

A POSITION PAPER REGARDING

1. THE REGULATION ON THE COMPULSORY ENROLMENT  
OF PUPILS

and

2. THE DRAFT REGULATION ON THE KNOWLEDGE OF THE  
LANGUAGE OF INSTRUCTION

TO

THE DEPARTMENT OF EDUCATION

PROVINCE OF QUEBEC

MONTREAL, FEBRUARY 1975

## QUEBEC FEDERATION OF HOME & SCHOOL ASSOCIATIONS

A STUDY OF THE REGULATION ON THE COMPULSORY ENROLMENT OF PUPILS AND OF THE DRAFT REGULATION ON THE KNOWLEDGE OF THE LANGUAGE OF INSTRUCTION (FOR THE IMPLEMENTATION OF ARTICLES 40 - 44 OF BILL 22)

PREAMBLE: The submission of this study and its recommendations to the Ministry of Education do not imply the Quebec Federation of Home and School Associations' acceptance and approval of Chapter V (the Language of Instruction, Articles 40 - 44) of Bill 22 nor of the regulations under study.

Schools exist to educate children. Both the regulations and Bill 22 have lost sight of the rightful goal of an educational system which is the development of the potential in each individual child. Instead, these regulations degrade the child by using him as a tool in the implementation of political objectives. As a Federation of Parents whose chief concern is the welfare of children, this cynical manipulation of children for the achievement of political goals is unacceptable to us.

### THE REGULATION ON THE COMPULSORY ENROLMENT OF PUPILS

Commentary: This regulation introduces new elements in the enrolment card normally filled out every spring by parents registering a child for the coming September.

The new element is found in the section entitled 'Identification Information': in a section asking for religious affiliation the parent is given the option of indicating that he is either Catholic, Protestant, 'other', or

that he has no religion. The last designation of no religion is objectionable on two counts. Since two religious systems of education, Catholic and Protestant, are constitutionally guaranteed in Quebec, the parent who designates himself as having no religion may unwittingly be depriving his child of the confessional educational system to which he would normally wish to adhere, given the constitutional guarantees.

Equally significant, such a question touches on the private intimate life of the individual, and should be of no concern to the government. This question constitutes an invasion of privacy, a form of governmental and bureaucratic snooping that cannot be justified on educational grounds.

The other new element is a section asking for 1) the "Mother tongue" (defined as the "first language learned and still understood"); 2) "the language normally spoken at home"; and 3) a solemn declaration from the parent that the answers are "exact".

This new element is both paradoxical and disquietening. Constitutionally, we have a confessional school system, not a linguistic school system, yet in this new enrolment form the emphasis is placed on language. Our confessional school system is guaranteed by the Canadian constitution, yet recognition of the importance of confessionality in the regulation is only perfunctory; there is only a single line in the enrolment card asking for the religious affiliation: Catholic, Protestant, Other, and None.

The enrolment seems devised to minimize the confessional or religious guarantee and replace it with a linguistic priority. This will mislead

many of the general public, since it will lead them to believe that linguistic affiliation is more important than confessional affiliation. Yet the confessional right is the only constitutionally guaranteed school right we have in Quebec. The enrolment card, by giving priority status to the language affiliation, is understating and hence undermining the real right (i.e. the guaranteed right) of parents.

The more the language priority is emphasized, and the more frequently the guaranteed right (of confessionality) is ignored, the greater the tendency will be to allow the false right (which is actually no right) to prevail, while permitting the constitutionally guaranteed right to fall into disuse and then into oblivion.

As it is now, the new enrolment card is a tool in this strategy of undermining the guaranteed right of confessionality and substituting for it a language priority which is not guaranteed but which is subject to manipulation through government regulations.

#### RECOMMENDATIONS

WE RECOMMEND THAT THE SECTION OF THE ENROLMENT CARD ENTITLED "INFORMATION CONCERNING THE PUPIL'S LANGUAGE" AND ASKING FOR MOTHER TONGUE, LANGUAGE NORMALLY SPOKEN AT HOME AND A DECLARATION OF EXACTITUDE BE DELETED: WE ALSO RECOMMEND THAT IN THE SECTION ENTITLED "IDENTIFICATION INFORMATION" THE CATEGORY OF "NONE" BE DELETED.

If these recommendations are not acceptable to the Ministry of Education, we would offer the following recommendation:

WE RECOMMEND THAT THE WORDS "AT HOME" BE DELETED AFTER "LANGUAGE NORMALLY SPOKEN" IN THE SECTION ENTITLED "INFORMATION CONCERNING THE PUPIL'S LANGUAGE" AND THAT "NONE" BE DELETED IN THE SECTION CONCERNING RELIGIOUS AFFILIATION.

In connection with these recommendations we offer the following comments:

1. To ask for the Mother Tongue (defined as first language learned and still understood) and for the language normally spoken at home, will often result in a distorted and misleading picture of what actually is the operative language of the pupil concerned.

A child may be an immigrant child, or he may be a Canadian citizen, who may indeed be born of Canadian parents who practice the retention of their ancestral language (other than English or French) in their home. In ordinary social communication with others, the child's operative language may be English or French, yet the enrolment card offers him no opportunity to indicate this, but misleadingly places the child in the category (Section 6 of the draft regulation) of children who must undergo a language test. The enrolment card in this respect is at fault, and statistics so obtained from it will distort and mislead and will understate the number of children whose operative language is English.

2. In this same connection it is interesting to note that the federal government has adopted a policy concerning the retention of the ancestral languages (other than English or French) by its citizens.

On October 8, 1971, the Federal government announced a policy of multiculturalism. This policy promised to encourage the retention of cultures

other than English or French in the Canadian mosaic, within the framework of Canadian law and society. It has since created programmes for the encouragement of the retention of the ancestral language.

The new enrolment card and section 6 of the draft regulation place in a separate category from the others the children of parents who are attempting to retain their ancestral language and pass it on to their children.

To do so is a policy supported and encouraged by the federal government; but to do so in Quebec is to jeopardize a child's entry into an English language school.

As parents we wonder whether this federal policy of multiculturalism is to be operative only outside of the borders of Quebec? What should be the rights of Canadian citizens in Quebec in this regard. What role should the federal government be playing in this dichotomy?

#### THE DRAFT REGULATION RESPECTING KNOWLEDGE OF THE LANGUAGE OF INSTRUCTION

In this draft regulation there are five sections upon which we intend to comment: 1. the supervisory committee; 2. the pupils contemplated; 3. the tests; 4. the assignment of pupils; and 5. appeal.

##### 1. THE SUPERVISORY COMMITTEE

Commentary: The powers of this committee are wide: it assists the Minister of Education in bringing into effect Articles 40 and 43 of Bill 22, those articles which decide whether instruction in English may "commence, cease,

increase, or be reduced", (#40), and which language of instruction will be established for a child and a school (#43). The committee has full authority on advising on the passing mark of tests, on appeals, and has full authority over its procedures.

What are the qualifications for people wielding such power? Are they to be teachers, child psychologists, parents, civil servants, etc.?? What are the criteria established in the regulation for the members of the supervisory committee?

The regulation gives only two criteria in this regard:

1) Political - they are to be the Minister's choice; and 2) Racial - they are to be of a specific racial background, six French, two English, and one of an ethnic origin other than English or French. Their chairman, chosen from among them, is the Minister's appointee.

What is clearly evident is that the appointment, composition and activities of the supervisory committee all reveal the undisputed authority of the Minister. In every respect it is the minister's decision which will be final.

What is not mentioned is any safeguard or control written into the procedures of the committee for objectivity in their decisions. Will their criteria for judgment be only racial and political criteria? In many parts of the province of Quebec where the English-speaking population is scattered, the school is a focus for the English-speaking community. The Quebec Federation of Home and School Associations has Home & School Associations in regions of Quebec where the English-speaking population is sparse. We are concerned for the future of the English schools in regions outside of the

metropolitan areas in Quebec which may be directly affected by Article 40 of Bill 22 and the decisions of the supervisory committee in this regard. Will consideration other than racial and political - considerations that are cultural, sociological, humane, etc. - carry any weight in a committee the members of which are chosen on racial and political grounds?

GENERAL RECOMMENDATION:

WE RECOMMEND THAT THE SUPERVISORY COMMITTEE AS DESCRIBED IN SECTIONS 2, 3 and 4 OF THE DRAFT REGULATION BE SET ASIDE AND THAT IN ITS PLACE THE FUNCTIONS OF THE SUPERVISORY COMMITTEE BE PERFORMED IN EACH REGION BY THE LOCAL SCHOOL BOARD, OR BY A COMMITTEE OF LOCAL AREA PEOPLE CHOSEN BY THE LOCAL SCHOOL BOARD.

One of the most cogent reasons for the existence of school boards is to keep education and educational policy in the local area. One of the official objectives of the Department of Education is decentralization. Yet all the articles in Bill 22 dealing with education, and the regulations now under study lead to a recentralization of authority and the diminution of school board authority and autonomy.

Let there then be substituted for the supervisory committee the members of the local school board who are the elected representatives of the people, or if the board wishes, let them delegate this task to people in their region in the educational field, with pedagogical experience, who are humane, unbiased, in sympathy with children and the priorities of parents, and not chosen for racial considerations. Let them be persons who will be aware of and respond to the cultural, psychological, social and educational needs of the area.



Specific Recommendations

Section #4: Every procedure of the supervisory committee (or its substitute described above) should be open to question by and easily visible to the general public. The committee should be aware that all of its decisions and actions are in an experimental stage and should act with caution and discretion in recommending any change.

In this connection (and also in relation to section #19), any decision of the supervisory committee should be capable of being questioned and appealed at the highest legal level. The ministerial decision should not be the ultimate voice. No political voice should be the deciding voice in education.

2. PUPILS CONTEMPLATED

Commentary: The pupils to be tested fall into three categories:

1. Those **desiring** a change in the language of instruction.
2. All kindergarten children whose mother tongue or language spoken at home is not the language of instruction.
3. Pupils who, it is believed, do not have a sufficient knowledge of the language of instruction, despite the parent's solemn declaration.

From these categories it can be seen that the tests that follow will be negative tests looking for failure. There is no indication that the aptitudes of the individual child will be recognized in the mass anonymity of these categories.

This section, moreover, introduces a philosophy of inflexible unilingualism: switches from one language to another will be rare, daunting, and difficult to achieve.

GENERAL RECOMMENDATION:

LET THE NEEDS AND APTITUDES OF THE CHILD AND THE WISHES OF THE PARENTS BE PARAMOUNT IN THE DECISION-MAKING PROCESS CONCERNING THE FUTURE OF THE CHILDREN .

Specific Recommendations

Section #5: In this section dealing with children "applying for a change in the language of instruction", there are two categories of children who are not differentiated but are lumped together: 1. children wishing to change their language of instruction who are already proficient in the language of instruction they are requesting, and 2. those who are not proficient in the requested language, but wish to achieve bilingualism.

The distinction in the needs of these children who are lumped together in this category seems to be completely neglected. We recommend different tests to suit the different circumstances of these two groups of children.

Section #5: We recommend that there be no test required of an English-speaking child in a French institution who is requesting a transfer to an English-speaking institution, and no test required for a French-speaking child in an English-speaking institution who is requesting transfer to a French-speaking institution.

Section #5: We recommend that a child following a French immersion programme in an English language school board be deemed to be receiving education in the English language and not be subject to tests.

Section #6: We recommend that the School Board establish tests to ascertain a child's aptitude to accept instruction in the language of the

school requested under the board's jurisdiction. Sections 5 and 6 do not consider the child's attitude or even the child's aptitude to accept instruction in the language requested. Let there be some safeguard of the child's rights by giving the School Board a power of decision here, in consultation with the parents.

Section #7: a) We recommend that the parent's solemn declaration be believed! If a parent makes a solemn declaration as to the language spoken in his home, he should be believed.

\* b) The last part of this section reads: The Minister may also require that any pupil pass such tests. On what grounds? No explanation is given here. This is an arbitrary power, and could lead to abuse. We recommend the deletion of this last sentence in this section.

### 3. TESTS

Commentary: The regulation states that the tests are to determine one or more of the following: written language, aural perception, and verbal expression, with consideration given to the educational level, age and experience of the child. It reveals, however, no precise detail about the nature or types of tests to be used; hence our comments will have to be of a general nature.

At the present time in North America tests as such are falling into disrepute. Even the once widely-used I.Q. test is now suspect. Why should Quebec wish to reintroduce testing on this massive and disrupting a scale?

There is moreover the general problem of a test for the

\* Please note that the English translation does not accurately reflect the thought of the French original here, which states that the minister may also require that any pupil take or write such tests.

differing ranges of children in one age grouping. Today the trend is away from single tests set up by a central authority and with the results evaluated by a central authority. This trend is based upon pedagogic observations of significant differences among children at the same age level. In addition, there is the wide range of learning disabilities exhibited in any grouping of 'similar-age' children. By ignoring these the regulation is going counter to modern pedagogic trends.

As for language tests, can we believe in their validity as such? No educator has yet proffered a generally acceptable reliable language test. Indeed, how may one with any certainty of accuracy apply a language test to a small child? He may freeze, or refuse to take the process seriously. The responses of a small child can be as varied as the children themselves, and are no indication of a small child's linguistic aptitudes.

#### A Fair and uniform appraisal

Section #11 speaks of a uniform appraisal and a fair interpretation for all pupils, but there is no possibility of a uniform appraisal in the testing of aural perception and oral expression of the very young child. How can the correction centres of which Section #11 speaks take into consideration the aural perception and the oral perception of the small child whose responses are judged by a tester at the time of the test? Where is the built-in safe-guard for objectivity? If, moreover, audio-visual facilities are used to test the child, and his responses are taped, how can one take into consideration the varied responses of small children to the use of these audio-visual facilities as devices to test them for specific linguistic

ability.

The domestic upheaval caused

Until some 15 years ago in England there was an examination known as the 11 plus which determined at age 11 whether a child should proceed on to university-type and professional instruction, or go to the technical schools and service trades. At eleven years this was a traumatic and upsetting decision which had to be made. The effect of this examination on the child and on the family both for some time before the examination and for some time after was extremely upsetting and disturbing, and the examination and its significance were eventually greatly modified.

Similarly tyrannous and disturbing in nature is a test to be applied to kindergarten and grade school children, which makes for them a crucial decision in their lives. No small child, especially a kindergarten child, should experience failure of such magnitude as is indicated in these tests. The word test bespeaks success or failure. In the test envisaged by the regulation, the small child who fails, is not only failing a test, he is failing to realize expectations that his parents may have of him in the sensitive area of linguistic group alignment.

The timing and marking of tests

A strict time limit is placed on the Boards' performance: the tests are to follow within 30 days of enrolment. However, there is no corresponding time limit imposed on the ministry's correction centres.

Control of the marking and determination of the results of tests rests with the Minister; and here again the regulation contains no method

of open accountability to the public for the determination of the results of these tests.

Given, moreover, the haste in which these tests seem to have been composed, and the small samplings taken to evaluate the reliability and accuracy of the tests, why should parents accept that their children be subjected to this experience of testing and that the future course of their lives be determined on the basis of the results of these tests?

#### GENERAL RECOMMENDATION

BECAUSE THE VALIDITY AND VALUE OF THESE TESTS ARE QUESTIONABLE ON MORAL, SOCIAL, AND EDUCATIONAL GROUNDS, AS WELL AS A MEASURE OF LINGUISTIC ABILITY, WE RECOMMEND THAT NO TESTS OF THE NATURE ENVISAGED IN THE REGULATION BE IMPOSED ON ANY CHILDREN IN QUEBEC.

#### Specific Recommendations

Section #8: We recommend that no language tests be administered to children at the kindergarten level.

Section # 8 and #9: For the child who wishes to change from one language of instruction to another, we recommend that he be given the option of taking the test at a lower level than his present level, if he and his parents so wish.

Section #9 states that a pupil shall take the tests corresponding to the year of studies in which he would normally enrol. This means that a child registering in early spring will take the test in spring for the class he will be in in the following September. A child at the Grade two level, for

example, will be undergoing Grade Three tests. If this is the procedure to be followed as the regulation seems to suggest, there is an age gap here which puts the young child at an obvious disadvantage. We therefore recommend that all children tested be tested at the level of the Grade they are in at the time of testing.

Section #9: We recommend that the emotional, psychological and special education needs of a child be considered in the testing, and extreme flexibility be shown to any child of whom it is believed that he or she has a learning problem, or that the compulsory entry into a language stream of his or her parents' choice would create a learning or psychological problem.

Section #9: We recommend the deletion of the second sentence of this section; as a corollary we recommend that a child have the option of taking the test for the same school year again if his parents so wish.

Section #9: Above all we recommend that a parent or parents be present during the testing of small children, from those beginning school for the first time up to and including those of Grade Three level.

Section #10: Just as a time limit has been set for the performance of the boards in the implementation of testing, so there should be a similar time limit set of 30 days for the performance of the correction centre and the return of the results to the relevant boards - this thirty day limit to be the total time period both for the correction of the tests and the return of the tests and the results to the boards concerned.

Section #11: Safeguards must be incorporated into the system

of testing and evaluating of tests to ensure fairness and uniformity and these must be early visible to the general public and explanations readily available to the public as to procedures and results.

Section #11: We recommend that as part of the above recommendation, all answer sheets be returned by the correction centre to the relevant boards.

#### 4. ASSIGNMENT

Commentary: This section of the draft regulation creates 6 different categories of children for the purpose of school enrolment:

THE INUITS AND INDIANS OF NEW QUEBEC: these native people are favored over other native people of Quebec since their school board is permitted to provide instruction in the Indian and Inuit languages.

THE BILINGUAL CHILD: the section dealing with this type of child is ambiguously phrased. The child "shall receive his instruction in French or English"; he is not given the right to make his own choice of the language of instruction, nor is there an explanation as to who decides which of the two languages he will have as the language of instruction. But in this connection Article 40 of Bill 22 is mentioned, whereby English language instruction may cease or be reduced if the number of children with English as the mother tongue is not deemed sufficient to warrant English language instruction, so even the bilingual child may be denied entry to English schools.

THE UNLINGUAL FRENCH CHILD: he must go to a French School.

THE UNILINGUAL ENGLISH CHILD: he must go to an English



School. The unilingual English child is not invariably guaranteed entry into an English school however, again Article 40 of Bill 22 can come into force, for if the number of pupils whose mother tongue (first language learned and still understood) is English does not, according to the Minister's judgment, warrant the continuation or the increase of an English language institution, he may find himself in an area without an English institution to enter.

ETHNIC AND IMMIGRANT CHILDREN WHO PASS THE ENGLISH TEST: these children may get into an English language school, but again entry is not certain because of Article 40 of Bill 22. The distortion of statistics caused by the definition of "mother tongue" is evident here. A child may be a Canadian citizen born of Canadian parents who have taught him first their ancestral language at home. English may be the language he speaks most readily and most often, but since it was not the first language learned, he is included in the category of the ethnic or immigrant child, whereas he should be considered among the English-speaking.

THE ETHNIC AND IMMIGRANT CHILDREN WHO FAIL THE TEST: these children must go to French schools.

In addition to these six categories above, there is another grouping, not created by this regulation, but with its difficulties compounded by it - that 10 to 20 percent of our children with some form and varying degree of a learning problem. Many of these children at the pre-kindergarten and early grade school stages will not have been recognized as possessing learning problems. Yet their learning problem (though not

yet identified) will adversely affect their results in the tests.

GENERAL RECOMMENDATION

THAT THE NEEDS OF THE CHILD AND THE WISHES OF THE PARENTS BE RESPECTED AND THAT NO CHILD BE ASSIGNED TO AN EDUCATIONAL INSTITUTION THE LANGUAGE OF INSTRUCTION OF WHICH IS NOT THE CHOICE OF THE CHILD AND OF HIS PARENTS.

Specific Recommendations

Sections #2 and #13: the passing mark must be decided upon by pedagogical criteria in conjunction with consideration of any special aptitudes or disabilities of the child concerned. It should not be decided upon by the supervisory committee, nor be a ministerial decision, nor should it be decided according to a quota system. The method of arriving at the passing mark should be openly accountable to the general public, especially to the board, teachers, and parents concerned.

Section #14: In paragraph 3 of this section we recommend that "Subject to section 40 of the Act" be deleted, and that "in French or in English" at the end of this sentence be replaced with "the language of his choice".

We recommend that all Quebec native peoples be given the same option as the Indians and Inuit of New Quebec, to have instruction in their own languages if they so wish.

Section #15 and #16: while the regulation assigns to the Board a time limit for the taking of tests (#10), and for the reporting on the assignment of pupils, no time limits are set for the work of the correction centre nor for the Minister's perusal and acceptance of the board's report,

or for the Minister's reassignment of children where this occurs.

However, once this permanent assignment is made known to the board by the minister, the board must then notify the parents without delay, and the parents may appeal this decision - but only within thirty days of the decision being known. All time limits set are those set upon the board and the parents; none on the minister and his bureaucracy. Within the accepted confines of normal bureaucratic processes it is entirely conceivable that a pupil might rest in scholastic limbo indefinitely.

We therefore recommend that a time limit of thirty days be put upon the performance of the correction centre, and a similar thirty day period upon the minister's consideration of board reports concerning the assignment of pupils and any possible reassignment on his part. After this period, no reassignment should be possible, except in the case of a parental appeal.

Especially in the case of a temporary assignment dependent upon a decision involving Article 40 of Bill 22, there should be no greater period of waiting than a 30 day period, after which time if no decision has been forthcoming, no child will be removed from the school and grade in which he is enrolled, unless it is at the wish of his parents.

We recommend that all assignments of pupils be at the beginning of the school year or preferably earlier during the summer so as to minimize the inconvenience and personal chaos created when a child has to be taken out of a school or grade and transferred to another.

We recommend that there be no reassignment of pupils during the school year; adherence to the required time limits suggested for the

performance of all concerned - correction centre, supervisory committee, boards, and the minister - is essential, or many personal tragedies and much public discontent will be created.

Section #17: We recommend that the text of this section in both the French and English versions be changed so as to accurately indicate that it is the minister's decision that the board has to make known, not the board's decision.

#### 5. APPEAL

Commentary: The appeal procedure described in this section consists of an appeal by the parents to the body (the supervisory committee and the Minister) that initially rendered the decision.

#### GENERAL RECOMMENDATION

WE RECOMMEND THAT THE MINISTER AND THE SUPERVISORY COMMITTEE WHO INITIALLY RENDERED THE DECISION THAT THE PARENTS ARE APPEALING BE EXCLUDED FROM THE APPEAL PROCEDURES, AND THAT AN OBJECTIVE OUTSIDE AUTHORITY CHARACTERIZED BY A SENSITIVITY TO THE INDIVIDUAL NEEDS OF THE CHILD AND THE WISHES OF THE PARENTS BE CHOSEN BY THE BOARD TO HEAR AND JUDGE THE APPEAL.

#### Specific Recommendations:

Section #19: Just as there is a time limit placed upon the parents in their right of appeal, we recommend that a thirty day time limit be set upon the rendering of a decision answering this appeal.

In the case where the decision "requires an assignment according to a situation other than that which gave rise to the appeal", the parents shall again have the right to appeal this decision.

We recommend the deletion of the final sentence of this section: "The Minister's decision is final".

#### GENERAL CONCLUSION

The regulations which we have been studying implement the intent of Bill 22 and justify the concerns expressed by the Quebec Federation of Home and School Associations at the time of the parliamentary hearings on Bill 22. Then we said in our Brief that Bill 22 was "coercive, restrictive, and unconstitutional," we called it dangerous in that it permitted dictatorial decisions affecting the lives of all Quebecers, regardless of their mother tongue. We forecast that the Bill's implementation would "undermine the positive progress that the French language has already achieved in the past decade, and would develop a majority, underprivileged, unilingual bloc, French-speaking only, with a small bilingual elitist leadership."

The regulations which we have just studied reinforce these conclusions, and the mandatory entry of children into schools where the language of instruction is not their parents' choice is an action that can only create disruption and dissension in the entire Quebec community.

Bill 22 and the regulations under study treat children as an anonymous faceless mass to be used and moved as nationalist priorities determine. As a Federation of Parents concerned with the welfare and development of the child as an individual, we find abhorrent legislation which treats children in this manner. We think of the bright hopes that were kindled in both the French and English communities at the time of the

Parent Report for the future of education in this province.

Have the ideals and goals set at that time dwindled to the level of kindergarten conscription to satisfy nationalist priorities? Is that what the goal of an educational system should be ?