



## **Statement on Bill 96** **by the Board of Directors of the** **Quebec Federation of Home and School Associations Inc. (QFHSA)**

*Presented to the Quebec Community Groups Network Public Consultation*

Although the Quebec Federation of Home and School Associations Inc. was established in 1944, some 77 years ago, the meeting of the first Home and School association in the province of Quebec actually occurred in 1919 at Macdonald High School in Sainte-Anne-de-Bellevue. We celebrated that 100-year anniversary in 2019 at CEGEP John Abbott College.

The QFHSA was very proud to present the Leslie N. Buzzell Award for outstanding volunteer service to Paul Gérin-Lajoie, the very first Minister of Education of Québec in 1963.

More recently, the QFHSA has been omnipresent during the last 52 years, providing a voice for parents protesting provincial legislation limiting educational rights.

In 1969, we protested **Law 63: The Act to Promote the French Language** passed under Premier Jean-Jacques Bertrand of *l'Union nationale*.

In 1974, we protested **Law 22: The Official Language Act** passed under Premier Robert Bourassa of the Québec Liberal Party.

In 1976, we protested **Law 101: The Charter of the French Language** passed under Premier René Lévesque of *le Parti québécois* in 1976.

And now in 2021, the QFHSA joins the fight against **Bill 96: An Act Respecting French, the Official and Common Language of Québec** under Premier François Legault of *le Coalition avenir Québec (CAQ)*.

### **OFFICIAL LANGUAGES**

First and foremost, the QFHSA supports the Official Languages Act of Canada, which recognizes two official languages, English and French, in all ten provinces and three territories of Canada. The QFHSA also supports the Government of Canada's role as the protector of the two official languages.

The QFHSA continues to support the principle of symmetrical federalism from sea to sea to sea and the efforts by all levels of government to promote and protect the French language. The Government of Quebec, Quebec being the only province of Canada with a Francophone majority, must govern with responsible laws that genuinely offer protection for the French language while maintaining the rights of the Anglophone minority within Quebec and that of Francophone minority communities in the rest of Canada.

### **FREE FRENCH LANGUAGE INSTRUCTION SERVICES**

In May 2021, the CAQ government of Premier François Legault introduced Bill 96: **An Act Respecting French, the Official and Common Language of Quebec**. Although there are many aspects of this piece of legislation that are problematic, the QFHSA can approve the proactive efforts of the provincial government of Quebec to strengthen the usage of the French language by proposing the following subsections in Bill 96 to

introduce free French language instruction services to all Quebecers:

*“156.24. Francisation Québec shall conduct and manage government action with respect to francisation of persons domiciled in Québec who are not subject to compulsory school attendance under the Education Act (Chapter I-13.3) and persons considering settling in Québec, and to francization of persons within enterprises.*

*For that purpose, Francisation Québec is the sole government point of access for such persons wishing to receive French language learning services that are not part of the basic school regulation provided for by law.*

*Francisation Québec must make sure its services are provided throughout Québec and shall establish offices to ensure the right to services enabling the learning of French, provided for in the first paragraph of Section 6.1. Where an institution offering college or university instruction makes premises available to Francisation Québec, Francisation Québec may provide its services on those premises.*

*“156.25. The functions of Francisation Québec consist, in particular, in (1) coordinating and offering French language learning services in class, in the workplace and online; (2) developing, in collaboration with the Office, and putting in place French language learning services within the enterprises referred to in Section 149; (3) developing education programs and educational materials and tools to facilitate French language learning for persons domiciled in Québec who are not subject to compulsory school attendance under the Education Act (Chapter I-13.3); (4) facilitating, with the collaboration of the minister responsible for the administration of the Educational Childcare Act (Chapter S-4.1.1), the putting in place, by the childcare providers governed by that Act, of activities to foster French language learning by*

*children; and (5) developing and implementing programs designed to provide opportunities to participate in French in Québec society.*

The QFHSA has advocated for French language instruction in primary and secondary school since the 1960s. We support the government’s program to provide free French language instruction to immigrants and refugees. The QFHSA has been a leading advocate for second language immersion education since its introduction. Promoting the usage of French in our schools has always been seen as a strength and an asset for the education of our youth. We continuously look for ways to improve the quality of French education in English public schools; we trust that our government would do the same and would propose true positive actions that are not punitive in nature. We believe it is indeed time for the Quebec government to offer free French language instruction courses for **ALL** residents of Quebec who wish to learn the language, regardless of their mother tongue. We would like to see the government provide financial support to our English school boards to maintain their immersion and bilingual programs, in the same manner that the government supports the French school service centres’ *classe d’accueil* programs. The goals have always been the same, to promote the use of French in Quebec, but the support has not been equitable.

## COMMON LANGUAGES IN QUEBEC

However, the QFHSA feels that the use of the word “common” in addition to “official language” in the title, **An Act Respecting French, the Official and Common Language of Quebec**, and throughout the proposed Bill 96 legislation is problematic. It is both unnecessary and misleading as it represents institutional bias as to the language spoken by individuals in Quebec. Many community groups in Quebec share a common language other than French or English. It could be Italian, Farsi, Mandarin, German, Russian, etc. A common language is an expression of personal identity and should not be imposed by any government. There has still been no clear definition offered by Premier François Legault or Minister of the French Language Simon Jolin-Barrette

as to who would be considered members of this “Quebec nation.” Will it be all citizens who live within the borders of the province of Quebec? Will it be all citizens who speak French as a second language? As a first language? As a mother tongue? Will it include immigrants and refugees to Quebec, minority groups who have been in Quebec for more than 200 years or only include the descendants of the original colonists arriving from France? And when will the manifestations of the “Quebec nation” be apparent, if Bill 96 is passed into law?

## TEMPORARY STAYS IN QUEBEC OF FOREIGN STUDENTS

The QFHSA wishes to express its dismay at the provisions of Sections 84 and 85 as they pertain to foreign students studying in Quebec, be they primary or secondary students. Currently the Charter of the French Language states:

*85. Children staying in Québec temporarily may, at the request of one of their parents, be exempted from the application of the first paragraph of Section 72 and receive instruction in English in the cases or circumstances and on the conditions determined by regulation of the Government. The regulation shall also prescribe the period for which such an exemption may be granted and the procedure to be followed in order to obtain or renew it.*

*1977, c. 5, s. 85, s. 14; 1983, c. 56, s. 19; 1993, c. 40, s. 33.*

Bill 96 intends to modify the Charter with the following:

*Section 84:*

*84.1 A child who is a foreign national and who stays in Quebec temporarily may at the request of one of his parents, be exempted from the application of the first paragraph of Section 72 and receive instruction in English in the following cases:*

*(1) he holds a permit issued under the Immigration and Refugee Protection Act (Statutes of Canada 2001, Chapter 27) that authorizes him to work or study in Canada;*

*(2) he is a dependent child of a foreign national authorized to work or study in Canada under such a permit; or*

*(3) he is exempted from the obligation to obtain the consent of the Minister of Immigration, Francization and Integration to stay in Quebec where the holder of parental authority is staying in Quebec as a temporary foreign worker or international student.*

*The exemption is valid for a period of up to three years and may not be renewed. However, the exemption is extended until 30 June of the school year during which the period of validity ends if that period ends before that date.*

*The Government shall prescribe by regulation the conditions of exemption and the procedure to be followed in order to obtain it.*

and also by amending Section 85:

*Section 85 of the Charter is amended by inserting “other than those who may benefit from the exemption under Section 84.1” after “Children.”*

The QFHSA is aware of the extreme stress students are already under at the best of times, let alone during a global pandemic. With all the current factors working against foreign students, to limit their education to three years only in the language that best suits their needs is counter-productive. For a government to vow to put education first and to invest time and money into the improvement of student success, limiting the period of time foreign students can receive their instruction in English to three years and then switching them to the French system if their parent’s work contract gets extended does nothing to improve their environment for success. It would be like throwing them into quicksand.

We would strongly recommend that the Quebec government allow renewals of exemption to be permitted to allow students to continue their education in the language in which they have started and thus increase their capacity for success. To do otherwise would hinder their success. **We call on the Quebec government to withdraw Sections 84 and 85.**

## LANGUAGE TEST TO GRADUATE COLLEGE

In addition to the above, Bill 96 would insert the following amendments:

*“88.0.12. No Diploma of College Studies may be issued to a student domiciled in Québec who does not have the speaking and writing knowledge of French required by the curricula of the Minister of Higher Education, Research, Science and Technology. To evaluate the knowledge of French, that minister shall impose a uniform examination whose content is the same for all students having received college instruction given in English or in French. However, a student who has received such instruction in English and been declared eligible to receive instruction in English in accordance with Division I is not required to take that examination to be issued the Diploma of College Studies.*

Although it is appropriate to not impose a French language competency test on students studying in English CEGEPs who hold an eligibility certificate, it is still of concern to the QFHSA that the Minister of Higher Education, Research, Science and Technology would withhold awarding a diploma from a student based on their French language test results. The potential of bias against some students over others by testing language skills too strictly hinders student overall success. Graduating from a CEGEP or College program should be based on completion of assignments and a thorough understanding of the subject material, not on a language test. To do so only devalues hard work.

**We would strongly recommend that the Government of Quebec withdraw Section 88.0.12 and allow students to earn their diplomas and graduate based on their understanding and mastery of the subject material alone.**

## CLOSURE (i.e., bâillon)

The QFHSA has grave concerns regarding the CAQ government’s tactics of using closure (*le bâillon*) to pass legislation and silence the oppositions’ voices. This usage of closure is seen as abusive, undemocratic in nature, and unnecessary by a government elected with a majority of seats in the National Assembly of Quebec.

## NOTWITHSTANDING CLAUSE

The normalization and repeated usage of the Notwithstanding Clause, integrated within the Canadian Constitution, is particularly problematic when the provincial government uses it to override the Canadian Charter of Rights and Freedoms as well as the Quebec Charter of Human Rights and Freedoms, with the introduction of legislation they know is unconstitutional and violates the charters. Individual and minority rights must not be restricted by any government using the Notwithstanding Clause to promote collective rights.

## IN CONCLUSION

The QFHSA calls on Premier François Legault to fulfill his constitutional duties under the Canadian Constitution and the Official Languages Act of Canada to protect and promote the constitutional minority rights of Anglophones in Quebec and not hinder Francophone minority rights in the rest of Canada.

**It is possible to respect the French language without diminishing minority language rights in Quebec and in the rest of Canada.**



*The QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS, INC. (QFHSA) was officially inaugurated in May 1944 and was incorporated by Letters Patent under the Québec Companies Act in August 1959 and is an independent, incorporated, not-for-profit volunteer organization dedicated to enhancing the education and general well-being of children and youth. The QFHSA promotes involving parents, students, educators, and the community at large in the advancement of learning and acts as a voice for parents.*

*We are a federation of local Home and School Associations driven by one objective: to provide a caring and enriched educational experience for students. The over 4,000 family members of Home and School Associations come from all sectors of society: working parents, stay-at-home parents, grandparents, educational professionals, and other ordinary citizens with an interest in maintaining a high level of education in this province. The schools that their children attend are scattered across the province: in Western Québec, the Eastern Townships, the North Shore, the Gaspé, and the Greater Montreal area. They represent the cultural diversity within the minority English-language school system: Anglophones, Allophones and Francophones. Our members pay a modest annual fee through their local associations to the QFHSA. Membership is also open to individuals without any school affiliation.*

*The QFHSA represents over 80 school communities and works with community organizations and other associations who share its goals and objectives.*

*The QFHSA is a charter member of the Canadian Home and School Federation (CHSF). The roots of the QFHSA run deep in the history of the education system of Québec. Historically linked to the former Protestant system (both English and French), it has continued to build relationships within the linguistic system.*