



**Statement of Concern
Bill 14**

The Leadership Committee for English Education in Québec (LCEEQ) is a collaborative professional learning community established to respond to the needs of the English educational community of Québec. The Committee is comprised of thirty-one members representing youth, adult and vocational education in the public and private sectors, post-secondary education, professional associations for teachers, administrators and non-teaching professionals.

In keeping with its mandate to respond to issues facing the English educational community, the LCEEQ committee examined the articles of the proposed Bill 14 to identify the provisions that would have an impact on the educational system in Québec. The following statements reflect the concerns of the committee and will illustrate the negative impact that Bill 14, in its current form, will have on the educational services provided by English schools, centres, colleges and universities in Québec.

GENERAL OBSERVATIONS

If implemented, Bill 14 will add another layer of bureaucracy to the educational system and will create an additional drain on the human and financial resources currently available to English schools, centres, colleges and universities in Quebec.

Government budgetary cutbacks over the past two years and proposed for the future, have seriously compromised services available for student education in the English sector. The purpose of Bill 14 is to tighten up existing language laws and to add more restrictions to regulations and procedures affecting the English educational community.

- Provisions of the current *Charte de la langue française* require English school boards to produce French versions of all official documents. This means that reports required by law, minutes of the meetings of commissioners, web sites and signage in schools must be translated and produced in the French language. The cost for this, which does not apply to the French educational system, must be absorbed by the English school system. The new additions to the *Charter of Human Rights and Freedoms* proposed in Bill 14, such as the statement in article 3.1 – “Every person has the right to live and work in French in Quebec to the extent provided for in the Charter of the French language (chapter C11).” – could create additional obligations to translate and produce materials in French. These could include report cards, parent bulletins or cafeteria menus.
- New policy development, monitoring practices and report writing required by Bill 14 will add to the administrative burden of school boards and colleges. These bureaucratic obligations will occupy the personnel of these institutions and interfere with current efforts to improve schools and instructional practice and programs to ensure school success for students.

The replacement of the term “ethnic minorities” by the term “cultural communities” in the preamble of the *Chartre de la langue française*, as proposed by Bill 14, is a cause of general concern.

As reported in the media, this amendment could have far reaching consequences for minority rights in Québec. The contention is that the existing designation as an ethnic minority is recognized and protected in Canadian and International law, whereas the designation of cultural community has no resonance or weight legally. The fear being that this wording change would be stripping away minority rights and protections.

- The LCEEQ committee does not have the means of validating these claims but urges that this point be clarified during the parliamentary hearings on Bill 14. Of particular concern would be the impact of this wording change on the ethnic minorities and first nation students who currently have admissibility certificates to attend English schools and centres.

The language of Bill 14 not only speaks to the urgent need to tighten existing French-language laws, but also infers that the English community continues to be responsible for the undermining of the French language and culture.

Although the LCEEQ committee members were instructed to concentrate on the provisions of Bill 14 that impact on education, most could not ignore the message implied by the proposed modifications, namely that the English minority in Quebec is a threat to the Francophone majority.

- The proposed change to article 88.2 of the language law suggests the need for stricter language policies in French colleges and universities to prevent “...widespread institutional bilingualism.”
- The bill proposes that the following be added to Article 73.1 which deals with the eligibility requirements for students attending English schools – “...no points may be given, in applying that regulation, for instruction received in any context of illegality or circumvention referred to in section 73.0.1.” The assumption here is that English schools have been duplicitous, are actively admitting students who do not meet admissibility requirements under the current law, and that there is a need to rectify this situation.
- The spirit of Bill 14 fails to recognize that English schools, colleges and universities make a positive contribution to Quebec culture and language by graduating students who are proficient in both English and French, and who have the employability skills and talents to make positive contributions to Quebec society.

SPECIFIC CONCERNS

Bill 14 – An Act to amend the Charter of the French language, the Charter of human rights and freedoms and other legislative provisions

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<p>CHARTER OF THE FRENCH LANGUAGE http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_11/C11A.html</p>	<p>BILL14 : http://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_68169en&process=Original&token=ZyMoxNwUn8ikQ+TRKYwPCjWrKwg+vlv9rjj7p3xLGTZDmLVSmJLoqe/vG7/YWzz</p>	
<p>Preamble: Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the <u>ethnic minorities</u>, whose valuable contribution to the development of Québec it readily acknowledges;</p>	<p>and respectful of the <u>cultural communities</u>,</p>	<p>(see General Observations)</p>
<p>35. The professional orders shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of their profession.</p> <p>A person is deemed to have the appropriate knowledge if</p> <p>(1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;</p>	<p>(1) by replacing subparagraph 3 of the second paragraph by the following subparagraphs: “(3) he holds a college diploma issued only upon the successful completion of any prescribed French courses; or “(4) in the case of a profession which requires that level of schooling, he holds a secondary school diploma issued only upon the successful completion of any prescribed French courses.”;</p>	<p>To work in English schools, nurses, psychologists, social workers, occupational and speech-language therapists must belong to a professional order. Previously, these professionals had to show proof of French language proficiency by successfully completing a DES (Diplome en enseignement secondaire). Bill 14 amendments would now require college level French for a candidate to be licensed by a professional order.</p>

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<p>(2) he has passed the fourth or fifth year secondary level examinations in French as the first language; <u>(3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.</u></p> <p>In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.</p> <p>The Government, by regulation, may determine the procedures and conditions of issue of certificates by the Office, establish the rules governing composition of an examining committee to be formed by the Office, provide for the mode of operation of that committee, and determine criteria for evaluating the appropriate knowledge of French for the practice of a profession or a category of professions and a mode of evaluating such knowledge.</p>	<p>added at end :</p> <p>“The Government may also specify, by regulation, the <u>secondary school level</u> and college level French courses the successful completion of which establishes a presumption of appropriate knowledge of the official language for the purposes of subparagraphs 3 and 4 of the second paragraph. <u>It may for that purpose apply any requirement it considers appropriate</u>, including the number of courses, the type of program or the number of hours of instruction.</p> <p>The requirements may vary, among other things, <u>according to the profession.</u>”</p>	<ul style="list-style-type: none"> • The English sector has had great difficulty with the hiring of qualified Complementary Educational Services personnel. There is a chronic shortage of school psychologists and speech-language technicians to serve schools in urban areas. This situation is far worse in the rural communities of the province. In its 2012 report to the Minister of Education, Recreation and Sports, the Advisory Board on English Education made a case for the pivotal role that Complementary Educational Services personnel play in supporting student success and warned of serious shortages. Referring to speech therapy services, the report states that - “There is general agreement that these are inadequately provided across the English school boards, with and even more acute problem in the regions. The relationship among speech and language development and academic learning in the early years makes this service critical and it is also necessary for older children.”¹ • The shortage of qualified Complementary Educational Services personnel in the English school system has also been documented by the media and reports can be accessed on the Internet at the following two addresses: http://www.newswire.ca/en/story/687039/shortage-of-professional-services-in-montreal-schools

¹ Briefs Submitted to the Minister of Education, Recreation and Sports 2012. Advisory Board on English Education. 2012. p10.

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		<p>and</p> <p>http://www.newswire.ca/fr/story/713471/estrie-region-schools-too-few-education-professionals-exhausted-while-students-face-long-wait-times-to-get-help</p> <ul style="list-style-type: none"> • School boards are forced to recruit candidates from outside Québec but efforts have often failed because these trained professionals do not have the current level of required French skills. Hoisting the bar to require college level French will only serve to exacerbate the existing problem. • Students in training programs in vocational education centres will also be adversely affected. Students currently enrolled in the Licensed Nurse Practitioner program offered in select English vocational centres will not only have to pass their high school level French course, but will now have the added requirement of passing college level French.
<p>76. The persons designated by the Minister of Education, Recreation and Sports under section 75 may verify the eligibility of children to receive their instruction in English even if they are already receiving or are about to receive their instruction in French.</p>	<p>“76. Barring particular circumstances, the persons designated by the Minister of Education, Recreation and Sports under section 75 shall verify the eligibility of a child to receive instruction in English when the child is to begin receiving instruction in that language.</p>	<p>In article 76.0.1, Bill 14 proposes modifications to the eligibility status of children who have a right to receive their schooling in English. The wording is unclear in that it appears to guarantee the right to English schooling to individuals and their offspring on the one hand, and suggest by the phrase “...the designated person <u>may</u> declare eligible...” that this admissibility right to English schooling could be revoked.</p>

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<p>Such persons may also declare a child eligible to receive instruction in English where his father or mother attended school after 26 August 1977 and would have been eligible to receive such instruction under section 73, even if he or she did not receive such instruction. However, where the father or mother attended school before 17 April 1982, his or her eligibility shall be determined in accordance with section 73 as it read before that date, by adding, at the end of paragraphs a and b of that section, the words “provided that that instruction constitutes the major part of the elementary instruction he or she received in Québec”.</p>	<p>They may declare eligible to receive instruction in English a child who is already receiving or is to begin receiving instruction in French. “76.0.1. Despite paragraph 1 of section 73, the designated persons may declare eligible to receive instruction in English a child whose father or mother received elementary instruction in French, <u>provided that parent could have been declared eligible to receive elementary instruction in English</u>, at his or her own parents’ request, under the same paragraph as it read at the time.”</p>	<ul style="list-style-type: none"> • A number of parents who received their schooling in English have opted to send their children to French schools. Under the current language law, these children, although educated in French, still retain their right to send their children to English schools. The LCEEQ committee questions whether the proposed amendment will impact on 3rd generation children and perhaps result in their having their admissibility to English schools revoked. • It is equally unclear as to what will happen to the admissibility rights of children in reconstituted families where both parents have received their elementary education in French. This concern is also extended to children who fall under the guardianship of a relative who was educated in French.
	<p>“§2. — <i>Official language proficiency requirements for the certification of studies</i></p> <p>“88.0.1. Educational institutions that provide instruction in French or English at the preschool, elementary school, secondary school or college levels, and the Ministers responsible for those levels of education must, according to their respective</p>	<p>A new section of the French-language law is proposed in articles 88.0.1 and onward to institute “Official language proficiency requirements for the certification of studies”. These new requirements and the structures needed to evaluate and monitor them, are being proposed to ensure that persons receiving instruction at the elementary, secondary or college levels have acquired a certain level of French proficiency by the time they graduate.</p>

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	<p><u>jurisdictions, take reasonable steps to ensure that the persons attending those institutions receive training designed to make them sufficiently proficient in French upon completing their education to interact and flourish in Québec society, and participate in its development.</u></p> <p>“88.0.2. No <u>secondary school diploma</u> may be issued to a student who does not have the knowledge of spoken and written French required by the programs of the Minister of Education, Recreation and Sports.</p> <p>“88.0.3. No <u>diploma of college studies</u> may be issued to a student domiciled in Québec who does not have the knowledge of spoken and written French required by the programs of the Minister of Higher Education, Research, Science and Technology.</p> <p>“88.0.4. <u>Nothing in this subdivision shall be interpreted as requiring or authorizing a decrease in the quality of English</u> instruction dispensed by schools to students declared eligible for instruction in English.</p> <p>“88.0.5. Each of the Ministers must periodically, at least <u>every five years, review the various basic school regulations, programs, rules and directives</u> under the Minister’s responsibility to evaluate the possibility and timeliness of further enhancing the training provided to enable students to become highly proficient in French.</p>	<ul style="list-style-type: none"> • The establishment of this language proficiency requirement essentially duplicates the role of Ministry examinations for students in regular and advanced French programs. Results on ministerial exams have consistently demonstrated the high level of French- language proficiency achieved by graduates of English secondary schools. The high success rate of students on government exams should be enough of an indicator of French language proficiency. English schools are already doing a great job and additional restrictive measures are unnecessary. <p>Article 88.0.2 states that no student will be allowed to graduate from secondary school without passing their secondary 4 and 5 exam in French. This will have an important impact on a small number of students who have been granted derogation from the second language requirement of the MELS, and who have been awarded a high school leaving certificate (DES) to allow them to find employment or pursue their studies in a post-secondary institution.</p> <ul style="list-style-type: none"> • A small number of students with special needs attending English schools have applied for and been granted a derogation from the second language graduation requirement. These students with autism or psychological disabilities such as test anxiety have had to prove that they have made every effort to succeed in their

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	<p>The results of this review must be sent to the Minister responsible for the administration of this Act and be included in the Minister’s annual activity report.</p> <p>“88.0.6. In the month following the coming into force of this subdivision, an initial review must be performed by each of the Ministers regarding French instruction in educational institutions that provide instruction in English.”</p>	<p>second language programs. In many cases they have repeated their final year of high school one or two times in an attempt to pass their French course. Derogations are granted on a case-by-case basis and are granted on humanitarian grounds. The introduction of Article 88.0.2 will create another bureaucratic hurdle for these students who may no longer be allowed to graduate.</p> <ul style="list-style-type: none"> • Students who are deaf have traditionally benefited from derogation from the French second-language requirement. Sign is their first language and English becomes their second language. It is hoped that Bill 14 will not affect this population • The Central Quebec School Board administers Jimmy Sandy Memorial School, a first nation’s school for the Naskapi. Students in this school currently receive derogation from the French second language graduation requirement. The school’s curriculum fosters the acquisition of the Naskapi mother tongue and culture, and English as a second language. • Several school boards and private schools provide educational services for international students who are domiciled in Québec for short periods of time. These are often the children of the diplomatic corps serving embassies in Ottawa or consulates in Montreal and Québec

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		<p>city. Derogation from French second language requirements is often sought when the student arrives for his/her final year of secondary studies so that they can graduate and be able to pursue their studies elsewhere.</p> <ul style="list-style-type: none"> Proposed Articles 88.0.5 and 88.0.6 serve as good examples of the concerns raised in the General Observations section of this document. New provisions to the French-language law that duplicate existing measures to promote French-language acquisition will tie up dwindling human and financial resources.
	<p>“88.1.1. <u>The language policy of an institution described in section 88.1 shall be developed and reviewed in collaboration with the institution’s staff and students</u>, in accordance with the consultation and participation procedure established by the institution. The same rule applies to the preparation of the report provided for in section 88.6.”</p>	<p>Article 88.1.1 proposes the requirement that all educational institutions that provide instruction in English must develop a language policy through a broad-based consultation with its teachers and students. Articles 88.3 to 88.6 state that the policy must be sent to the MELS, must be made public, must be reviewed periodically, and after three years, the minister must be sent a report on the application of the policy and the corrective measures needed.</p> <ul style="list-style-type: none"> As stated previously, these new requirements will tie up dwindling human and financial resources.
	<p>“88.2.1. In addition to the provisions of subparagraphs 5 to 7 of the first paragraph of section 88.2, in the case of an institution that provides college or university instruction in English to</p>	<p>Article 88.2.1 introduces a new section to the French-language law and proposes new restrictions on student admission to English colleges. Bill 14 proposes that English colleges accept all potential applications from</p>

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	<p>the majority of its students, the language policy must pertain to</p> <p>(1) <u>the proficiency in French required</u> of students domiciled in Québec upon the completion of their studies, depending on the program;</p> <p>(2) <u>the language of the written communications of the institution's administration with the civil administration</u> and with legal persons and partnerships established in Québec; and</p> <p>(3) in the case of a college with a limited admissions capacity, the <u>selection criteria and priorities that may be established to serve the English-speaking clientele</u> for which the Government established the institution.”</p>	<p>Anglophone students before it can consider Francophone applicants.</p> <ul style="list-style-type: none"> • It is the committee's opinion that the government, having failed in its attempts to prevent Francophone students from attending English colleges, has resorted to a back door approach to accomplish its goal. This proposed amendment will force English colleges to base its admissions policy along linguistic lines rather than the current approach, which is to accept the best qualified students, no matter their language, and to promote academic excellence and rigor. • It is the committee's opinion that the imposition of any restrictions to the admission of adult Francophone's to English colleges is not only a violation of the individual's right to choose, but will also impact on that individual's marketability and the economic prosperity of Québec. For francophone's, enrolling in English colleges means acquiring a second language, learning new terminology and skills, and having increased access to the global market place.
<p>88.3. The language policy of an educational institution must be transmitted to the Minister of Education, Recreation and Sports as soon as it is determined. The same applies to any amendment to the policy.</p> <p>Upon request, an educational institution must</p>	<p>“88.3. The language policy of an educational institution must be sent to the Minister of Education, Recreation and Sports as soon as it is determined. The same applies to any amendment to the policy.</p> <p>“88.4. An educational institution must make its</p>	<p>(see comment for Article 88.1.1)</p>

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<p>transmit a report on the application of its policy to the Minister.</p>	<p>language policy <u>public</u> and make it easily accessible to its staff and its students “88.5. An educational institution is <u>required to periodically review</u> the measures in its language policy to verify their relevance and adapt them, among other things, to technological changes.</p> <p>“88.6. Before (<i>insert the date occurring two years after the date of coming into force of this section</i>) and afterward every three years, an educational institution must send the Minister a report on the application of the various measures in its language policy. The educational institution must send the Minister any additional information that the Minister requires concerning the application of the policy. The Minister may, after consultation with the Office, require that an educational institution take, within the time specified, the corrective measures the Minister prescribes. The institution shall inform the Minister of the corrective measures it has taken.”</p>	
<p>CHARTER OF HUMAN RIGHTS AND FREEDOMS http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_12/C12_A.html</p>		
<p>WHEREAS every human being possesses intrinsic rights and freedoms designed to ensure his protection and development;</p> <p>Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the</p>	<p>(1) by inserting the following paragraph after the third paragraph: “Whereas French is the official language of Québec and is a fundamental factor of its social cohesion;”;</p> <p>(2) by striking out “and from the common well-being”</p>	

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<p>law;</p> <p>Whereas respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;</p> <p>Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others <u>and from the common well-being</u>;</p> <p>Whereas it is expedient to solemnly declare the fundamental human rights and freedoms in a Charter, so that they may be guaranteed by the collective will and better protected against any violation;</p>	<p>in the fourth paragraph;</p> <p>“Whereas rights and freedoms must be exercised in keeping with public order, the general well-being and the values of Québec society, including its attachment to democratic principles, the importance of its common language and the right to live and work in French;”</p>	
	<p>3.1. Every person has a <u>right to live and work in French in Québec</u> to the extent provided for in the Charter of the French language (chapter C-11). Every person who settles in Québec has a right to learn French and to benefit from reasonable measures to welcome him and to facilitate his integration into life in Québec.”</p>	
<p>REGULATION RESPECTING THE EXEMPTION FROM THE APPLICATION OF THE FIRST PARAGRAPH OF SECTION 72 OF THE CHARTER OF THE FRENCH LANGUAGE THAT MAY BE GRANTED TO CHILDREN STAYING IN QUÉBEC TEMPORARILY</p>		

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<p>1. A child who comes to Québec for a temporary stay and who is in one of the following situations is exempted from the application of the first paragraph of section 72 of the Charter of the French language (chapter C-11):....</p> <p>(4) he is a dependent child of a foreign national who holds a certificate of acceptance;</p> <p>In this Regulation, “foreign national” has the meaning assigned to it by section 2 of the Act respecting immigration to Québec and “dependent child” refers to the child of a foreign national or his spouse's child, <u>the child of a member of the Canadian Armed Forces or his spouse's child</u>, or the child of a Canadian citizen or permanent resident or his spouse's child.</p>	<p>striking out “, the child of a member of the Canadian Armed Forces or his spouse’s child” in the last paragraph.</p>	<p>Bill 14 proposes an amendment to the Regulation Respecting the Exemption to provisions of the Charter of the French Language, which would prevent the children of Francophone members of the Canadian Armed Forces from attending English schools.</p> <ul style="list-style-type: none"> • This provision will effect 700 students attending Valcartier Elementary School in the Central Québec School Board. Loss of this number of students will seriously affect the operation of this small school board and impact the services offered to its students. • The impact on the students denied access to the school of their choice cannot be underestimated. The children of Armed Forces personnel have to adapt to many transitions. Changing schools is a stress that most children don’t face on a regular basis. Being able to maintain their friendship group and participate in school activities is an important stabilizing factor in their life. Bill 14 will place additional strain on the families of Armed Forces personnel who are serving our country.
<p>3. A child who stays in Québec temporarily because he is a dependent child of a member of the Canadian Armed Forces who is assigned to Québec temporarily shall be exempted from the application of</p>	<p>repealed</p>	

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<p>the first paragraph of section 72 of the Charter if an affidavit by the employer certifying that the parent is a member of the Canadian Armed Forces and that he is assigned to Québec temporarily and a document demonstrating that the child is a dependent child of that Armed Forces member are filed.</p> <p>Such an exemption shall not last more than 3 years.</p>		