



**A BRIEF
TO THE
MINISTER OF EDUCATION
ON THE
DRAFT BILL:
AN ACT TO AMEND THE EDUCATION ACT
submitted by
QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS**

Quebec City, August 12, 1997

**3285 Cavendish Blvd., Suite 562
Montreal, Quebec H4B 2L9
phone 514-481-5619
fax 514-481-5610**

QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS

BRIEF TO MINISTER OF EDUCATION ON THE

DRAFT BILL: AN ACT TO AMEND THE EDUCATION ACT

INTRODUCTION

Quebec Federation of Home and School Associations (QFHSA) was founded in 1944 to bring together local Home and School Associations, some of which had existed since the 1920's. It is an independent, voluntary parental organization representing approximately five thousand families, the majority being within the English speaking communities throughout the province. In addition there are about one hundred other educational and parent groups, such as private schools, school committees etc. that are affiliated with QFHSA. Parent volunteers are active within local Home and School Associations, the provincial organization and at the national level through the Canadian Home and School, Parent/Teacher Federation.

One of the stated aims of the Home and School movement is to assist in forming public opinion favourable to educational reform and to the advancement of the education of the child. Thus we are pleased to be able to submit this brief to the Minister of Education in response to your invitation for advice on the issue of Governing Boards as outlined in the Draft Bill, An Act to amend the Education Act.

This document has been studied with interest by QFHSA's Education Committee. However, since the time allowed for consultation is short and falls in the summer vacation period, QFHSA has been unable to involve the local school associations in drawing up this brief.

We wish to address five issues which are of special concern to the parents that we represent. These issues are

- Timeline for the implementation of governing boards
- Liability for directors of the governing boards
- Competence of the governing boards to meet the responsibilities legislated to them by the Draft Bill
- Decreased parental involvement in school issues because of the size of the governing boards
- Concerns that the devolvement of responsibilities to the governing boards implies the abolition of school boards

We would also like to comment on several sections of the Draft Bill.

TIMELINE

The Quebec Federation of Home and School Associations believes that there are too many changes coming too quickly in the education system in Quebec. We recommend that the implementation of governing boards be delayed until the transition to linguistic school boards has been in place for at least one year. This will give all the entire education community-parents, teachers, administrators and school boards-a period of time to adjust to the new conditions that will exist when linguistic boards are implemented before accommodating yet another change in the system.

LIABILITY

DEFINITION OF GOVERNANCE

The responsibility of a corporate board of directors, or governing board, is defined by the Toronto Stock Exchange Committee on Corporate Governance as the stewardship of the organization. "By stewardship we mean the responsibility of the board to oversee the conduct of the business and to supervise management which is responsible for the day-to-day conduct of the business."¹ The board of directors of a non-profit organization also has the same responsibilities. The functions and powers of the governing boards for schools as defined in the Draft Bill encompass these responsibilities of stewardship. The Draft Bill states that the governing boards of the schools are responsible for ensuring the orientation and delivery of pedagogical programs, the use of the school premises, the organization of daycare services, adopting the school budget, adopting the student supervision policy and for informing the school board of all the needs of the school. The governing board is also responsible for reporting its activities and its services as well as the qualities thereof to its community and to the school board. The level of responsibility imposed on the governing boards of schools by this Draft Bill is parallel to that of a board of directors for a non-profit organization.

FISCAL RESPONSIBILITY

QFHSA is concerned with the level of fiscal responsibility delegated to volunteer directors of the governing board since it must not only approve its own budget but also that of the school. Another concern is the board's responsibility for student safety as the board is charged with providing day care service and approving student supervision policies.

ACCOUNTABILITY AND LIABILITY

Since the members of the board are accountable to the school community for its activities in these areas, as well as others which will be discussed later, they may also be personally liable if the community finds fault with the board's conduct. QFHSA firmly believes that if governing boards are to be legislated into existence, then comprehensive liability insurance must be provided for the directors of the governing board. It has been recommended that non-profit organizations purchase liability insurance for all members of its board of directors.²

RECOMMENDATION

QFHSA recommends that the funding for the governing boards that is provided to school boards include an amount that will purchase adequate liability insurance coverage for the members of the governing board.

COMPETENCE

QUALIFICATIONS

QFHSA questions whether the parents, students and community members who form part of the governing board will have the expertise that will be required to make informed decisions under the Functions and Powers relating to Educational Services. QFHSA recommends that orientation and professional-development programs be made available to members of a governing board to ensure that these members will have the knowledge they need to make the decisions required of them by the Draft Bill. We are concerned that a governing board may make decisions that are contrary to the good education and well-being of children if the members do not have the required expertise to make informed decisions on the issues before them.

RESPECTFUL USE OF VOLUNTEER TIME

The wide-ranging list of responsibilities that are defined in the Draft Bill for the governing board are to be discharged by parents, school staff, community members and students on a voluntary basis. QFHSA is well aware that the number of volunteer hours that people are able, or prepared, to give is declining. We are concerned that not enough time may be given voluntarily to adequately discharge these responsibilities. The proposed legislation states that the governing board is required to meet a minimum of three times per year. We would like to point out that presently, school committees, orientation committees and home and school organizations, all of which do not have the same breadth of responsibility as the proposed governing board, and generally have more members, often meet 8-10 times per year to discharge their responsibilities. QFHSA believes that the volunteer members of the governing boards may be overwhelmed by the amount of work that is required of them by the regulations outlined in the Draft Bill.

FISCAL RESPONSIBILITY

The Draft Bill states that the governing board may enter into agreements with other educational institutions, other persons or bodies to procure goods and services or the provision thereof as it relates to community use of the school or day care services, as well as being responsible for approving the school's budget. As the governing board will also be responsible for fiscal management in these cases, QFHSA recommends that a position of Treasurer for the governing board be mandatory and that this position be filled by a person with a professional background in business accounting practices.

DEVOLVEMENT OF RESPONSIBILITY

We believe that with the continuous budget compressions in education school boards have lost significant professional capabilities in the education field. It is our belief that the government is once again trying to carry out budget reduction on the backs of school children. This time you assume that Joe Q. Public will voluntarily donate his time and, with or without the requisite expertise, decide what the school children will learn, decide how much time they will spend learning it, and ensure that the material has been learned (Sections 76, 77, 78, 79).

DECREASE IN PARENT INVOLVEMENT

QFHSA believes that parent involvement with school issues needs to be increased. However, with the maximum size of the governing boards set at 14 members, a maximum of 6 parents at the secondary level and 7 parents at the elementary level (at schools with day care) will be able to be voting members of the board. This is quite a decrease from the 25 parents who may be voting members of a school committee and is contrary to the goals of QFHSA. It is also of concern to us that with this small number of parents, a governing board could be controlled by a specific group of parents whose interests may conflict with those of the rest of the school community.

QFHSA also believes that with the responsibilities delegated to the governing board, a great deal of time and effort to govern the school will rest on the shoulders of too few parents. QFHSA recommends that more parents have the opportunity to become voting members of the governing board. This could be accomplished by increasing the size of the board or by changing the composition of the board. We still believe it may be difficult to find parents, community members, staff and students who are willing or able to give the time that will be required to exercise all the responsibilities legislated to the governing boards by this Draft Bill.

ABOLITION OF SCHOOL BOARDS

QFHSA is of the opinion that there will be progressively less for the school board to do as governing boards assume all of the responsibilities delegated to them. Since presumably the government is not in the habit of paying people to do nothing, we suppose that the number of people employed at the school boards will need to decrease. At some point we foresee that all the expertise that is currently housed in the school boards will be declared excess to the needs of the education system and the school boards will be abolished. QFHSA believes that school boards are a necessary intervention between what happens at the school level and what is dictated by the government. We do not think it would be in the interest of parents or children to have school boards abolished. It has not worked well in New Brunswick and it would be a shame to make the same mistake. For parents, the school board provides a necessary link between the school and the Department of Education. QFHSA recommends that school boards remain an integral part of the education system for the children of Quebec.³

COMMENTS

DIVISION II

Section 52: QFHSA believes that parent representatives on the governing board should be parents of children attending the school. It is unclear just how a parent could lose parent status unless this means that he becomes a member of the school staff. That would imply a conflict with the composition of the board dictated in Section 41 (1). The requirement that a parent vacancy on board be filled by a parent designated by only the other parents on the board gives a great deal of power to the governing board to self define its interests.

Section 53: QFHSA believes that the president of the board should be chosen from the parent representatives on the board.

Section 66: QFHSA believes that liability insurance must be provided for directors of the governing boards.

Section 79: In what manner and with what resources is the governing board to establish these programs? In the case of special education and student services programs, there is no consideration given to the privacy of individual students for whom these programs and services may be required.

Sections 83, 84, 85: The question of liability for the safety of the school children participating in these programs, which are the responsibility of the governing board, is not addressed. The liability for fiscal management of these programs is also not addressed.

RECOMMENDATIONS

The Quebec Federation of Home and School Associations recommends that:

1. The implementation of governing boards occur at least one year after the implementation of linguistic school boards.
2. Liability insurance be provided for all members of the governing board and that the funding for this insurance coverage be included in the budget provided to the governing board.
3. There be less financial and pedagogical responsibility delegated to the governing board. It is recommended that the governing board take an advisory role in these areas .
4. If the responsibilities of the governing board remain as stated in the Draft Bill, then QFHSA recommends the provision of thorough orientation and professional development programs for the members of the governing boards.
5. More parents have the opportunity to serve as voting members of the governing board
6. That democratically elected school boards remain a vital component of the education system in Quebec.

REFERENCES

1. Deloitte & Touche, The Effective Not-for Profit-Board: Governance of Not-for- Profit Organizations, Deloitte & Touche, 1995, pg.4
2. Ibid., pg.17
3. Quebec Federation of Home and School Associations, Resolution 89-1: Goals for Quality Education to Adhere to during Implementation of Law 107 (attached)



QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS

~~2835 CAVENDISH BLVD., SUITE 212, MONTREAL, QUEBEC H4B 2Y3 TELEPHONE: (514) 481-5619~~

3285 CAVENDISH BLVD., SUITE 562, MONTREAL, QUEBEC H4B 2L9 TELEPHONE: (514) 481-5619

RESOLUTION 89\1 GOALS FOR QUALITY EDUCATION TO ADHERE TO DURING
IMPLEMENTATION OF LAW 107.

WHEREAS Quebec Federation of Home & School Associations was opposed to Bill 107, in the light of the uncertainties of its intent and the presence of constitutional constraints; but

WHEREAS The New Education Act, Law 107, was passed into law on December 23, 1988, and

WHEREAS the implementation of language boards will be deferred, presumably awaiting a ruling by the Supreme Court of Canada on certain articles, and

WHEREAS the remaining articles come into force on July 1, 1989, and

WHEREAS the implementation of these articles will have an impact on many aspects of the workings of the present system of education, and

WHEREAS the composition of the present School Boards will remain as they are at the present time, presumably until the Supreme Court of Canada has ruled,

THEREFORE BE IT RESOLVED that Quebec Federation of Home & School Associations urge its local Home & School Associations to involve themselves in promoting cooperation between the various educational organizations (Home & School Associations, school committees, commissioners, school boards, teachers, administrators, etc.) existing in their school board communities so that the school system, despite inherent uncertainties, operates as efficiently as possible during the waiting period, guided by the following goals:

1. giving top priority to the educational services provided to the students
2. the maintenance of a high standard of education
3. an effective partnership for retaining the good things of the present system and making the implementation of Law 107 a tool for further improvements
4. the maintenance of local autonomy through democratically elected school boards.

Destination: local Home & School associations



A MEMBER OF THE CANADIAN HOME AND SCHOOL AND PARENT-TEACHER FEDERATION

QUEBEC FEDERATION OF HOME & SCHOOL ASSOCIATIONS

3285 Cavendish Blvd., Suite 562
Montreal, Quebec H4B 2L9
Tel. (514) 481-5619 Fax (514) 481-5610

F A X

Date: le 12 août 1997

To\à: M. Grégoire Mathieu From\de: QFHSA Education Committee
Secty/Committee on Education

Fax: 1-418-643-0248 Urgent: _____

Tel\Tél: _____ Waiting reply\retour attendu: _____

Nombre de pages: 11 For\pour information: x

MESSAGE:

Attached to this fax is one copy of our summary and one copy of our brief regarding the draft bill entitled, *An Act to amend the Education Act*. Under separate cover we are forwarding you the twenty-five (25) copies of our brief that you have requested.

QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS

BRIEF TO MINISTER OF EDUCATION ON THE

DRAFT BILL: AN ACT TO AMEND THE EDUCATION ACT

SUMMARY

Quebec Federation of Home and School Associations has examined the Draft Bill and although we are pleased to see that more autonomy is available to the schools and their communities we have some concerns with the structure and the powers given to the governing boards by this Draft Bill

We will address five issues which are of special concern to the parents that we represent. These issues are

- Timeline for the implementation of governing boards
- Liability for directors of the governing boards
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4. If the responsibilities of the governing board remain as stated in the Draft Bill, then QFHSA recommends the provision of thorough orientation and professional development programs for the members of the governing boards.
5. More parents have the opportunity to serve as voting members of the governing board
6. That democratically elected school boards remain a vital component of the education system in Quebec.



ASSEMBLÉE NATIONALE

GENERAL CONSULTATION

DRAFT BILL

An Act to amend the Education Act

The Committee on Education has been instructed to call a general consultation and to hold public hearings beginning on 26 August 1997 on the draft bill entitled *An Act to amend the Education Act*.

Individuals or organizations wishing to express their opinion on this matter must forward a submission to the Committee on Education. After examining the submissions received, the Committee will select the individuals and organizations it will hear.

Twenty-five copies of the submission and of a summary document, printed on letter-size paper, must be received by the Committee Secretariat not later than 12 August 1997. Individuals and organizations wishing their submission to be transmitted to the Press Gallery must submit an additional 35 copies.

Submissions, correspondence and requests for information should be addressed to: Mr Grégoire Mathieu, Secretary of the Committee on Education, Honoré-Mercier Building, Office 3.29, Québec (Québec), G1A 1A3.

Telephone : (418) 643-2722 Facsimile : (418) 643-0248

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FROM Com. Scol. Lakeshore

08-12-97 01:32PM