

# Notes from Quebec

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## Private Education in Quebec: Proposed legislation\*

### Abstract

*The Quebec Government has recently introduced legislation concerning the regulation of private education (Bill 141). The major elements of the legislation are examined and compared to the current Private Education Act. Initial responses suggest that the legislation is controversial and that it will be either drastically amended or withdrawn.*

### Résumé

*Le gouvernement du Québec a récemment déposé un projet de loi portant sur la réglementation de l'enseignement privé (projet de loi 141). Les principaux éléments de ce projet sont analysés et comparés aux dispositions de l'actuelle Loi de l'enseignement privé. Les premières réactions révèlent que le projet de loi est controversé et qu'il sera considérablement modifié ou abandonné.*

One of the more interesting features of education in Quebec is the relatively large number of students who attend private schools. In 1990-91 there were over 100,000 such students in Quebec representing almost 10% of the total elementary and secondary school population (*Gouvernement du Québec*, 1991). As this is a considerably higher rate than is found in the other provinces of Canada, it requires some explanation. The primary factor usually

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given to account for this state of affairs is the long tradition of private schooling, particularly that provided by the Catholic Church, that has existed in Quebec since the time of the French *régime*. Prior to the reforms of the Quiet Revolution, in fact, private schooling in the form of the classical colleges was often the only route for entry into the French-language universities. But, in addition to tradition, there is also another more pragmatic reason to account for the relatively large number of private schools in the Province, some 281 of them in 1990-91.

When the Ministry of Education was established in Quebec in 1964, this came about in part because of an historic compromise between the Church and the State concerning the role of private education. This compromise was elaborated in the form of an important preamble that was added to the legislation establishing the Ministry of Education and the Superior Council of Education (Government of Quebec, 1964). The exact wording of the preamble to Bill 60 was as follows:

*Whereas every child is entitled to the advantage of a system of education conducive to the full development of his personality;*

*Whereas parents have the right to choose the instructions which, according to their convictions, ensure the greatest respect for the rights of their children;*

*Whereas persons and groups are entitled to establish autonomous educational institutions and, subject to the requirements of the common welfare, to avail themselves of the administrative and financial means necessary for the pursuit of their ends. . . .*

What this meant was that the government officially endorsed the notion that parents had the right to choose between a public system of education and a private system of education. Furthermore, the government also agreed that insofar as it was deemed to be in the public interest (and, presumably, insofar as the treasury of the Province could afford it), the private education sector could benefit from the receipt of government financing. Subsequently, in 1968 and following the advice given in Volume 4 of the Parent Commission Report (Government of Quebec, 1966), the government passed Bill 56: An Act Respecting Private Education (Government of Quebec, 1968). This Act provided a framework for the establishment, recognition, regulation, and financing of private schools. In general, it is fair to say that under this law the private schools in Quebec have enjoyed a good deal of autonomy, although it is important to underline that if they did accept government grants then they were obligated to follow the official Quebec curriculum (*régimes pédagogiques*) and to adhere to Bill 101 (Charter of the French Language) regarding the language of instruction. In the past, the operating grants established by

regulation have been reasonably generous, varying between 50% and 80% of operating expenses, depending upon the category of the school, and linked by formula to the cost of schooling in the public sector.

In the summer of 1991, however, the government introduced a new Private Education Act (Bill 141) that appears to have upset a number of interested groups, some because they think the proposed legislation goes too far, and others who think that it does not go far enough. Certainly, the proposed legislation is more detailed than its predecessor, containing over twice the number of articles. The rules and regulations governing accreditation of private institutions and the granting of permits are far more detailed and specific than before. Permits will no longer be issued on a more or less permanent basis to well established institutions, but will be renewable every five years provided that regulations have been complied with and that the new application fees have been paid (article 15). Another new feature is that the permits will specify the maximum number of students for each institution (articles 13 and 14). This particular proposal has raised the wrath of some, who speak of the danger of quotas being established by the government for private schooling. Others see increased governmental interference in the proposal to introduce the post of "inspector" - a person appointed by the Minister who may enter "any private educational institution governed by this Act, to ascertain whether this Act and its statutory instruments are being complied with" (article 101). (The School Inspectorate, as such, was abolished in Quebec in 1966, although Ministry officials do visit schools, including private schools, in order to determine if Ministry regulations are being applied.)

Guarantees of adequate government funding are also a concern of different groups. According to some private schools, the amount of government funding has been decreasing in recent years with the result that a number of these schools are now in deficit financial situations. Others, however, are of the opinion that the proposal to provide funding on the basis of need, rather than through fixed formulae, will lead to an improvement in the financial situation. The Minister by regulation will also have the power to determine the maximum amount that may be charged through tuition fees. At present, this amount is limited to a maximum of 50% of the per capita grant.

There are also a number of new articles in the proposed law concerning distance education courses provided by private institutions and a whole chapter designed to protect the student (in the law called "the client") from unscrupulous private school operators by means of what is called an educational service contract, a copy of which must be provided to clients by all private educational institutions. By the terms of this contract a client who officially gives notice of withdrawal is entitled to a *pro rata* refund of tuition fees. Further, this refund must be paid within ten days of the cancellation.

One of the more vociferous complaints about Bill 141, and one that prompted headlines in the newspapers, came from an unlikely source: namely

the *Conseil du Patronat du Québec*. The *Conseil* was of the opinion that the proposed legislation, if passed, would result in the complete suffocation of the private school system in Quebec. Private schooling, the *Conseil* stated, should be regarded as a right and not as a privilege available only on sufferance from the state. The *Conseil* went on to argue that private schooling belonged to the people and not to the state, and that this pernicious legislation should be withdrawn forthwith. The president of the *Conseil*, Ghislain Dufour, did not mince his words when he told the Parliamentary Committee on Education: "This has to be one of the worst proposed laws that we have encountered to this day. . . . We'd rather live with the present law than a bad one, especially since it gives carte blanche to (governmental) executive powers and regulations which have never been really debated by Quebec society."

In contrast, some French language teacher associations and school boards argued that private schooling simply promoted elitism in Quebec society and that the government, rather than issuing permits for private schools, instead should be working towards the promotion of a single, unified, public system of education. The grants provided to private schools, argued some of these groups, represented nothing more than a misappropriation of public funds. Private schools should be abolished, urged some, whereas others proposed that permits should be issued only to those institutions that are independent and receive no government funding.

As a result of these various comments on the proposed legislation, the Minister of Education indicated in August 1991 that he would take these suggestions into account and make amendments before presenting the Bill for final reading. At the time of writing (February 1992), and perhaps not surprisingly, nothing further has been heard about Bill 141: An Act Respecting Private Education.

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## The Task Force on English Education

### Abstract

*In 1991 the Quebec Minister of Education established a Task Force to inquire into several matters affecting the English-language school system, including severely declining enrolments. The Task Force has recommended changes to the law concerning accessibility to English schooling, to the organization of the Ministry of Education, to school board structures, and to the curriculum. It remains to be seen which of these recommendations will be implemented.*

### Résumé

*En 1991, le ministre québécois de l'Éducation a créé un groupe de travail chargé d'étudier plusieurs problèmes qui affectent le réseau scolaire anglophone, notamment la diminution marquée des effectifs étudiants. Le groupe de travail a recommandé que des modifications soient apportées à la loi en ce qui a trait à l'accès à l'école anglaise, à l'organisation du ministère de l'Éducation, à la structure des commissions scolaires et aux programmes d'études. Il reste à voir si ces recommandations seront suivies d'effets.*

### Introduction and mandate

In the summer of 1991, M. Michel Pagé, Quebec's Minister of Education, established a 23-member Task Force on English Education.\* Its mandate was:

1. to study the decline of the English school population and its effects on the quality of educational services;
2. to take a closer look at the situation of small schools and make recommendations aimed at maintaining the quality of educational services;
3. to examine the accessibility of vocational education to young anglophones, as well as their readiness to enter the work force, and make appropriate recommendations;
4. to analyze the exodus of young anglophone Quebecers, determine any education-related reasons for this exodus and submit recommendations that fall within the mandate of the school system.

\*The membership of the Task Force had a number of McGill connections. Mrs. Gretta Chambers, well-known Montreal journalist and the Chancellor of McGill University, was appointed Chairperson. Dr. Norman Henchey, Professor Emeritus of Education, was the Director of Research, and Donald Burgess, author of this article, was a member of the Task Force.

During the course of its work, the Task Force met over 600 people in its consultations in the various geographical regions of Quebec, received over 50 written submissions and briefs, and met together in 12 plenary sessions. Its final report was submitted to the Minister on February 12, 1992. In addition to its specific recommendations, the report itself contains summaries of the state of English education in the various regions that it visited, a statistical section containing 21 demographic and other tables, and a bibliography of over 100 items. Altogether, it is an interesting snapshot and commentary on the state of English education in Quebec in the 1990s. This is particularly timely, as much has been written in recent years about the state of minority-language French education in the other provinces of Canada, especially in the light of section 23 of the **Canadian Charter of Rights and Freedoms**, but little has been heard about that other minority in the Province of Quebec. Some say that it is the best treated minority in Canada. Many perhaps assume that it is alive and well. The Task Force Report suggests otherwise.

### *The report and its recommendations*

There are three basic problems identified in the report. The first is demographic in nature and is the fact that between 1972-1990 English school enrolments in Quebec declined by 57%; that is, from 250,000 students then to only 108,000 now (Task Force, p. 2). The second problem, not necessarily unassociated with the first, is concerned with social and political factors. As the report bluntly states: "Today, the social and political climate in Quebec is the most negative factor affecting English education" (Task Force, p.4). The third major problem identified in the report is more generally cultural in nature and is to the effect that the English-speaking community either has lost control, or is in danger of soon losing control, of its pedagogy and its schools. "If it leaves the education of its young people to others, others will eventually define its cultural values and choose its social priorities" (Task Force, p. 1). The Task Force goes on to point out that this latter is a problem that the French majority in Quebec should understand only too well. But whether the French majority will agree with the Task Force's recommendations is far from certain.

As to the decline in enrolments, the Task Force clearly identifies Bill 101 (Quebec's Charter of the French Language) as a major culprit. "If it [the English sector] is prevented from renewing itself, it will simply fade away. . . . Continuing to shut it off from its traditional sources of replenishment can and will be construed as a delayed but deliberate death sentence" (Task Force, p. 4). The Task Force does not go so far as to recommend a return to 'freedom of choice,' such as existed in Quebec prior to Bill 22, but rather that "access to education in English be widened at least to include any child who was being educated in English [elsewhere] or who has a parent from an English-speaking part of the world" (Task Force, p. 7). This step would have the effect of enabling English-speaking immigrants to send their children to English schools. If accepted by the Government, this measure would have little overall impact on enrolments in the French education sector (less than 1%), but would provide a

much needed source of renewal to the English sector and, at the same time, send an important message to the English community.

It is messages such as this that seem to be so important. More than once the Task Force reports that the English community appears to be suffering from some sort of real or imagined collective psychosis. For example, the Task Force writes: "There must be an acceptance by the whole of Quebec society that its English fact is of intrinsic value to Quebec" (Task Force, p. 1), or "English education is a social system under siege" (Task Force, p. 14), or "The English do not feel welcome or wanted in Quebec" (Task Force, p. 26). These were the messages that the Task Force heard. The Task Force has passed these messages on to the Government. It is now up to the Government to respond.

With reference to the third major problem, management and control of the English education sector itself, the Task Force has several very specific recommendations. First, at the level of the Ministry of Education, the Task Force recommends that the Minister establish the position of Assistant Deputy Minister (English Education). Second, the Task Force recommends that the Minister establish an English Curriculum Council, advisory to the Assistant Deputy Minister (English Education), but with powers to initiate and coordinate several elements of the *régimes pédagogiques* including the development and adaptation of programs to meet the needs of the English community, the assessment of appropriate textbooks and teaching materials, the development of policies related to the assessment of student progress, and the qualifications required for secondary school graduation. If these recommendations are accepted by the Minister then this will represent an important shift in government policy, as will be discussed in the commentary below.

As to the problem of management and control at the level of the school board, the Task Force appears to have forged a consensus between those who argue in favour of linguistic school boards and those who have argued hitherto for the preservation of constitutionally protected Protestant and Catholic boards. If it is true, as the Task Force asserts, that "English education is a social system under seige" then this agreement represents a giant step forward. The consensus is built around the necessity for the English-speaking community to have control and management of its school boards "in order that it may transmit its language, values and culture and meet the learning needs of English-speaking Quebecers" (Task Force, p. 8). However, the Task Force goes considerably further than this statement of principle. First, it asks that the Minister of Education "seek guaranteed constitutional protection for English language school boards, comparable to the one now given to confessional minorities" (Task Force, p. 8). Second, it asks that "the Minister of Education seek the inclusion of provisions protecting the right to English education in the Charter of Human Rights and Freedoms of Quebec" (Task Force, p. 8). It would appear, then, that the English-speaking community, as represented by the Task Force, has moved a long way towards the government's project of linguistic

boards as proposed in the new Education Act (Government of Quebec [Bill 107], 1988).

Finally, as far as management and control is concerned, the Task Force asks that, pending the reorganization of school boards on a linguistic basis, there be a moratorium placed on the closure of the last English school in small centres, and that the Ministry establish an "English Small School Service" to provide linkages and expertise to small schools.

### *Commentary*

As the majority of readers will already know, Quebec has one of the most centralized systems of education in the Western world, certainly in North America. This deliberate policy of centralization was put in place primarily during the 1960s in response to the previous *laissez-faire* situation of Quebec education in which Protestants and Catholics, English and French, and the public and private sectors had pursued separate educational policies, usually in more or less splendid isolation from each other. With the establishment of Quebec's Ministry of Education in 1964, it was determined that both the Ministry of Education itself and the Superior Council of Education should henceforth function as unified bodies, rather than as bodies divided along religious lines. The justification for this unified or centralized approach was spelled out in the first volume of the Parent Commission Report:

... we are convinced that the isolation between the various sectors has greatly contributed to the weakness of our educational system. These partitions have become almost insurmountable obstacles for students wanting to transfer from one kind of school to another, or, in many cases, from school to university. They have led to the establishment of different standards in the various sectors of the system. They have also prevented the sharing of fruitful experiences and the common use of costly services. We want by every means to bring all the sectors together for an exchange of views and to assure uniform standards and equivalent requirements throughout the system. (Government of Quebec, 1963, p. 88)

Government policy since 1968 has actively pursued this unified notion. First, a common six-year elementary school and five-year secondary school structure was established for all. Next, the *Collège d'enseignement général et professionnel* (CEGEP) was introduced as a compulsory stage between secondary school and university. There were to be no exceptions, even though the English sector had no classical colleges that could quickly be turned into CEGEPs. Next, all undergraduate degree programs in Quebec universities were turned into three-year programs, and this was implemented over the objections of English universities. The taxation powers of school boards were then considerably reduced in favour of financing from the centre, with the result



that school boards now have little financial freedom or maneuverability. Finally, a compulsory curriculum, known as the *régimes pédagogiques*, was introduced that was to apply to all elementary and secondary schools.

What, then, are we to think of the Task Force proposals to establish the post of Assistant Deputy Minister (English Education) and, more to the point, an English Curriculum Council? Will the government be willing to cede to the English minority what it has hitherto denied, in the name of a unified structure, to other groups? On the other hand, the government is publicly on record as supporting the policy of separate English-language and French-language school boards, as it does separate English and French CEGEPs and universities. The government must be pleased to see that the English community is within sight of reaching a consensus on English-language school boards. But is it willing to provide the guarantees that the English community now seeks? And is it willing to permit these institutions to effectively control their own curricula so as to transmit their own cultural values? As the Task Force aptly points out and as the French majority in Quebec well understands: "A public school system is a fundamental instrument in the forging of a cultural, social, and economic identity" (Task Force, p. 1). The problem, perhaps, is that English education in Quebec has become "a sector in need of a system." The big question is whether it will be permitted to develop this system before it is too late?

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