



## Consultation on Bill 103

An Act to amend the Charter of the French Language and  
other legislative provisions

### **BRIEF**

Submitted to:  
The National Assembly  
Committee on Culture and Education

By:

The Lester B Pearson School Board  
1925 Brookdale Avenue  
Dorval,(QC)H9P2Y7

The Lester B. Pearson School Board is an English school board serving a geographical territory from Verdun, in the south center of Montreal, west to the Ontario border. In school year 2009/2010 there were approximately 24,000 students registered in the Board's Youth sector, served in 39 elementary and 12 secondary school buildings. The Board is in the process of building a new elementary school in St-Lazare to serve the growing western (mainland) sector of the Board's territory.

In addition, there are approximately 7,000-8,000 individuals registered in the Adult Education and Vocational Training sectors of the Board. These individuals represent in excess of 2,600 ETPs. There are 2 Adult Education centers plus 2 Adult Education satellite centers. There are currently 4 Vocational Training centers with 2 additional satellite Vocational centers scheduled to be opened by 2011/2012.

The Board also has created an International Learning Center and Residence which houses a variety of language programs, an international, multi-language, pre-school for 3 & 4 year olds, as well as up to 100 live-in students from more than 20 countries.

The Board is responsible for 4 Social Affairs schools in Verdun, LaSalle, Pointe Claire, and Beaconsfield. There is also 1 Administrative Center located in Dorval.

The Board was formed in 1998 at the time of the major school board reorganization from the English sectors of 6 former school boards. The Council of Commissioners is comprised of 21 elected community representatives plus 2 representatives of the Board's parents.

The Lester B. Pearson School Board has been one of the top performing Quebec school boards every year since 1998. The success rate has always been in excess of 80% and in 2008/2009 the rate was 82.5% ranking the Board 4<sup>th</sup> in the province. The Board currently has a \$7,000,000 government-restricted surplus and has never had a budgetary deficit.

Our position on Laws 104 and the proposed Bill 103 has been consistently opposed to the provisions of both. We find the education sections and regulations of the proposed legislation to be overbearingly bureaucratic, unacceptably subjective, unfairly restrictive, detrimental to the constitutionally-guaranteed English school sector, and potentially unconstitutional which will inevitably lead to further court action and the expenditure of hundreds of thousands of taxpayer and individual dollars. We are opposed to many other of the proposed changes to Law 101 and the Quebec Charter of Rights & Freedoms, but for the purposes of this presentation we will limit our comments to those related to educational matters.

Bill 103 seeks to amend a number of laws with a view to strengthen the use of French as the primary language in the province of Québec. In fact, the use of the French language has never been stronger nor its primacy as the common language in the province of Québec more established. Even in Montreal, five minutes in any office building or public establishment, including schools in the English network, will attest to that fact.

Nonetheless, the desire, by this government, to strengthen French is so strong that the Bill 103 proposes to amend the Québec Charter of Human Rights and Freedoms. The Charter has been accepted, in its breadth and depth, as one of the finest pieces of legislation ever written in Québec, and one in which all Quebecers take justifiable pride.

We note specifically the additions to Section 40 and Section 50:

*40.1 Every person residing in Québec has a right, to the extent and according to the standards provided for in law, to learn French and to benefit from reception measures and measures to facilitate integration into life in Québec.*

and:

*50.2 Any interpretation of the rights and freedoms set out in this Charter must take into account both the fact that French is the official language of Québec, and the importance of ensuring its perpetuity.*

Leaving aside any discussion of the principle that inalienable and universal human rights cannot, by definition, be subject to limitation, and while agreeing wholeheartedly with the importance, for both Québec and Canada, of ensuring the flourishing of French language and Quebecois culture, we state here with firm and unequivocal voice that the English school system is part of the solution, and is not the problem.

While the proposed additions are seen as amendments, it must be noted that Quebec English public schools are already respecting and promoting, for all students, the right to learn French and, in addition, are providing effective environments for the reception of and integration into French culture. We clearly acknowledge the importance of learning French as fundamental to achieving success in Quebec.

Our stakeholders, our families, a generation ago, made the decision to stay here to build and thrive in Québec. The others left long ago, in the 1970's and 80's. Our schools pioneered and perfected the teaching of French through immersion, so much so that people come from the world over to learn our methods for acquiring a second language. Our students see and perform in French theatre, are visited by French écrivains, enter and win in French language public speaking and debating, sing French carols at our school's Christmas concerts, engage in a

multitude of experiential activities throughout Québec, and graduate bi-literate from our high schools, speaking, reading, and writing in at least two languages.

And yet, when the Lester B. Pearson School Board (LBPSB) consulted our community in 2008 and 2009 where they wished the board to go in the coming years, the parents spoke up overwhelmingly to say “more French and more immersion in French culture because this is our children’s home”. High school students spoke up overwhelmingly to say “more conversational and practical French, so that we can be comfortable applying for, and working at, jobs here in Quebec”. In our Major School Change decisions of 2009, the LBPSB applied many measures to address these requests, by increasing French content at both our elementary schools and secondary schools, by instituting French certification classes for young bilingual Anglophone teachers, an offering that has attracted three times the attendance than originally foreseen, by starting French conversation classes for administrators at our adult centres and our international centre, and by adding optional trade-specific French classes in our vocational centres.

In the past few years, the Lester B. Pearson School Board increased the number of schools offering French Immersion from 50% of our schools to 66%. Several of our elementary schools are now offering our new Français Plus program which extends the current elementary Cycle I immersion model of 80% of the curriculum taught in French into Cycle II. Cycle 1 in all our secondary schools will be conducted a minimum 50% of the content taught in French.

As an English public school board, the Lester B. Pearson School Board is hardly a threat to the French culture in Quebec. Au contraire, we are significant employer of Francophones in Quebec, hiring Francophone teachers, in-school and head office administrators, and support staff. Fluency in French is a mandatory criterion for much of our hiring.

We have established outreach programs to all of the major French university education departments in Quebec our Francophone recruiting efforts. That recruitment is done, of course, in the French language, to ensure that young teachers feel at ease during interviews. This also ensures that the French being taught in all of schools is of high quality, thereby increasing our students’ ease and comfort when speaking French.

These facts attest to our collective will and enterprise to enhance the French language and culture.

Surely accepting immigrant students whose parents’ first or common language is English into the English school system is the logical way *“to learn French and to benefit from reception*

*measures and measures to facilitate integration into life in Québec*". Not only will the students' success be augmented by the engagement of their parents in school life and homework help, the parents too will learn from their children and integrate more quickly as well.

The new Quebecers will be surrounded by a population already in synchrony with the popular ethos, a scenario far superior to the current anomalous situation in many areas where immigrants tend to settle, where the receiving school has children of every mother tongue in the world but French and where there are no Quebecois de souche to serve as models.

Our students, though, are the real measure of how well Lester B. Pearson School Board schools prepare young Quebecers for success here in Quebec and for integration into the French Quebec culture. They have participated in competitions and events in the French language each year with incredible degrees of success.

Our students were winners at every level of the Canadian Parents for French – Quebec Regional *Concours d'art oratoire* in the 2009-2010 school year for the *enrichi* or the *enrichi plus* categories and each year, one or more of our students win scholarships at the national competition. Mme Courchesne surely remembers being greeted in fluent French by our student and \$20,000 scholarship national winner, Bushra Sultana of Dollard-des-Ormeaux, Quebec at the QESBA conference in 2008.

In March at Collège Marie-de-France, 137 students from the Montreal area competed against each other to obtain a chance to participate in the *Grande Finale Internationale de la Dictée P.G.L.* Among the ten Grade 5 and 6 students who won the first round in which 40,149 elementary students participated was Emily Capanna from our Allion Elementary School from LaSalle. She won first place in the French Second Language Class category.

Kimberly Day graduated from Beaconsfield High School in 2006. During her Secondary 5 year she took a job at the local McDonald's to pay for her grad trip to Europe. A couple of years later, as a shift manager, she transferred to the Ste. Dorothee, Laval store. Now, as an Assistant Store Manager, she manages a crew of 120, the majority of which are unilingual Francophones. She works successfully, as her continuous promotions suggest, in a French environment where policy dictates that all customers are to be greeted in French and spoken with in French, unless they request to be spoken to in English, where day-to-day management of staff is in French, and where all written communiqués are in French.

In February 2010, Lakeside Academy sent two Secondary IV students, Matthew Morgan & Haley Diamant, to Halifax, Nova Scotia to participate in the French for the Future National Ambassadors Youth Forum where they discussed ways to make the French language more

apparent amongst youth and in their communities. “We also got to meet amazing people who have had the opportunity to learn French and have used this language to bring more possibilities to their life. We learned that French can be used to make your dreams come true at a greater level than you would have thought” they told us when they returned from the Forum.

Legal experts have said that Bill 103 is possibly an unconstitutional effort to prevent people from attending English schools. We are concerned that the questionable status of the proposed Law may lead to further legal challenges. Such court actions are inherently unfair to individuals, not to mention that they can cost parents, as well as Quebec taxpayers, hundreds of thousands of precious dollars.

Bill 103 as drafted threatens to disturb the “linguistic peace” by not resolving the two major unconstitutional concerns incorporated in Bill 104. The idea of circumventing Bill 101 by people with sufficient money is unacceptable to many Quebecers. If, as the government claims, Bill 104 indeed offered the wealthy the opportunity to buy access to English education, an interpretation we do not agree with, the proposed solution does not resolve the issue but merely raises the price in money, time, and effort.

The media-spun issue of ‘buying a right’, is completely misrepresented. The fact is that people are buying education – not a right. With private schools not only accepted in Quebec, but financially and morally supported by the government, buying education is considered more than acceptable. However, many do not have a choice. Families relocated here from the United States, for instance, with young teenagers would have to send their students to private school, since it is unlikely these students would succeed in a French school. In English public schools they would have the opportunity to continue learning the basics while also learning the French language in an ideal environment.

“On the ground”, as a school board, we are well aware that it is the wording of the regulations and not the wording of the law itself that is determinant to the ongoing application. The Anglophone community rightfully anticipated that the re-drafting of Bill 104 would provide a compromise between the English school boards need to maintain their clientele and the Government’s need to protect the principles of Bill 101. The “problem” was and still is, so minor that it does not warrant legislation. Less than 1000 students a year, across the province, could possibly be affected – hardly a large number compared to the almost 1 million students enrolled in Quebec’s public school system. Bridging schools no longer exist. Furthermore any institution, public or private, existing or newly established, that does not fully comply with the QEP can be, and is, regulated and/or disestablished by the MELS through the use of current regulations and a new law is not necessary.

One could have hoped that in the spirit of compromise the new regulations would be clear, concise, and allow for a reasonable number of parents the choice of opting for English public schooling as an “authentic educational pathway” while still maintaining the basic principles of Bill 101. The regulations of Bill 103, as proposed, present no compromise.

The proposed law continues to empower bureaucrats to interpret the application of the law and confines parents and school boards to the difficulties and frustrations of dealing with subjectively-applied bureaucratic regulations in determining the “authentic educational pathway” of students.

With “a passing score of 15” required for an eligibility request to be granted, “related or distinct contextual elements that may shed light on the authenticity of the commitment assessed”, as outlined in item 3 of the weighting tables included with the regulation, empowers the assessor to deduct as many as 8 points from an otherwise acceptable request, using a sliding scale that, given past experience, may well be expected to be applied inconsistently yet most often in the most restrictive interpretation possible.

The proposed regulations-further unfairly penalize families who made an effort to comply with the law by enrolling their child in a French-language institution. Should the child exhibit signs of failing in that environment, points will be deducted from his score in any attempts to transfer to the English system.

Similarly, an attempt to register a child in the English system will be hampered if a sibling attends a French language institution by deducting points from their evaluation. Any parent knows that an excellent placement in a school for one child may not be the appropriate one for a sibling.

The proposed Bill 103 regulations are inconsistent in their promotion of the French language. While it may seem logical in the determination of access to English public education to provide positive weighting for attendance in a “private educational institution” where “70% or more of the hours of instruction are provided in English” (type A as defined in item 8.2.b of the Regulation), incidentally more English instruction than is provided in any of the LBPSB schools, the positive weighting is considerably less for a “private educational institution that is specially dedicated to providing bilingual or multilingual instruction to students in the context of an immersion or other program” (type C as similarly defined).

Parents should not be penalized for choosing an English “private educational institution” that provides superior French instruction thereby preparing their children to be actively participating citizens of Quebec.

We are concerned that in item 2.3 of the Table, the proposed Bill 103 regulations unfairly require for positive weighting more than 10 years residency elsewhere in Canada. New Canadian citizens instantly receive all rights of citizens and should therefore not be subject to residency requirements longer than those required for citizenship. This is unquestionably contrary to the Canadian and Quebec Charters of Rights and Freedoms.

While it is true that parents could consult the guide that civil servants would use in the evaluations, the Education Minister was quoted in an interview in the Gazette as saying “the person who will conduct the analysis might raise questions that the parents hadn't thought of when they read the guide.” Families should not be subjected to such bureaucratic whims. Even then, if a family passes all the bureaucratic hurdles, the Minister can still block final approval for, as yet, unspecified reasons – hardly a justifiable principle in a proudly democratic society.

English schools, and their predecessors, have always been an important part of the Quebec education system. The English schools of Quebec have always outperformed the average of all Quebec schools in terms of graduation rates, retention rates, and lower dropout rates. English schools have always been leaders in programs, in technological innovation, in global awareness, and in the integration of immigrants into Quebec society. In addition, Quebec English schools have always been at the forefront of second language teaching and learning and were responsible for the development of internationally recognized French language immersion programs.

We are not the enemy. We are a committed, proud and very capable ally. We have done more than our part to ensure that our students, youth and adult, learn to read, speak and write French. We should be working together, in full respect of each of the majority and minority language groups to develop programs that will maintain the high standard of education pursued by all school boards while protecting the long-term existence of the French Language. Breaking down the English school system does not ensure the future of French or the French language.

Our Board has asked to meet with the Premier on two separate occasions. We believe we have some suggestions that are reasonable and could be helpful in meeting the goals of all Quebecers. It is unfortunate that our requests have fallen on deaf ears. Our request remains open and we continue to hope that the Premier will realize that meeting with us is not only a no risk proposition, but could help to bridge the growing tensions between the two language groups.

Education and schools are the cornerstones of any community and we will continue to pursue all avenues to maintain our constitutionally-guaranteed right to operate and manage our own



school system. It must be understood that we do not do so in isolation of the rest of Quebec society. We have always been an active partner with our English school community across Quebec and with our French school board partners, on and off the island of Montreal. The LBPSB actively participates in the CGTSIM, the Island of Montreal DGs Association, the CRE Montreal, the Forum des partenaires socio-economique de Montreal, the West Island CLD, CDSV, CLD Monteregie, and at the Commissioner and Administrative level with the other Montreal school boards, French and English. We share ideas, buildings, programs, staff, and are as helpful as possible in times of emergency or specific need. We are active in our communities and many members of our community have contributed to the successes of Quebec, in business, in health and social affairs, in education, and in community and political life.

In the year 2010, Quebec should be rightly proud and confident of its place in Canadian society. There needs to be recognition of the changes that have occurred in the English community over the past thirty years. Most Anglos are now bilingual, some to a greater extent than others, but almost all capable of speaking and understanding French. Our schools today are not the English schools of the 1970s, or 1980s, or even the 1990s. Our programs have been transformed and the makeup of our staff has changed dramatically. Head office operations are at a minimum bilingual and in many cases staff will be speaking French for most of the work day. Our students perform well in at least two languages. We are proud of what we have accomplished and it is about time that the Quebec majority accepts and celebrates this fact. We have proven that we are able to teach French as a second language better than anyone and ensure that those learning the language will be able to take a productive place in Quebec society. We are prepared to do whatever is needed to convince you that we are doing so.

We believe that the time has come to allow certain immigrants the choice of sending their children to school in an English school board. This does not mean an opening of the "flood gates". We know that many immigrants will continue to choose to send their children to French schools. It should be their right to make that decision. We believe that those conditions can be defined in a manner that is reasonable.

Quebec's future growth, both demographically and economically, will depend on the arrival of new Quebecers from foreign countries. We can encourage both immigration and investment if we allow a few people, arriving from certain regions of the world, an option. It is so difficult to attract immigrants from the US, Britain, or Australia, and other such countries, to move to Quebec as permanent residents. We want people to choose Quebec as a place not only to come for a job, but as place to set down roots, to bring up their families, to invest in the future here, and to become Quebecers and Canadians. Parents need to be able to assist their children with school work. They need to be able to have frank and serious discussions with the teachers,

the administration and, if required, with their school board. If they cannot be comfortable having those discussions in the language they best understand they will not be coming here.

We do not believe that the three year “solution” combined with a heavy, arbitrary, and unfair bureaucratic process is the answer. We were most disturbed by comments from the Education Minister that there is no intention to help English schools, which was followed by the Premier’s disingenuous remarks about this Bill being a compromise. There is no compromise in this Bill. It is an outright attempt to further inhibit and ghettoize the English community and to tighten the already choking restrictions on access to English schools.

We are insisting that the leadership of Quebec have the courage to stand up and say that ALL Quebecers are equal and deserve the support, protection, and encouragement of its government, regardless of their language.

The English community, and more specifically the Lester B. Pearson School Board, will continue to do its part and more to ensure that all students who graduate our schools are able to work, live, play, and stay in a French Quebec. We need the government to work with us, allow us the chance to grow, and in return we commit to do all that is required to ensure the bilingual success of our students.