For immediate release

English-speaking Community Challenges the Constitutionality of Bill 40

Montreal, February 20, 2020 – APPELE-Québec announced today that representatives of Quebec's English-speaking community will be launching a court challenge to *Bill 40; An Act to amend mainly the Education Act with regard to school organization and governance*. The Alliance for the Promotion of Public English-language Education in Quebec (APPELE-Québec) brings together 16 groups representing parents, educators and the community.

"We have canvassed our members as well as the broader community, and we have wide-spread support from English-speaking Quebecers residing in every region of the province and from every sector of the community to stand up and defend our right to manage and control our school system. We also have support from official language minority groups and educational leaders from across Canada," said Geoffrey Kelley, Chair of APPELE-Québec. "Over the coming weeks we will be preparing our case, recruiting parents and others to participate as plaintiffs, and determining who will be intervening on behalf of the community."

Organizations endorsing the decision to launch a court challenge include the English Parents' Committee Association (EPCA), the Quebec Community Groups Network (QCGN), the Quebec Federation of Home and School Associations (QFHSA), the Quebec English School Boards Association (QESBA), Townshippers' Associations, the Regional Association of West Quebecers, and the Canadian School Boards Association (CSBA).

"This upcoming lengthy and costly court battle could have been avoided," noted QESBA President Dan Lamoureux. "We strongly recommended that the Government submit a reference to the Quebec Court of Appeal, an approach that other provincial governments have adopted in similar circumstances. Unfortunately this reasonable and responsible path forward was rejected by Education Minister Jean-François Roberge within hours of our proposing it."

"The Minister is digging in his heels, and despite his repeated comments to the contrary, we are convinced that he knows his Bill does not pass constitutional muster," added QCGN President Geoffrey Chambers.

In 1990, the Supreme Court of Canada ruled in Mahé vs Alberta that official language minorities have the right under Article 23 of Canadian Charter of Rights and Freedoms to manage and control their schools and school systems. APPELE-Québec maintains that Bill 40 curtails the English-speaking minority community's constitutional right to management and control. The Minister has confirmed that Service Centres will not govern the schools. In addition there are serious problems with the proposed electoral system. The right to be a candidate, for example, is severely limited for both parent and community representatives.

"When we appeared before the National Assembly, Education Minister Roberge stated candidly that Service Centre Boards would be empty shells with nowhere near the powers and responsibilities of our democratically-elected school boards," stated Geoffrey Kelley. "Even though he tabled more than 80 amendments to the Bill in

the days prior to its passing via closure, he did nothing to address the shortcomings of the Bill in terms of our minority rights. The end result is that Bill 40 limits the right of our community to participate in decisions affecting our own schools and is unconstitutional."

About APPELE-Québec:

APPELE-Québec – the Alliance for the Promotion of Public English-language Education in Québec – is a broadly-based, Quebec-wide community coalition to promote the continued existence of English school boards, to ensure they are governed by commissioners who are democratically elected by the English-speaking community at large. Our Alliance is comprised of 16 supporting organizations and nine observer groups. For more information about APPELE-Québec, go to www.appelequebec.org.

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