

Policy Matters Blog #13 – Bill 96

COMMITTEE CONTINUES DEBATE ON THE FUTURE OF ENGLISH-LANGUAGE CEGEPS

March 17, 2022 – Over the past two days, the National Assembly’s [Committee on Culture and Education](#) resumed its clause-by-clause analysis of Bill 96, [An Act respecting French, the Official and Common Language of Québec](#). They continued their discussion of clause 58, covering articles 88.0.4 to 88.0.12 of the soon-to-be modified [Charter of the French Language \(the “Charter”\)](#). This controversial clause focuses on the language of collegial and university instruction, and sets out the conditions for which students and how many of them may attend English-language CEGEPs.

The committee convened on the evening of March 15. The discussion centred on the amendment proposed by Liberal MNA Hélène David at the end of the last session. This amendment would have allowed for reporting of the number of students in anglophone CEGEPs every three years as opposed to on a yearly basis. All Liberal MNAs, especially David Birnbaum, pointed out that based on the current framing of the bill, instead of a freeze in the number of students in English institutions, there will be a decrease. This decline will be in part due to the [decision by the Minister of Higher Education Danielle McCann to limit the number of students in anglophone CEGEP institutions to the 2019 numbers until 2029](#).

Indeed, while Bill 96 does not impose a clear freeze on the number of students allowed in anglophone CEGEP institutions, it effectively stumps any growth in enrolment, and all students above the 2019 cap will be consequently directed into the francophone CEGEP system. Coupled with Minister McCann’s decision and a prevision of growth in the overall number of students in CEGEP, this rule will inevitably lead to a proportion of students in anglophone institutions lower than 17.5 per cent (as is currently announced in the bill). When the bill will be adopted, the proportion will already be less than 17.5 per cent, and that new lowered proportion will become the norm. While this is a technical note, the way the bill is constructed makes it impossible to increase the proportion of students in the anglophone system once it has decreased, regardless of any freeze in place.

The committee voted to reject MNA David’s amendment.

Moving on to article 88.0.5, the government explained that the new rules to the CEGEP system will take effect starting with the 2023-2024 school year, rather than in 2022-2023 as previously announced. This article refers to the formerly bilingual institutions who offered programs in both English and French. With the adoption of Bill 96, these institutions will become francophone, as the bilingual designation will be abolished. However, francophone institutions will be able to continue to offer some programs in English, so long as students registered in these programs do not exceed 2 per cent of the total number of students enrolled in the francophone CEGEP system. There were no proposed amendments to this article.

The committee went over article 88.0.6, which defines “total number of students” as being full-time students registered to complete a Diploma of College Studies or a Specialization Diploma in Technical Studies. There were also no proposed amendments to this article.

The committee then proceeded to Article 88.0.7. This provision explains that anglophone CEGEPs with more students than the number allowed under the previous articles will only receive funding for the number of students allowed to attend institution is. For example, if an institution is only allowed 5,000 students, any students admitted above this cap will not be accounted for when calculating the funds to be transferred. This new rule, according to MNA David, is doubly punitive in nature because it would deprive anglophone CEGEPs of the financial support they rely on, and decrease the availability of resources to which all students in the Quebec CEGEP system should have equitable access. She also explained that the rule under Art. 88.0.7 fails to consider students who may change their course of studies mid-program, or who may need to temporarily drop out and resume their studies later in the future.

Debate then transitioned to Article 88.0.8, which would further punish anglophone CEGEPs who have more students than the precise quotas allow under the proportionality rule of Art. 88.0.4 (see page 2, paragraph 3 of our [blogpost](#) from February 24, 2022). This provision would require the Minister of Higher Education, Research, Science and Technology to subtract the funds given for each student from that CEGEP's total funding for every student enrolled that exceeds the permitted quota. MNA David pointed out that it is common practice of all CEGEPs to "over-offer" admission spots to candidates to account for those students who will never accept their offer of admission or who choose to study at another institution. She concluded that the rule under Art. 88.0.7 would further penalize anglophone CEGEPs for their inability to accurately foresee the number of students who will stay enrolled come the start of a given school year, a number MNA David claimed is impossible for CEGEP administrators to precisely predict.

Minister Simon-Jolin Barrette introduced four amendments to be inserted following article 88.0.4. These additions (articles 88.0.8.1 to 88.0.8.4) would effectively extend the proportionality rule under article 88.0.4 to CEGEP programs for continued education (specifically, the *Attestation d'études collégiales*), where the maximum number of spots allowed for AEC programs in anglophone CEGEPs cannot exceed the lesser of the following two proportions:

- (1) 11.7 per cent of the total number of CEGEP students in all of Quebec (i.e. in both English- and French-language CEGEPs combined) for that given school year; or
- (2) The percentage of English-language AEC students in anglophone CEGEPs for the previous school year relative to the total number of CEGEP students in all of Quebec for the previous school year.

The Minister's new amendments would also cap the number of spots available to AEC students of English-language programs in Francophone CEGEPs to 18.7 per cent of the total number of Francophone CEGEP students in all of Quebec. They would also expand the "freeze" on the number of spots available in anglophone CEGEPs to include private, unsubsidized (i.e. not government-funded) educational institutions that offer *Diplôme d'études collégiales* programs in English.

The new amendments were adopted with opposition from MNA David.

After article 88.0.9 was discussed with little exchange, a heated discussion ensued regarding article 88.0.10. This provision would prevent CEGEPs, either Francophone or Anglophone, from conducting applied research in a language other than French, unless they receive authorization from the Minister of Higher Education (after having consulted the Minister of the French Language). MNA David expressed how this rule could deter international talent from coming to study and do applied research in Quebec's

CEGEP system. Minister Jolin-Barrette emphasized that the wording of art. 88.0.10 does not outright prohibit research in English in Quebec CEGEPs, merely that such projects would need to be granted ministerial permission first. However, Minister Jolin-Barrette provided no clarification on which factors the Ministers should or must consider when granting such permission to anglophone CEGEPs to conduct research in English. The provision, as worded, would make the ability of academics and their students to do research in English entirely dependent on the unchecked personal discretion of the French Language and Higher Education Ministers.

Once Article 88.0.11 was passed over with little attention, Minister Jolin-Barrette proposed an amendment to Art. 88.0.12. This latter provision would clarify that all CEGEP students wishing to obtain their DEC must possess an adequate written (and no longer oral) knowledge of French, and must have passed at least three courses taught in French (excluding the three French-learning courses already mandated in most anglophone DEC programs). Furthermore, the amendment preserves the exemption given to English-language rightsholders in anglophone CEGEPs (students allowed to attend English-language schools under section 73 of the *Charter*) to not have to take an additional standardized French-language test to receive their DEC.

Lastly, Québec solidaire MNA Manon Massé proposed an amendment to Art. 88.0.12 that would extend the exemption given to English-language rightsholders in anglophone CEGEPs to Indigenous students. She explained that, after speaking with several Indigenous community leaders and representatives, the amendment acts as a small recognition of the cultural crimes committed against First Nations peoples during the settler-colonization of Quebec, including the attempted eradication of Indigenous languages and cultures. MNA Massé said that a minority that itself is fighting for its language and culture, non-Indigenous Francophones should be sympathetic and respectful to the historic plight of Indigenous communities, and that the government has a historical debt to the First Nations peoples of this province for whom French is not their native language.

Minister Jolin-Barrette rebutted that the goal of art. 88.0.12 is to allow French to bridge the gaps between Indigenous and non-Indigenous peoples in Quebec. He states that there are already several Indigenous students who are English-language rightsholders, and that the amendment would create an advantage to French-speaking Indigenous students compared to their French-speaking non-Indigenous classmates.

MNA Massé voted in favour of her amendment; Liberal MNAs David and Barrette abstained, while the rest of the Committee voted against it. The amendment was ultimately rejected by the Committee.

The Committee thereafter adjourned for the evening, and will reconvene later today.