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PREAMBLE

The **Education Policy** of Alliance Quebec is based on certain fundamental **Guiding Principles**. These principles are clearly articulated in certain international human rights obligations ^{*(1)} and domestic laws ^{** (2)} to guarantee *freedom, dignity and social justice* for all in a democratic and free society.

"We are living in a society which is more and more diverse in its cultural make-up. The most eloquent sign of this cultural diversity is the presence, within our society, of an English-speaking community conscious of its distinctive character, its historical roots and rights," stated the **Honourable Claude Ryan** at his press conference on December 22, 1993 regarding Bill 86.

"Few can doubt the importance of minority language schools to the vitality of their communities," and "without minority language schools, the very conditions necessary for the preservation of Canada's linguistic duality would be markedly diminished," wrote the **Commissioner of Official Languages** in his document *School Governance*.

"A community's education of its young is one of the building blocks on which its future is founded. If it leaves the education of its young people to others, others will eventually define its cultural values and choose its social priorities." – **Task Force on English Education**, 1992.

"The views of these courts show an appreciation of the various considerations involved in ensuring that the minority language group has control over the aspects of minority language education which pertain to, or have an effect upon, minority language and culture." **Supreme Court of Canada**. ⁽³⁾

* (1) **Universal Declaration of Human Rights; Convention on the Rights of the Child**.

Chief Justice Dickson in *R. v. Keegstra* held that, "Generally speaking, the international human rights obligations taken on by Canada reflect the values and principles of a free and democratic society, and thus those values and principles that underlie the Charter itself."

Chief Justice Lamer similarly affirmed that, “ the Charter should be, and has been, understood as part of the international human rights movement.”

** (2) **Canadian Charter of Rights and Freedoms**; The Official Languages Act; Quebec Charter of Rights and Freedoms; Quebec Civil Code; Education Act.

*** (3) **Mahe v. Alberta, 1990**

POLICY OBJECTIVES

Alliance Quebec’s **Education Policy Objectives** are determined in accordance with pertinent provisions of the **Canadian Charter of Rights and Freedoms** and Canada’s **Official Languages Act**, and also in recognition of the linguistic and cultural aspirations of both the Francophone and Anglophone communities of Quebec.

General Objectives:

- To assist the development and preservation of Canada’s linguistic duality. *

- To assist the development and preservation of the cultural heritage of Quebec’s English-speaking minority community. **

Specific Objective:

- To ensure the protection of the minority linguistic educational rights of Quebec’s English-speaking community. ***

Supreme Court of Canada (*Mahe v. Alberta, 1990*)

* **Canadian Charter of Rights and Freedoms**, section 23 “... represents a linchpin in this nation’s commitment to the values of bilingualism and biculturalism.”

** “Section 23 is especially important....because of the vital role of education in preserving and encouraging linguistic and cultural duality.”

*** Section 23 “aims at achieving this goal (each language flourishes) by granting minority language educational rights to minority language parents throughout Canada.”

EDUCATION POLICY

GUIDING PRINCIPLES

Article 1. The Importance of Education

Education is an essential link between the past and the future, designed to provide knowledge of the past and foster inspiration for the cultural enrichment and economic development of Quebec.

POLICY STATEMENTS

1. The Importance of Education

The Government of Quebec, recognizing education as the most fundamental means of cultural development and enrichment must, through its policies, regulations, laws, and provision of publicly funded English language institutions, demonstrate a strong commitment to facilitate the development and vitality of Quebec’s English-speaking community.

Article 2. The Right to Education

Education is a human right (1). Educational institutions and programs must therefore be accessible to everyone without discrimination.

2. The Right to Education

As section 59.1 of the Canadian Constitution, by implication and application, violates the democratic principle of **equality** granted under specific provisions of the *Canadian Charter of Rights and Freedoms**, as well as the *Quebec Charter of Rights and Freedoms**, both levels of government must be urged to take steps to rectify the existing situation of inequality in the matter of parents' choice of education for their children,+ thereby granting them access to educational institutions and programs, without discrimination.

(1) **Universal Declaration of Human Rights, Article 26**, "Everyone has the right to education."

***Canadian Charter of Rights and Freedoms**: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law..."

***Quebec Charter of Rights and Freedoms**: "Every person has a right to full and equal recognition and exercise of his human rights and freedom without distinction..."

+**Supreme Court of Canada (Mahe v. Alberta)**. "The general purpose of s.23 is clear.....The section aims atgranting minority language educational rights to minority language parents throughout Canada."

Article 3. The Control of Quebec Education System

The Government of Quebec, through the Ministry of Education, has the right to set general goals and standards, and to provide equal education opportunities for students of all ages and varied needs without "exclusion, limitation or preference" of any kind.

3. The Control of Quebec Education System

The Government of Quebec, through the Ministry of Education, must exercise its powers and responsibilities in the area of education in full recognition of the specific educational, cultural and economic needs of the English-speaking minority community in Quebec, and this should be done in accordance with the specific provisions of the Constitution of Canada* and international treaty obligations.**

* **Canadian Charter of Rights and Freedoms**, section 23 *Minority Language Educational Rights*

****UN Doc.HRI/Gen/1/Rev.1 at 38, 1994**, "... article 27 relates to (minority)) rights whose protection imposes specific obligations on State parties."

Article 4. The Official Minority Community's Right to manage and control its Educational Institutions

The English-speaking community, as the official linguistic minority in Quebec, has educational institutions; the right to control and manage

4. The Official Minority Community's Right to Manage and Control its Educational Institutions*

(a) The English-speaking community, as a linguistic minority in Quebec, relies on constitutional and legal** guarantees to control and manage all levels of its

all levels of its own educational institutions: universities, colleges, primary and secondary schools and school boards, adult education and vocational training centres .

(b) the Government of Quebec, in recognition of the legitimacy of the educational needs of the English-speaking community, must support the existence and development of schools, school boards, colleges, universities and adult education and training centres serving the English-speaking community.

**Supreme Court of Canada (Mahe v. Alberta, 1990) "...the majority cannot be expected to understand and appreciate all of the diverse ways in which educational practices may influence the language and culture of the minority." Also, ** "management and control is vital to ensure that their language and culture flourish."*

Article 5. The Institutional Autonomy*

The English language institutions must have the authority and adequate financial resources provided by the Ministry of Education for the purpose of developing, implementing and evaluating the educational programs appropriate to the needs of the English speaking community.

5. The Institutional Autonomy

- (a) The linguistic primary and secondary education system as presently established must be maintained;
- (b) the degree of autonomy presently granted to schools and school boards must be maintained;
- (c) special funding should be provided to English language schools and school boards for the purpose of developing, implementing and evaluating educational programs specifically designed to meet the needs of the clientele in English language primary and secondary schools, and adult education and vocational training centres, and also to English language CEGEPs.

**Supreme Court of Canada (Mahe v. Alberta), " The minority language representatives should have exclusive authority to make decisions relating to the minority language instruction and facilities, including: expenditure of funds...."*

Article 6. The Right of Access to English Language Institutions

Parents and legal guardians must have the right to choose the public educational institution to which they want to send their children.
All English language educational institutions should therefore be open to all Quebec residents.

6. The Right of Access to English language Institutions

- (a) Recognizing that educational institutions which are publicly funded to provide essential public service of education to children and youth, Alliance Quebec therefore supports the freedom of choice of all Quebecers for instructional services;
- (b) those who were educated elsewhere in the English language, and their siblings or descendants, should be entitled to receive English language instruction in Quebec schools;*
- (c) descendants and siblings of those who possess or were entitled to a certificate of eligibility or authorization for English language instruction, regardless of their choice of schooling, have the right to English language instruction;*

(d) Canadian citizens whose first language learned and still understood is English have the right to English language instruction for themselves and their children.*

**Official Languages Act, section 43(d) " provincial governments.... to provide opportunities for members of English or French linguistic minority communities to be educated in their own language." , Also, Canadian Charter of Rights and Freedoms, section 23.1(a)*

Article 7. The Importance of Decentralized Management

The Quebec education system should be less centralized to enable the English-speaking community to pursue its own educational development within the general framework of goals, standards and equalized opportunity and resources provided by the Ministry of Education.

7. The Importance of Decentralized Management

(a) The Ministry of Education should encourage and support the existence and development of a network of educational institutions serving the needs of the English-speaking community;

(b) the Ministry of Education should foster effective participation by the English-speaking community in school matters by providing materials, information and other services in English to local communities;

(c) the Ministry of Education, in this age of sophisticated technology, should foster lean bureaucracy and decentralized administrative structure for greater efficiency and accrued savings for better services at primary and secondary schools;

(d) adequate and effective control and management of English language education must be guaranteed to the English language community*.

** Supreme Court of Canada (Mahe , Alberta) " The views of these courts show an appreciation of the various considerations involved in ensuring that the minority language group has control over the aspects of minority language education which pertain to or have an effect upon minority language and culture."*

Article 8. The Community's Right to Participate in the Consultative Process

The English-speaking community must be represented at all formal and informal levels of the decision-making process instituted for the purpose of making policies and designing of organizational structure or curriculum contents.

8. The Community's Right to Participate in the Consultative Process*

(a) By due consultation with community organizations and bodies, the English-speaking community be proportionately represented at all decision-making and consultative bodies and levels of the Ministry of Education;

(b) the school boards should be made up of school commissioners who are democratically elected by parents of school children and the taxpayers who choose to pay their school taxes to English language school boards.

**Supreme Court of Canada (Mahe v. Alberta) " The representation of the linguistic minority on local boards or other public authorities which administer minority language instruction or facilities should be guaranteed."*

Article 9. The Specific Needs of Off-Island Communities*

The Ministry of Education must recognize the special educational and vocational needs of the English-speaking communities, particularly those off the island of Montreal. The Ministry is further obliged to develop and implement special organizational measures and facilities to meet those needs

(a) The Ministry of Education and English language school boards must abide by the Supreme Court of Canada's judgment in (Arsenault-Cameron v. P.E.I.) case that *minority language parents and their representatives are in the best position to identify local needs, and that instruction should take place in facilities located in the community where those children reside;*

(b) the Ministry of Education should provide special funding for the maintenance of existing English language school facilities in small communities, as opposed to cost of transporting students to distant facilities;

(c) the Ministry of Education must undertake funding of a comprehensive study of the needs of the English-speaking community off the island of Montreal.

**Supreme Court of Canada (Mahe v. Alberta) "Special circumstances may warrant an allocation for minority language schools that exceeds per capita allocation for majority schools."*

Article 10. The Importance of Canadian Linguistic Duality

The English-speaking community must have access to the facilities and opportunities for acquiring sufficient knowledge of, and fluency in, both official languages of Canada.

(a) The Government of Quebec must exercise its responsibility in providing adequate funding at all levels of the education system to facilitate a working knowledge of the French language by all thereby enabling them to become active and productive residents of Quebec;

(b) all children in the English language system should receive sufficient training in French through effective second language programs, including French Immersion;

(c) the organizations and institutions of the English-speaking community must have access to the funding provided for the development of both official languages under the provisions of the Official Languages Act.

Article 11 The Rights of the Child (1)

All children have the right to the best possible opportunities and facilities for the full development of their potential as successful contributing members of society.

11. The Rights of the Child*

(a) All levels of authority involved with children's affairs and well-being must render decisions in the best interest of the child;

(b) administrators of school boards and school principals, under the jurisdiction of French language

school boards, which receive English-speaking students for the purpose of providing instruction to ensure language development and proficiency in the language of instruction, must fulfill their legal and pedagogical obligations and responsibilities in accordance with the provision of section 96.14 of the *Education Act*;

(c) in cases of children demonstrating severe difficulties in mastering the necessary language skills, causing potential or real academic delay, both the teacher and the principal concerned are accountable to ensure identification and appropriate assessment of these children for appropriate and measurable special support as required under the provision of the *Regime Pedagogique*.

((d) the parents or guardians of this category of children should be advised of their children's progress or lack thereof on a regular basis, as required by the *Education Act*.

(e) the failure of school officials to provide specialized services to this class of students is a violation of specific provisions of the *Education Act* and the *Regime Pedagogique*; those officials therefore must be held responsible for contributing to academic delay and for the psychological and emotional consequences inflicted upon these children.

(1) **The U.N. Convention on the Rights of the Child, Article 29.**

**The Quebec Civil Code, section 33, "Every decision concerning a child shall be taken in light of the child's interest and the respect of his rights." Also,*

Commission des droits de la personne et des droits de la jeunesse, March 1996, "In our view, the child's interest should be the determining factor."

Article 12. The Right to Equality 12. The Right to Equality and Fairness* and Fairness*

The Quebec English-speaking community, as an official linguistic minority, has the right to fair and equal treatment at higher levels of education.

(a) The Government of Quebec must treat McGill, Bishops and Concordia Universities equitably as full members of the Quebec universities network;

(b) the management and control of these three English language universities must rest with the linguistic community;

(c) all requirements for university tuition fees, loans, bursaries and core funding must be fair and equitable in all aspects to ensure quality of education and research development.

**Supreme Court of Canada (Mahe v. Alberta) "It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools."*

POLICY RESOLUTIONS

1. THE IMPORTANCE OF EDUCATION

Principle: Education is an essential link between the past and the future, designed to provide knowledge of the past and foster inspiration for the cultural enrichment and economic development of Quebec.

Whereas the present and previous governments of Quebec have acknowledged the contribution and historic role of English-speaking Quebecers in the development of Quebec society;

Whereas the Quebec Government's white paper on cultural development acknowledges that *a rich, strong society naturally longs to endow itself with institutions that allow it to best satisfy its cultural aspirations, to train future generations in the important and growing responsibilities that must be passed on to them, and to ensure its optimal well-being and progress;*

Whereas according to the preamble of the Charter of the French Language, the National Assembly commits itself to pursue the objective of the Charter *in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Quebec;*

Whereas the Canadian Charter of Rights and Freedoms guarantees the minority language educational rights, which the Supreme Court of Canada in *Mahe vs. Alberta* declared, includes the right of the linguistic minority to manage and control minority language instruction and educational facilities.

BE IT THEREFORE RESOLVED THAT:

The government of Quebec, recognizing education as the most fundamental means for cultural development and enrichment must, through its policies, regulations, laws, and provision of publicly funded English language institutions, demonstrate a strong commitment to facilitate the development and vitality of Quebec's English-speaking community.

2 THE RIGHT TO EDUCATION

Principle: Education is a human right. Educational institutions and programs must therefore be accessible to everyone without discrimination.

Whereas the International Covenant on Economic, Social and Cultural Rights obliges the State Party to *recognize the right of everyone to education directed toward the full development of human personality;*

Whereas the Universal Declaration of Human Rights (Article 26) grants parents the right to choose *the kind of education for their children;*

Whereas the Quebec Education Act recognizes parents and legal guardians as principal agents for their children's education;

Whereas the Canadian Charter of Rights and Freedoms guarantees *citizens of Canada, whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, the right to have their children receive primary and secondary school instruction in that language in that province (section 23.1);*

Whereas (section 59) of the same Charter states that *paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamationonly where authorized by the legislative assembly or government of Quebec;*

Whereas both the *Canadian Charter of Rights and Freedoms* (section 15) and the *Quebec Charter of Rights and Freedoms* (section 10) grant and guarantee the right to full and equal recognition and exercise of human rights and freedoms without distinction;

BE IT THEREFORE RESOLVED THAT

As section 59.1 of the Canadian Constitution by implication and application violates the democratic principle of EQUALITY granted under specific provisions of the *Canadian Charter of Rights and Freedoms*, as well as the *Quebec Charter of Rights and Freedoms*, both levels of government be urged to take steps to rectify the existing situation of inequality in the matter of parents' choice of education for their children, thereby granting them access to educational institutions and programs, without discrimination.

3. CONTROL OF QUEBEC'S EDUCATION SYSTEM

Principle: The Government of Quebec, through the Ministry of Education, has the right to set general goals and standards, and to provide equal education opportunities for students of all ages and varied needs without exception, limitation or preference of any kind.

Whereas the English-speaking community recognizes the Government of Quebec has the constitutional right and responsibility to provide for and protect minority education rights within its legislative and administrative jurisdictions;

Whereas the Minister of Education is responsible for providing and protecting equal educational opportunities for growth and development of students of all ages and varied needs without exclusion, limitation or preference of any kind;

Whereas the Minister of Education has the power and responsibility to set general goals, standards and resources for primary and secondary education.

BE IT THEREFORE RESOLVED THAT:

The Government of Quebec, through the Ministry of Education, exercise its powers and responsibilities in the area of education in full recognition of the specific educational, cultural and economic needs of the English speaking minority community in Quebec and that this be done in accordance with the specific provisions of the Constitution of Canada and international treaty obligations.

4. THE OFFICIAL MINORITY COMMUNITY'S RIGHT TO MANAGE AND CONTROL ITS INSTITUTIONS

Principle: The English-speaking community, as the official linguistic minority in Quebec, has the right to control and manage all levels of its own educational institutions: universities, colleges, primary and secondary schools and school boards, adult education and vocational training centres.

Whereas educational institutions are vital tools for fostering linguistic and cultural heritage, and as such, are considered the corner-stone of a community's cultural development and sustenance;

Whereas section 23 of the Canadian Charter of Rights and Freedoms underscores the national commitment to ensure the quality and development of minority language education throughout the country;

Whereas the Supreme Court of Canada has clearly stated in *Mahe vs. Alberta* that the linguistic minority has the right to manage and control minority language instruction and educational facilities;

Whereas Bill 109 provides for linguistic boards to provide primary and secondary education in Quebec.

BE IT THEREFORE RESOLVED THAT :

(a) the English-speaking community, as a linguistic minority in Quebec, rely on constitutional and legal guarantees to control and manage all levels of its educational institutions;

(b) the Government of Quebec, in recognition of the legitimacy of the educational needs of the English speaking community, support the existence and development of schools, school boards, colleges, universities and adult education and training centres serving the English speaking community.

5. INSTITUTIONAL AUTONOMY

Principle: The English language institutions must have the authority and adequate financial resources, provided by the Ministry of Education, for the purpose of developing, implementing and evaluating programs appropriate to the needs of the English speaking community.

Whereas Alliance Quebec supported the Government of Quebec in its efforts to seek constitutional change authorizing the establishment of a linguistic school system in lieu of the confessional school system established in Quebec in accordance with section 93 of the BNA Act;

Whereas the Ministry of Education has the authority to set general goals and standards for primary and secondary education in both French language and English language schools;

Whereas special funding is provided for minority community language development through bilateral agreements between the federal government of Canada and the provincial government of Quebec;

Whereas a substantial degree of institutional autonomy is deemed conducive to the development of a linguistic minority community in a free and democratic society;

BE IT THEREFORE RESOLVED THAT :

(a) the linguistic primary and secondary education system as presently established be maintained;

(b) the degree of autonomy presently granted to schools and school boards be maintained;

(c) special funding be provided to English language schools and school boards for the purpose of developing, implementing and evaluating educational programs specifically designed to meet the needs of the clientele in English language primary and secondary schools, and adult education and vocational training centres, and also to English language CEGEPs.

6. THE RIGHT OF ACCESS TO ENGLISH LANGUAGE INSTITUTIONS

Principle: Parents and legal guardians must have the right to choose the public educational institution to which they send their children. All English language educational institutions should therefore be open to all Quebec residents.

(a) Open access:

Whereas the Universal Declaration of Human Rights (Article 26) grants parents the *right to choose the kind of education for their children*;

Whereas the Quebec Education Act recognizes parents and legal guardians as principal agents for the education of their children;

Whereas both the *Canadian Charter of Rights and Freedoms* and *Quebec Charter of Rights and Freedoms* grant the right to the full and equal recognition and exercise of human rights and freedoms without distinction;

Whereas since publicly funded educational institutions provide essential public services, any restriction on access based on race or language therefore constitutes discrimination;

Whereas open access to all three levels of education promotes a greater understanding between the French speaking and English speaking communities and facilitates a better understanding of cultural and linguistic differences;

BE IT THEREFORE RESOLVED THAT:

Recognizing that educational institutions which are publicly funded provide essential public service of education to children and youth, Alliance Quebec therefore supports the freedom of choice of all Quebecers for instructional services.

(b) The Right of Access to English Language Institutions

Whereas since the Canadian Charter of Rights and Freedoms grants minority language educational rights to Canadian citizens *whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, have the right to have their children receive primary and secondary instruction in that language in that province*;

Whereas the constitutional provision of the *first language learned and still understood is* being denied to the English speaking minority community in Quebec, whereas French speaking minority communities in all other provinces and territories of Canada benefit from it, perpetuates inequality and thus discrimination in education at the expense of Quebec's English speaking community;

Whereas the equality of English and French in Canadian Society is one of the main objectives of the *Official Languages Act*, pursuant of which the Government of Canada is committed to take measures for the vitality and development of **both** the English and French linguistic minorities;

Whereas both Official Language minority communities need the contributions of immigrants who speak their language to ensure population growth; but the internal migration rate of the English speaking population from Quebec to other Canadian provinces poses a serious demographic problem to Quebec's Anglophone community;

Whereas the Anglophone community and its educational institutions, by their actions and policy developments and programs, such as partial and total immersion, have enriched French language instruction in primary and secondary schools, thereby demonstrating they do not threaten but strongly support the development and preservation of the French language in Quebec;

Whereas application of the constitutional provision of *the first language learned and still understood* has the positive psychological effect of encouraging talented and skilled professionals to settle in Quebec and make positive contributions to the social, cultural and economic development of Quebec society.

BE IT THEREFORE RESOLVED THAT:

(a) Those who were educated elsewhere in the English language and their siblings or descendants are entitled to receive English language instruction in Quebec schools;

(b) Descendants and siblings of those who possess or were entitled to certificate of eligibility or authorization for English language instruction, regardless of their choice of schooling, have the right to English language instruction;

(a) Canadian citizens whose first language learned and still understood is English have the right to English language instruction for themselves and their children.

7. THE IMPORTANCE OF DECENTRALIZED MANAGEMENT

Principle: The Quebec education system should be less centralized to enable the English speaking community to pursue its own educational development within the general framework of goals, standard and equalized opportunity and resources provided by the Ministry of Education.

Whereas the English speaking community recognizes the power and responsibilities of the Ministry of Education in all aspects of education through laws and regulations affecting curriculum, financing, collective bargaining, student evaluation and certification;

Whereas the education system needs to be flexible and less centralized for it to be adaptable to the needs of changing societies and communities and responsive to the needs of students within their diverse social and cultural settings;

Whereas the Education Act permits parental participation in all aspects of the governance of schools which are mandated *to contribute to the social and cultural development of the community*;

Whereas school boards, as administrative bodies of democratically elected representatives of local communities are mandated to foster ***result-based management*** at the local level of administration to ensure students' success;

BE IT THEREFORE RESOLVED THAT :

(a) the Ministry of Education encourage and support the existence and development of a network of educational institutions serving the needs of the English speaking community;

(b) the Ministry of Education foster effective participation by the English speaking community in school matters by providing materials, information and other services in English to local communities;

(c) the Ministry of Education in this age of sophisticated technology, foster a lean bureaucracy and decentralized administrative structure for greater efficiency and accrued savings for better services at primary and secondary schools;

(d) adequate and effective control and management of English language education continue to be guaranteed to the English speaking community.

8.COMMUNITY RIGHT TO PARTICIPATE IN THE CONSULTATIVE PROCESS

Principle: The English speaking community must be represented at all formal and informal levels of decision-making processes instituted for the purpose of making policies and design of organizational structures or curriculum content.

Whereas both French and English linguistic communities are provided primary and secondary education facilities by *linguistic school boards* in the Quebec education system;

Whereas the needs and aspirations of the English speaking community are better known and understood by the English speaking persons, who have the confidence and support of the community;

Whereas at present, the English speaking community is grossly under-represented at the policy-making structure of the Ministry of Education;

Whereas community participation and partnership are vital elements in the process of education for its effectiveness and overall benefit to the society in general and the community in particular;

BE IT THEREFORE RESOLVED THAT :

(a) by due consultation with community organizations and bodies, the English-speaking community be proportionately represented at all decision-making and consultation bodies and levels of the Ministry of Education;

(b) the school boards be made up of school commissioners who are democratically elected by parents of school children and those tax-payers who choose to pay their school taxes to English language school boards.

9. THE SPECIFIC NEEDS OF OFF-ISLAND COMMUNITIES

Principle: The Ministry of Education must recognize the special educational and vocational needs of the English-speaking communities, particularly those off the island of Montreal and as an obligation, the Ministry must develop and implement special organizational measures and facilities to meet those needs.

Whereas the school is considered the single most important institution for supporting the cultural environment, and for the survival and development of the official language minority community;

Whereas the presence of English language schools is vital to the sustenance and development of English-language communities off the island of Montreal;

Whereas the Canadian Charter of Rights and Freedoms requires a province to provide official minority language instruction where number warrants;

Whereas the Supreme Court of Canada (Arsenault-Cameron v. P.E.I. case) ruled that *substantive equality under s.23 requires that official language minorities be treated differently, if necessary, according to their particular circumstances and need in order to provide a standard of education equivalent to that of the official language majority.*

BE IT THEREFORE RESOLVED THAT:

(a) the Ministry of Education and English language school boards abide by the Supreme Court of Canada's judgment in (Arsenault-Cameron v. P.E.I) case that *minority language parents and their representatives are in the best position to identify local needs, and that instruction should take place in facilities located in the community where those children reside;*

(b) the Ministry of Education provide special funding for the maintenance of existing English language school facilities in small communities, as opposed to the cost of transporting students to distant facilities;

(c) the Ministry of Education undertake funding a comprehensive study of the needs of the English speaking community off the island of Montreal.

10. THE IMPORTANCE OF CANADIAN LINGUISTIC DUALITY

Principle: The English-speaking community must have access to the facilities and opportunities for acquiring sufficient knowledge of and fluency in both official languages of Canada.

Whereas the Charter of the French Language requires that "French be the language of Government and the law, as well as the language of work, instruction, communication, commerce and business;"

Whereas the Government of Canada under the provisions of *the Official Languages Act*, is committed to the vitality and development of both official language communities;

Whereas the Government of Canada through agreements with provincial governments provides funding for the development of both official languages;

Whereas the English speaking community historically has been a dynamic force in the economic development of Quebec;

Whereas it is normal that the English-speaking community continue to play its historic role in the development and prosperity of Quebec society.

BE IT THEREFORE RESOLVED THAT:

(a) the Government of Quebec exercise its responsibility in providing adequate funding at all levels of the education system to facilitate a working knowledge of the French language by all, thereby enabling them to become active and productive citizens of Quebec;

(b) all children in the English language system should receive sufficient training in French through effective second language programs including the French immersion ;

(c) the organizations and institutions of the English-speaking community must have access to the funding provided for the development of both official languages under the provisions of the Official Languages Act.

11. THE RIGHTS OF THE CHILD

Principle: All children have the right to the best possible opportunities and facilities for the full development of their potential as successful contributing members of society.

Whereas both the Governments of Canada and Quebec have signed the international *Convention on the Rights of the Child*;

Whereas the Quebec government guarantees, through the *Quebec Civil Code*, (article 33), that “every decision concerning a child shall be taken in light of the child’s interests and the respect of his rights;”

Whereas the Quebec Human Rights Commission has stated that *family or humanitarian elements may be considered in the analysis of individual cases, in accordance with the provisions of language legislation and that the child’s interest should be the determining factor;*

Whereas the provisions of the *Charter of the French Language* require English-speaking children without a certificate of eligibility to attend French language schools;

Whereas section 81 of the *Charter of the French Language* allows children with serious learning difficulties and disabilities to receive instruction in English;

Whereas section 2 of the Regulation of the Charter requires that *the school body shall have the child evaluated by a psychologist and then forward the request for exemption to the person designated by the Minister of Education for a decision.*

BE IT THEREFORE RESOLVED THAT:

(a) all levels of authority involved with children’s affairs and well-being must render decisions in the best interest of the child;

(b) administrators of school boards and school principals under the jurisdiction of French language school boards which receive English-speaking students for the purpose of providing instruction, to ensure language development and proficiency in the language of instruction must fulfill their legal and pedagogical obligations and responsibilities in accordance with the provision of section 96.14 of the *Education Act*.

(c) in cases of children demonstrating severe difficulties in mastering the necessary language skills causing potential or real academic delay, both the teacher and the principal concerned are accountable to ensure identification and appropriate assessment of these children for appropriate and measurable special support as required under the provisions of the Regime Pedagogique;

(d) the parents or guardians of this category of children should be advised of their children’s progress or lack thereof on a regular basis, as required by the Education Act;

(e) the failure of school officials to provide specialized services to this class of students is a violation of specific provisions of the Education Act and the Regime Pedagogique; those officials therefore must be held responsible for contributing to academic delay and for the psychological and emotional consequences inflicted upon these children.

12. THE RIGHT OF EQUALITY AND FAIRNESS

Principle: *The Quebec English-speaking community, as an Official Linguistic Minority, has the right to fair and equal treatment at the higher levels of education.*

Whereas by virtue of article 2.c of the *International Covenant on Economic, Social and Cultural Rights*, State Parties recognize that *higher education be made equally accessible to all on the basis of capacity, by every appropriate means;*

Whereas Quebec's English language universities in addition to fostering the cultural and linguistic heritage of their own community in Quebec, also assist in the development and preservation of Canada's linguistic duality;

Whereas McGill, Bishops and Concordia Universities - founded by Quebec's English-speaking community - have achieved distinction in providing quality higher education to a heterogeneous society in North America;

Whereas availability of quality university education is essential for the vitality, development and dynamism of the English-speaking community in Quebec;

Whereas accessibility of higher education provided at Quebec universities to qualified Canadian and foreign students creates understanding and international collaboration to the benefit of Quebecers overall.

BE IT THEREFORE RESOLVED THAT:

(a) The Government of Quebec treat McGill, Bishops and Concordia universities equitably as full members of the Quebec university network;

(b) The management and control of these three English language universities rest with the linguistic community;

(c) All requirements for university tuition fees, loans, bursaries and core funding be fair and equitable in all aspects to ensure quality of education and research development.