



# Brief

BILL N°40: AN ACT TO AMEND MAINLY THE EDUCATION ACT WITH  
REGARD TO SCHOOL ORGANIZATION AND GOVERNANCE

TOWNSHIPERS' ASSOCIATION



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## *Townshippers' Association Brief*

*Bill n°40: An Act to amend mainly the Education Act with regard to school organization and governance*

*November 2019*

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### **Introduction**

For 40 years now Townshippers' Association has been at the forefront of community engagement, pursuing its mission to promote the interests of the English-speaking community in Quebec's historical Eastern Townships, strengthen its cultural identity, and encourage the full participation of the English-speaking population in the community at large. We work on behalf of approximately 40,000 English-speakers who are spread across a region that is larger than Belgium in its geography; stretching from Philipsburg in the west to Megantic in the east, and from Inverness in the north to the U.S. border in the south.

As indicated in the past in briefs submitted by the association during previous public commission debates around school boards and their governance, **Townshipper's Association fully supports the position that parents, education professionals and community members need to have a greater voice in the governance of schools and the services they provide to both students and the community.** This bill, as did similar legislation introduced and subsequently abandoned in the recent past, provides an opportunity to evaluate the importance of these governance structures and propose new and innovative means for improving decision-making processes that will enhance the quality of education for English-speaking minority students, especially in regards to curriculum, pedagogy and student success. However Bill 40 purports to uphold the English-speaking minority language community's right to the management and control of its educational institutions and maintain a certain level of community involvement, it fails to demonstrate how the structural changes it puts forth will positively impact student success, alleviate costs associated with elections and ensure that democratic processes are upheld through ensuring accuracy in electoral lists.

Townshippers' Association respectfully **insists** that, before this government moves forward with its reform, it carefully examine the questions and concerns we raise today within the context of their impact on the diversity



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of our communities which contains both urban and rural minority populations. A one size fits all model that Bill 40 proposes will not ensure the integrity of our educational institutions nor promote equality of opportunity among our schools,

### **Concern number one: Bill 40 adheres to a very narrow definition of community representation and places significant pressure on ESCQ parents**

In Bill 40 we find a nearly complete and arguably calculated omission of members of the English-speaking minority language community who are not parents of children currently in the English-language public education system teachers, or administrative staff. Townshippers' Association wishes to remind the government of the reality that the Eastern Townships School Board is the only institution the English-speaking population of the Townships can still call its own. Our community members value this institution —and the schools within its jurisdiction— for the historical, political and cultural contributions they have made to the development of the English-speaking population of this part of rural Quebec and they value their constitutionally protected right to participate in the management and control of their last institution regardless of their status as parents or otherwise. All community members, not just parents use our schools for many purposes beyond education; as a meeting place for cross-generational collaborations, a protective place to share ideas and promote community spirit among various networks. Two examples are the numerous Community Learning Centers that have a home in our schools and the recent partnership between Townshippers' Association and the Eastern Townships School Board that provides much needed stability and sustainability to its annual community festival.

The selection process for representatives is consolidated almost entirely in the hands of parent representatives, who may or may not be representative of the English-speaking minority community (they may be members of the French-speaking community who are right's holders under Bill 101) and



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who may or may not have adequate time and training to participate nor have invested interested in doing so. While the assumption is that this change will be efficient, cost saving, and respectful of Section 23 obligations, **it violates the principles inherent in representational democracy.** How can a community be asked to support its schools, in practice and through paid taxes, if it is only the parents of children currently in the system along with educational professionals employed within the system who define the extent of community implication? How will Bill 40 ensure that the worldviews of educational professionals with a business mentality will be able to work collaboratively with our communities who may not share the same vision for the futures of our students? What mechanisms will be put in place to deal with conflicts should they arise?

Parents are a cohort of any community, language-minority or otherwise, who have limited spare time essentially by definition of their status as parents; for example removing remuneration beyond a 100\$ stipend per meeting and travel expenses, as Bill 40 does, ignores the time and dedication necessary for effective committee work and the participation on Governing Boards for a parent serving as Chair or Vice-Chair (which only parents are allowed to do under the proposed legislation). Were rural communities with smaller English-speaking minority language communities that might struggle to fill seats taken into consideration when establishing the composition of boards under Bill 40? Is Bill 40 setting those smaller rural minority language communities up to fail in the long-term because of an inability to adequately fill representative positions under narrow criteria? There is real potential for discrimination against single people with no children, childless couples, same-sex couples, seniors with adult children no longer in school.

### **Concern number two: There is no literature review or longitudinal studies that present evidence in support of the structural changes proposed in Bill 40 positively impacting student success.**

Where is the data that demonstrates imposing the kinds of structural changes outlined in Bill 40 will have a positive impact on student success for English-speaking minority language students in Quebec's



English-language public education system? What are the anticipated short-medium-long-term outcomes of the proposed structural changes as linked to student success? How are they impacted by a child's status as a member of Quebec's minority language community? How will the structural changes proposed in Bill 40 support the small rural schools in our region cope with the reality that in our region, one out of every two English-speaking children has a vulnerability in at least one domain of development, which is nearly twice as many as among French speakers<sup>1</sup>, thus jeopardizing their ability to enjoy learning and their drive to succeed<sup>2</sup>.

### **Concern number three: Bill 40 does little, if anything, to alleviate the costs associated with elections nor does it act to ensure the accuracy of the electoral lists linked to the English language public education system**

Townshippers' Association implores the government to demonstrate how increasing the frequency of elections to once every three (3) years will bring down costs associated with the exercise and asks why recommendations from the *Jennings Report*, which emanated from an extensive consultation of parents, community representatives, legal experts and school administrators for how the election process be simplified and strengthened were ignored during the drafting of this proposed legislation (see Annex)?

**Considering the already significant (and one might argue, calculated) barriers in place under the current Education Act that prevented numerous members of our community from exercising their constitutional right to participate in the most recent school board elections, how does this government plan to ensure that our rights as a community are not further decimated by new legislation that narrowly defines community representation?**

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<sup>1</sup> Direction de santé publique du CIUSSS de l'Estrie – CHUS, 2016

<sup>2</sup> Direction de santé publique du CIUSSS de l'Estrie – CHUS, 2018



**Concern number four: The centralization of power and potential for forced mergers**

**In fact, is it not true that this Bill essentially grants the minister the power to fuse school board territories together without consultation?** Is this not an attempt to centralize power and control within the hands of the ministry like what has been accomplished in the health sector? Where is the reassurance for our minority language community as more and more sectors directly affecting our vitality become centralized in the hands of government? Where do these changes leave our community moving forward it makes up less than 1% of Quebec's civil servants and there is no one in the ministry who is representative of our community? We are very preoccupied by the possibility that the English-speaking community stands to become even more stigmatized within the government and majority community because although the decision was made for obvious legal and political reasons, the maintenance of elections for English-speakers positions our community not only as having special status under the proposed legislation but as having continued to complain after having been awarded a compromise from the government's original position. For many French-speaking Quebecers, civil servant or otherwise, we will be the reason why there remains even a small trace of those long despised elected educational structures and an obstacle to the current government fulfilling its campaign promises.

**Concern number five: Bill 40 will have a negative impact on the vitality and identity of the English-speaking community in the Eastern Townships**

Since the English-language school boards are the last remaining institutions that English-speaking citizens of rural Quebec can call their own, this is not only a **community vitality** issue, but an **identity** issue which must be taken seriously. English-language schools are not just places where our children are educated; they are essential places for **the transmission of the cultural, social and historical identity of one of the founding peoples of Quebec**. The English-speaking communities in Quebec are not a recent immigrant group or population, and it is in this context that the question of our community involvement in the governance of these schools and the development of their curriculum



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becomes an issue of vitality and identity for the English-speaking minority language community in the regions of Quebec in a very significant way.

The maintenance of the community-based governance of our English-language educational institutions is **critical** to our community. Moreover, since **the Canadian constitution provides for minority language communities to have independent governance of their schools**, Townshippers' Association asks the government of Quebec to accept its **moral obligation** to recognize that English-language school boards are a vital extension of the English-speaking community. As such, they must remain within the control of that community at large, rather than in the almost exclusive domain of parent representatives and the ministry.

### **Conclusion**

While Townshippers Association recognizes the positive intention behind the introduction of Bill 40, we strongly believe that the Quebec government needs to address the concerns we've raised today.

**We need to see, in law, an affirmation that our school governance structures will:**

- a. Remain within the control of the communities they serve, as a matter of legal right, community vitality, and identity;**
- b. Be given the responsibility to provide solid input into a curriculum that truly reflects the unique heritage, nature, and needs of the English-speaking minority;**
- c. Not limit the definition of community representation to that of parent of a child or education professional currently in the English-language public education system.**