



For immediate release

Court Challenge to Bill 40 Launched

Quebec's English-speaking minority seeks interlocutory injunction

Montreal, May 28, 2020 - APPELE-Québec has endorsed the Quebec English School Boards Association's (QESBA) constitutional challenge to Bill 40, An act to amend mainly the Education Act with regard to school organization and governance. The filing includes a request to the Superior Court of Quebec for an interlocutory injunction to suspend those provisions of Bill 40 which apply to English-language School Boards and indeed affect the entire English-language public school network.

"As we have argued for months," explained Geoffrey Kelley, Chair of APPELE-Québec, a coalition of 16 groups representing parents, educators and the community, "Bill 40 curtails our community's constitutional right to manage and control our school system. We have an honest and fundamental disagreement with the Quebec government. We fear that going ahead with the implementation of this legislation will have a significant and detrimental impact on the vitality and continuity of Quebec's English-speaking minority. The responsible way to move forward is to wait until the courts have ruled on this matter. It is good public policy and will be less expensive for all concerned."

In 1990, the Supreme Court of Canada ruled in *Mahe 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.. APPELE-Québec maintains that Bill 40 curtails the English-speaking minority community's constitutional right to do so. The Minister himself confirmed during committee hearings that the newly minted Service Centres, school boards successors under the Bill, will be nothing more than empty shells, stripped of the powers and responsibilities that democratically-elected school boards now have. In addition, there are serious flaws with the proposed system to elect members to these Service Center Boards. The right to be a candidate, for example, is severely limited for both parents and members of the community.

"Delaying the implementation of Bill 40 is both the practical and responsible course of action, particularly in light of the pandemic," continued Mr. Kelley. "Holding elections this fall when as officials have warned the preparatory work for the organization of elections is far behind schedule, and there will likely still be restrictions on public gatherings is unrealistic. As just one example of the hurdles it is unlikely that parents will be able to gather in the fall to elect school governing boards. Yet parent's wishing to run for a position on the board of directors of school service centre must first be a member of their local school governing board." "Continuity of leadership," concluded Mr. Kelley, "is critical during the coming months as we focus on how to operate our schools during this challenging period and on ensuring we provide students and staff with a safe and secure environment."

Delaying the elections to coincide with municipal elections is consistent with a key recommendation of the 2015 Jennings Report and is supported by QESBA, the English Parents' Committee Association (EPCA), the Quebec Community Groups Network (QCGN) and the Quebec Federation of Home and School Associations (QFHSA).

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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