



For immediate release

APPELE-Québec Proposes Path for Breaking Impasse on Bill 40

Montreal, February 3, 2020 – APPELE-Québec, an alliance of 16 groups representing parents, educators and the community, is urging the Quebec government to seek a court ruling on the constitutionality of Bill 40 which seeks to abolish our school boards.

“Since Bill 40 was tabled last fall, we have consistently reached out to Education Minister Jean-François Roberge and the Government of Quebec, offering to work with them to improve school governance,” said Geoffrey Kelley, Chair of the Alliance for the Promotion of Public English-language Education in Québec (APPELE-Québec). “But it is now clear that we have a fundamental difference of view over the constitutionality of the proposed legislation. That is why we are calling upon the government to submit a reference to the Court of Appeal before adopting the legislation or at least before implementing it.”

“What we are proposing is prudent, reasonable and responsible,” continues Kelley. “Let’s avoid a costly and prolonged court battle and get clarity and guidance from the courts before moving forward.”

Under the Court of Appeal Reference Act, only the government can submit a reference. It is important to emphasize that other provinces have often referred issues related to French-language education to their courts of appeal.

APPELE-Québec maintains that Bill 40 curtails Quebec’s English-speaking minority’s constitutional right to “control and manage” its school system. It points to the following:

- Electoral lists have not been updated since 2014. As a result, many community members will lose their right to vote if the government goes ahead and holds service centre elections as planned next November.
- Secondly, the right to be a candidate in Service Centre elections is severely compromised. For parent representatives, only those parents who sit on a school governing board will be eligible to run—thus preventing the vast majority of parents from being candidates. Community representatives, on the other hand, must have expertise in specific areas, from finance to governance, which once again clearly limits the candidate pool.
- Thirdly, as Education Minister Roberge has stated, the proposed service centres will be empty shells, without the ability to really “control and manage” schools in the same manner as school boards have for decades. “There should be no mistake on the issue,” notes Kevin Shaar, Vice-Chair of APPELE-Québec. “This is not a simple name change or administrative reorganization.”

If, on the other hand, the Quebec Government is determined to pass Bill 40 in its current form, APPELE-Québec is calling for English school boards to be exempted from the legislation as is being done with the Cree School Board and Kativik Ilisarniliriniq, the school board of Nunavik.

“If the James Bay and Northern Quebec Agreement is, quite rightly, sufficient cause to exempt the Cree and Inuit educational networks from Bill 40, then the Constitutional rights of Quebec’s English-speaking community to control and manage our educational system merits similar treatment,” adds Joan Fraser, Vice-Chair of APPELE-Québec. “Exempting the minority language school boards is in fact the path that was taken by the provinces of Nova Scotia and Prince Edward Island and as well as the Yukon Territory for minority French-language school boards when those jurisdictions changed the governance of their education systems.”

Regardless of the option chosen – a court reference or an exemption – APPELE-Québec invites the government to join with it in a broad and comprehensive community consultation on governance as well as the challenges facing the English public school system.

“Now is the time to step back and reflect on what is in the best interest of young Quebecers,” states Kelley. “Rather than looking at unnecessary and unworkable structural reform, all of the partners in our school system, including the Government, should be focusing on the development of strategies for promoting student success.”

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.appellequebec.org.

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