society. It seems opportune to begin our presentation by relating some of our findings at that time. After a thorough consultation of English-speaking Quebecers from regions across the province, Alliance Quebec discovered that the following priorities for action rated most highly: "... ensure the maintenance of English-language health and social services" (95%) and "... ensure that the implementation of a linguistic school system respects the rights and needs of the English-speaking community" (93%).

Alliance Quebec offers the following observations and recommendations on Bill 109 from the perspective of these very important findings.

There are three ways in which Canada measures language and the population of English-speaking Quebec: mother tongue, home language and first official language spoken. Alliance Quebec uses the term "English-speaking communities" because English speakers in this province live in many different communities, and they include many residents whose mother tongue is not English.

Again, the following reflections are based on this important reality of English-speaking Quebec.

## **LINGUISTIC SCHOOL BOARDS**

Since its inception, Alliance Quebec has viewed the school as a fundamental component of a vital English-speaking community. It is through our schools that we educate our youth, transmit the history and traditions of our community and encourage our young people to seek opportunities for their future in this province. Our schools afford all English-speaking Quebecers with an important means to participate in the development of our communities.

Nonetheless, the English-speaking communities of Quebec remain vulnerable and may become more so, in the absence of a comprehensive system of English language schools. To ensure the continued viability of our communities, we require assurances that our institutions, with English-language schools being principal among them, will be encouraged to flourish.

The alarming drop in enrollments over the past 20 years in the schools serving our communities has made us increasingly apprehensive not just about the survival of the local English language schools but also about a system of schools committed to and defined by the educational needs of our communities.

Thus, Alliance Quebec's active support for language-based school boards has never wavered. That said, the effectiveness of such an institutional framework to promote instruction of English-speaking Quebecers, and thus to contribute to the development of the linguistic minority communities of Quebec requires that several criteria be satisfied.

### **Control and Management**

Control and management of a system of schools by the English-speaking communities of Quebec is essential to permit us to adopt education programs suited to the needs of our children. Our priority is to provide our youth with high-quality English-language education which reflects in its content and milieu their heritage as English-speakers.

### **Consolidation**

Consolidation of all children studying in English is necessary to facilitate the effective use of the education resources available to our communities. At present, the division of English-language schools between two confessional systems prevents the English-

speaking communities from pooling resources or from developing the distinctive pedagogical approaches we require to achieve our educational objectives.

## **Access**

Access to English-language schools is central to the integrity and viability of a system of education for the English-speaking communities of Quebec. The principle of access must confirm the right of all English-speaking people to send their children to English-language schools in Quebec.

For the English-speaking communities, the commitment to linguistic boards must also affirm our rights of access to such a system. Alliance Quebec perceives the need for constitutional guarantees for linguistic structures not only to validate an education system for the English-speaking communities, but also to protect it.

The Advisory Board on English Education reported to the Minister of Education in June 1994 that after its extensive consultation, "...the overwhelming majority strongly endorses linguistic school boards". In 1992, the Task Force on English Education set up by the Minister had recommended "...that the Minister of Education seek guaranteed constitutional protection for English-language school boards, comparable to the one now given to confessional minorities".

In May 1996, the Minister of Education consulted 20 groups representing parents, education professionals, school board and community groups. Alliance Quebec was part of the large consensus which said yes to linguistic school boards, yes to Law 107, yes to the maintenance of the confessional provisions contained in Law 107 and no to constitutional amendment.

In a letter to the Minister following this consultation, Alliance Quebec said that it "...endorses the reorganization of school boards on a language basis. This reorganization will better reflect the social complexion of Quebec today. As well, it will allow the English education communities to consolidate their clientele and resources to better plan for and meet the needs of the children receiving English instruction.

Alliance Quebec's education policy calls for confessionality within the education system and this, at the school level." In the same letter we said, "Alliance Quebec can't agree more with Premier Bouchard that the time has come to implement linguistic school boards. Any recommendations to modify the constitution will most certainly invoke renewed debate and cause further delays to a reorganization. The debate was held for years, Law 107 was passed and the Supreme Court of Canada declared the law constitutional."

In response to our letter, the Minister wrote on July 10, 1996, "La voie retenue par le gouvernement et présentée le 12 juin dernier respecte son engagement d'assurer à la communauté anglophone la pleine gestion de ses écoles et répond à des préoccupations majeurs de votre organisme. Elle ne nécessite pas d'amendement constitutionnel et respecte les droits confessionnels garantis par la Loi constitutionnelle de 1867 et ceux qui sont accordés par l'actuelle Loi sur l'instruction publique. "

In announcing on June 12, 1996 that she was proceeding with the implementation of linguistic school boards based on the provisions of Law 107, Mme la ministre Marois stated, "À la lumière des consultations menées, un large consensus se dégage et c'est dans le respect de ce consensus que notre choix s'est arrêté sur la «proposition Keniff», aménagée de façon à permettre l'atteinte de nos objectifs."

Now, Bill 109 would set into motion the dismantling of the consensus reached on Law 107. Furthermore, it will delay implementation of linguistic school boards within the boundaries of the City of Montreal and Quebec City. Law 107 has its imperfections and does not go the distance to provide constitutionally-protected linguistic school boards. But, the sections of Law 107 dealing with the reorganization of school boards along linguistic lines were declared constitutional and the Minister's consultation on Law 107 (which crossed linguistic and religious lines) resulted in overwhelming support for using Law 107 as the basis for linguistic school boards. Alliance Quebec urges the government to respect this consensus and echoes the sentiment of Premier Lucien Bouchard -- "Their time has come".

## **RECOMMENDATIONS**

Alliance Quebec recommends that:

- 1.** The government of Quebec initiate immediately the necessary steps to create linguistic school boards throughout the province with adequate and effective confessional guarantees enabling the English-speaking communities of Quebec to control and manage a consolidated system of schools.
- 2.** The government of Quebec widen access to English schools to include all English-speaking persons.

## **SCHOOL ELECTIONS**

The preparation of the electoral list is the basis of participation in the democratic process. Bill 109 establishes the rules governing participation in the election of school commissioners and the drawing up of the electoral lists. It amends the Act respecting

school elections (Law 106). This law basically permitted electors to cast their vote in elections of the local school board of their choice.

Alliance Quebec finds it reasonable that an elector with a school-aged child registered with a school board covering the territory where he or she lives be obliged to vote at the election of commissioners of that school board. This limitation was set out in Bill 106 as well.

There are new limitations in Bill 109, however, that Alliance Quebec finds to be unreasonable and discriminatory. We refer specifically to the second paragraph of Section 51 and Section 52 of Bill 109. It states that an elector is on the French list unless there is a request to be placed on the English list. Paragraph 52 then reduces the English-speaking communities to those who meet stated criteria for eligibility to English school.

This disenfranchises a segment of English-speaking Quebec from the community control and management of its schools. English-speaking Canadian citizens from countries other than Canada may not be eligible to vote in an English-speaking school board election. They will be considered part of the French-speaking community. These limitations run contrary to the preamble of a resolution adopted unanimously in the National Assembly reaffirming the fundamental right of the English-speaking communities of Quebec to control and manage their educational institutions.

The Minister of Education defends restricting recognition of the English-speaking communities of Quebec on the basis of the expressed need to integrate immigrants into the francophone culture of the Quebec majority as early as possible and, therefore, the government will not consider extending the scope of Article 23 of the Canadian Charter of Rights and Freedoms to fully apply in Quebec.

First, it should be very clear that Art. 23 1 (a) refers to Canadian citizens. Of course, many of them are new Canadians but they are citizens all the same. Second, Mme Marois offers a rather bizarre explanation for further voting restrictions, in a recent *The Gazette* article:

"We have been obliged to define the categories of people to whom management and control of Quebec's English-language school boards rightfully belongs. The Quebec government's intention in specifying the categories of people who may vote in English-language school-board elections, instead of leaving the vote open to whoever wants to make use of it, is to give Quebec's anglophone community the means to ensure that only those who have the right to vote in and control English-language school boards actually do so".

With all due respect, English-speaking Quebecers are prepared to deal with any risks resulting from the freedom to choose which local school board to vote for. Furthermore, the amendments to the current School Election Act establish two classes of citizens. Those identifying with English-speaking communities who do not have children in school must request that they be removed from the French electoral list and placed on the English list. And this, only if they meet English-school eligibility criteria. Furthermore, this will initiate a whole process of verification since any person who makes a false declaration will be removed from the English electoral list.

By adopting such an approach, the government is saying that electors are deemed by law to be French-speaking -- unless they declare themselves to be English-speaking "exceptions".

Notwithstanding equalization payments, the same can be said for taxpayers who will be classified according to the electoral list where their names are entered.

Under the present drafting of Bill 109, individuals will have lost the unfettered right to choose the community to which they identify. That is unacceptable. Existing legislation imposes no such problems.

## **RECOMMENDATIONS**

Alliance Quebec recommends that:

- 3.** The government of Quebec authorize a proclamation bringing into force paragraph 23 (1) (a) of the Constitution Act 1982 in respect of Quebec.
- 4.** With respect to school elections, the government remove the newly proposed restrictions to voting eligibility in school board elections and, instead, retain the current provisions of Chapter IV, division I - Electors of the Act respecting school elections (R.S.Q., chapter E - 2.3).
- 5.** That the lists of electors, accordingly, be drawn up respecting the provisions of Chapter IV, division I of the Act respecting school elections (R.S.Q., Chapter E - 2.3).

## **CONCLUSION**

Alliance Quebec wishes to make very clear that:

- 1.** We support the reorganization of school boards along linguistic lines throughout Quebec;
- 2.** We support the provisions of the current Education Act (Law 107) as the basis for the implementation of linguistic school boards;
- 3.** We seek adequate and effective constitutional guarantees for linguistic school boards;
- 4.** We insist that the fundamental right of individuals to chose the community to which they belong be respected.
- 5.** We seek the bringing into force of section 23 (1) (a) of the Canadian Constitution Act 1982 with respect to Quebec;
- 6.** We call on the government to abandon its proposal on school elections and maintain the provisions of the current Act on school elections (Law 106) with respect to the electors' right to vote;
- 7.** We expect that the mechanism used to create the electoral list include the right of individuals to choose the electoral lists where they wish their names to appear.
- 8.** We recognize parents as the primary agents in education and expect that their views will be given priority consideration in all matters affecting the education of their children and that to include the territorial divisions of school boards.