

For immediate release

Vindicated by Court of Appeal Victory, QCGN Recommends Quebec Government Renounce Upheaval of English School Boards

Montreal, September 18, 2020 – The Quebec Community Groups Network is heartened that the province's highest court upheld a Superior Court stay of proceedings placing the provincial government's controversial education reform on ice pending a court ruling on the constitutionality of the transformation. The QCGN strongly recommends the Legault government forgo an appeal of the Court of Appeal's robust ruling, and that it abandons its unworkable plan to strip the English-speaking minority community of its right to manage its school boards.

"This is the Quebec government's second strike in a row," observed QCGN President Geoffrey Chambers. He called Thursday's Quebec Court of Appeal ruling a significant victory in what could be a costly, drawn-out court battle.

"The main lawsuit declares that Bill 40, which abolishes democratically elected school boards and replaces them with government-controlled service centres, violates our linguistic minority community's right to manage and control our school system," Chambers explained. This is a foundational right under Section 23 of the Canadian Charter of Rights and Freedoms, which guarantees education in one of Canada's two official languages. As such, he noted, this case has wide implications for Canada's French language minority communities.

"Let's save all this time, money, and grief, and have the government sit down with Quebec's English-speaking community to determine a way forward that respects our community's Charter right to control and manage our boards," Chambers suggested.

In August, a coalition of school boards and community groups spearheaded by the Quebec English School Boards Association (QESBA) obtained an injunction suspending application of Bill 40 for English boards until the merits of the case could be argued. The Court of Appeal has maintained that stay.

"Given that the changes in school governance resulting from Bill 40 appear, at first glance at least, to withdraw powers of management and control from the English school boards and limit the eligibility of the members of the official language minority of Quebec for elected positions in the new school service centres, in this case the public interest leans in favour of protecting the rights of the official linguistic minority rather than implementing Bill 40 in the English educational sector, at least until there is a judgment on the merits," the panel of three judges ruled in a carefully crafted 19-page unanimous decision.

The Court of Appeal rejected the argument by government lawyers that Bill 40 does not abolish school boards, but simply changes their name and modifies their structure. They claimed that the new service centres have the same responsibilities as school boards, and that they serve the same territory and same schools.

Lawyers for the QESBA countered that such an assertion is ridiculous, calling Bill 40 the biggest transformation of Quebec's education system in a generation. If the stay were overturned and the structure of school boards modified before final judgment on the case, they contended, "irreparable harm and administrative disruption" would be caused to the English school system.

Meanwhile the QCGN is recommending, once again, that the government postpone English school board elections currently scheduled to take place November 1. "Over and above the serious public-health risks posed by COVID-19, it would be unreasonable to hold an election in November," said Chambers: "The multiple challenges include outdated electoral lists, arrangements for voting locations and recruiting election staff."

The deadline to post official notice of school board elections is today.

The Quebec Community Groups Network is a not-for-profit organization bringing together English-language community organizations across Quebec. As a centre of evidence-based expertise and collective action it identifies, explores and addresses strategic issues affecting the development and vitality of the English-speaking community of Quebec and encourages dialogue and collaboration among its member organizations, individuals, community groups, institutions and leaders.

For further information:

Rita Legault, Director of Communications | rita.legault@qcgnc.ca

Telephone: 514-868-9044, ext. 223, cellular: 514-912-6555