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## Quebec's Bill 40 further undermines the province's English-language school system

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Faced with the recent elimination of Quebec school boards, the association representing

English school boards of Quebec is invoking Article 23 of the Canadian Charter of Rights and Freedoms about official language minority education rights, and is planning a legal challenge. The bill did not affect the three Indigenous school boards in Quebec.

On Feb. 8 at 3:20 a.m., the Coalition Avenir Quebec (CAQ) majority government led by Premier François Legault abolished the 60 French and nine English school boards across the province and transformed Quebec's public and secondary school systems by forcing the adoption of Bill 40.

The CAQ majority used closure to adopt Bill 40 with its 300 clauses, along with 160 last-minute amendments, after a parliamentary session that lasted almost 70 hours.

These amendments included the immediate sacking of all 700 French school board commissioners to avoid litigation against the closure of their school boards. The bill also brought in changes to teacher training, forces cities to pay for lands required for new schools and impacts how parents can choose schools.

## Widespread opposition

The CAQ passed Bill 40 despite opposition from the Liberal party, Quebec Solidaire and the Parti Québécois, as well as from French- and English-language school boards, teacher unions, advocacy and parent groups, including some who have children with special needs.

Opposition parties were frustrated that the CAQ government again used its majority to impose closure to adopt Bill 40. The same tactic was used to impose the law deregulating Hydro-Quebec fees, reducing the number of immigrants accepted in Quebec and to impose adoption of the controversial secularism law that prohibits teachers and other public workers from wearing religious symbols at work. In October, the English Montreal School Board filed a legal challenge against the secularism law.

When Education Minister Jean-François Roberge tabled Bill 40 last October, he justified the move by saying it would save taxpayers \$45 million over the next four years and provide more local school-based governance. In the lead-up to the bill, Roberge alleged that a government investigation showed the English Montreal School Board improperly awarded contracts and said he contacted police as a result. He appointed Marlene Jennings, a former Liberal MP, as trustee of the school board.

Bill 40 replaced the school boards with French and English service centres whose unpaid members will have little decision-making power other than to adopt Ministry of Education regulations. Anglophones will be allowed to vote for such representatives within English service centres next November.

## Charter protection of language rights

School boards for the English-speaking minority in Quebec should be exempted from Bill 40, argues Joan Fraser, vice-chair of Alliance for the Promotion of Public English-language Education in Quebec and a former senator.

Francophones in New Brunswick and Ontario have highlighted their common cause with Quebec anglophones in supporting the maintenance of their hard-fought school boards.

The CAQ granted official minority English school boards and their commissioners a 10-month transition period.

## Bill 101 revisited

As a Quebecois francophone and social psychologist, part of my research focus is the study of how dominant language majority groups and their national or regional governments treat their linguistic, ethnic and religious minority populations.

The recent events harken to another law contributing to the systemic decline

of the English school system in Quebec. Bill 40 can be seen as a complement to the Charter of the French Language (Bill 101), adopted by the Parti Quebecois government in 1977 to increase the status and use of French relative to English in Quebec.

The preamble of Bill 101 asserted that its pro-French legislation would be conducted in fairness while being respectful of existing institutions of the English mother tongue population, then constituting 13 per cent of the Quebec population.

Despite such assurances, Bill 101 undermined the English primary and secondary school system for the sake of protecting the 80 per cent French mother tongue majority of Quebec.

### 'Rights holders' schooling

To neutralize the power of attraction to English compared to French, Bill 101 banned immigrant, allophone and francophone pupils from accessing English schools. Bill 101 stipulated that anglophone pupils could attend English schools as "rights holders" only if one parent had spent most of their primary schooling in English in Quebec, and later in Canada, following a Supreme Court ruling.

In 1971, before the adoption of Bill 101, 255,205 pupils were enrolled in English primary and secondary schools in the combined public and private systems of Quebec. By 2018, ministry of education data showed there were only 96,235 pupils left in the English school system representing only 37 per cent of the original 1971 baseline, a drop of 158,970 pupils.

Such decline, due to the low birth rates of Quebec anglophones, out-migration and restrictions on access to English schools, forced English school boards to rule on painful school mergers and closures for anglophone pupils and parents. Such closures also had the effect of reducing the number of teachers, administrators and staff employed in such institutions, further contributing to the overall out-migration of Quebec anglophones to the rest of Canada.

## Bilingual anglophones

Education ministry data also shows that as planned in Bill 101, the number of allophones and immigrant pupils studying in the French school system increased to 91 per cent by 2018 (128,361) from only 15 per cent in 1971 (9,652), before Bill 101.

These figures attest to the efficiency of Bill 101 in shifting allophone and immigrant pupils from the English to the French school system, thus contributing to the vitality of French in Quebec.

In July 2019, the education minister forced the transfer of a number of Montreal English schools to Montreal French school boards dealing with overcrowding, a situation caused by laws banning immigrants and allophones to go to English schools. English school boards contesting such transfers received support from francophone minority advocacy groups in Ontario and New Brunswick.

English schools in Quebec provide quality French teaching for their pupils within their French immersion programs. In 2011, 83 per cent of pupils in English primary schools were enrolled in French immersion classes, and at the secondary school level, the figure was 65 per cent.

As pointed out in the Quebec government's 2016 and 2018 reports of the Advisory Board on English Education, English school boards have contributed to the academic strength of Quebec schools and supported the training of highly competent French-English bilingual anglophone pupils.

Until now, English school boards represented the last level of governance still controlled by and for the English-speaking communities of Quebec.

In Joan Fraser's words, minority English school boards should be exempted from Bill 40, to echo the path taken "by Nova Scotia and Prince Edward Island as well as the Yukon Territory for minority French-language school boards when those jurisdictions changed the governance of their education systems."

Maintaining English school boards in Quebec is rightfully understood as important for legitimizing the maintenance of French school boards across Canada that contribute to Canadian linguistic duality.

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