

### III. Key Issues

#### A. School Management

Two Supreme Court of Canada decisions (*Mahé 1990* and *Manitoba 1993*) confirmed that section 23 of the *Canadian Charter of*

“For Francophones in minority situations, French-language schools are the guarantee of a better future. But, in order for our schools to truly represent our values and our aspirations, it is imperative that the community itself be able to manage those schools.”

**Ronald Duhamel, M.P., from a speech given on Opposition Day in the House of Commons, April 18, 1994**

*Rights and Freedoms* guarantees official-language minorities the right to manage their own schools where numbers warrant. The implementation of school management throughout Canada remains a critical issue for the federal government, which has continued to cooperate with the

provinces and territories in this area. In 1994-95, school management became fully operational in three more provinces: Alberta,

Saskatchewan and Manitoba. Nova Scotia continued the process of reforming its school system and created a provincial French school board. In British Columbia, parents decided to resume their court challenge, while in Newfoundland, the issue remained on hold as the overhaul of the school system came up against opposition from the churches to the elimination of denominational school boards.

Again this year, the special measures on school management and post-secondary education in French were spared budget cuts because of the importance the government attaches to the issue.

The following paragraphs give an overview of the situation in the provinces and territories in 1994-95.

#### NEWFOUNDLAND AND LABRADOR

The *Schools Act* was amended in 1991 to include provisions to comply with section 23 of the *Canadian Charter of Rights and Freedoms*, but without granting school management. School management for Francophones is one of the issues being studied as part of the overhaul of the province's school system, a process that is being hampered by the churches' opposition to the elimination of denominational schools.

##### Since March 31, 1995

On January 4, 1996, in the wake of the September 5, 1995, referendum in which the people of Newfoundland and Labrador voted to end denominational school boards, the province introduced new legislation to restructure the school system. The bill includes provisions dealing with the creation of French schools which the *Fédération des parents francophones de Terre-Neuve et du Labrador* claims do not comply with section 23 of the *Charter*.

On January 31, 1996, the *Fédération* initiated legal proceedings to challenge the legislation and secure the right to school management.

## PRINCE EDWARD ISLAND

The schools legislation passed in February 1990 gives the Francophone minority the right to manage its own schools. A provincial school board has been in place since July 1990.

### Since March 31,1995

Unable to obtain a French school, parents in Summerside filed suit against the province on November 30, 1995, to secure French-language education for their children.

## NOVA SCOTIA

In February 1995, the provincial government tabled its white paper on school reform entitled *Horizons*. Among the suggested changes, the province is proposing to create a separate provincial school board to manage French-language education throughout the province; the board would be supported by school committees that would give parents a say in decisions affecting the education of their children.

In March 1995, a special adviser on Acadian and Francophone school management was appointed. The adviser reports directly to the Minister of Education and Culture and the Minister of Acadian Affairs and is responsible for the implementation and operation of the new French school structure. A new Acadian and French-Language Services Directorate was created within the Department of Education; the executive director of the Directorate reports to the Deputy Minister of Education.

### Since March 31,1995

Draft legislation including provisions to create a French school board was tabled in the Nova Scotia legislature on November 3, 1995, and passed on January 8, 1996.

On October 23, 1995, the federal government and Nova Scotia signed a special agreement on school management that clears the way for the implementation of school management and the establishment of refrancization programs and teacher training and development programs.

## NEW BRUNSWICK

Two parallel structures headed by two deputy ministers of Education have been in place in the school system since 1984. In the 11 regions of the province, separate school boards have been established for the Anglophone (12) and Francophone (6) communities.

## QUEBEC

In the summer of 1993, the Supreme Court of Canada upheld the provisions of Bill 107 dealing with the establishment of linguistic school boards alongside existing denominational school boards and the right of dissent. The Quebec government has yet to give any clear indication of its plans regarding implementation of the legislation.

## ONTARIO

In 1986, Bill 75 on school management guaranteed Franco-Ontarians proportional representation on English school boards and some control over the budgets and curriculum of French schools. There are currently four full French school boards in operation: Toronto, Ottawa (2) and Prescott-Russell.

In the wake of the report of the Royal Commission on Learning, released on January 26, 1995, the provincial government set up a committee to submit to the minister by December 31, 1995, recommendations on a number of matters, among them restructuring of the province's school boards and the creation of French boards. According to the proposed action plan, the new French school boards are to be in place before the 1997 municipal elections.

### Since March 31, 1995

In February 1996, the Ontario School Board Reduction Task Force submitted to Ontario's Minister of Education its report (Sweeney report) recommending the creation of 15 French school boards to replace the 77 French boards, sections and advisory committees currently in place.

## MANITOBA

The *Act to amend the Public Schools Act (Manitoba) (management of French schools)* was passed in July 1993. All of the school boards have been fully operational since September 1994.

In November 1994, the Department signed a special agreement with the Manitoba government on the implementation of French school management. The agreement is intended to help Manitoba set up a school management system in accordance with section 23 of the *Canadian Charter of Rights and Freedoms* and allows Canada to support various initiatives aimed at improving education in French as a first language.

**Since March 31,1995**

In August 1995, through the determination of local Francophone parents, the Laurier school became the twenty-first school to join the Franco-Manitoban School Division.

In the fall of 1995, the Franco-Manitoban School Division and the *Fédération provinciale des comités de parents* joined forces in a major awareness program for parents entitled *La communauté et l'école* [community and school]. Meetings are planned in 19 Francophone communities.

Some Franco-Manitoban School Division schools took advantage of the wider range of courses available through the distance teaching consortium to meet the needs of students who, because of small numbers, would not otherwise have access to such programs.

## **SASKATCHEWAN**

Saskatchewan's *Education Act* was amended on June 2, 1993, to include provisions on school management, making Saskatchewan the first western province to comply fully with section 23 of the *Canadian Charter of Rights and Freedoms*. Eight Francophone communities in Saskatchewan joined the new Francophone school management component and, in August 1994, the province created eight French school boards and a general schools council; the boards and the council officially went into operation in January 1995. In 1994-95, enrolment in the eight elementary and secondary schools was 851.

The federal government and the province amended the 1993 special agreement on school management to provide additional assistance for the community component of two schools (Regina and Prince Albert). Under the agreement, the province undertook construction and renovation projects in five schools. The work was to be completed by the fall of 1995.

**Since March 31,1995**

The province undertook construction and renovation projects in five schools in 1994: Gravelbourg, Bellegarde, Regina, Saskatoon and Prince Albert. The new facilities opened in the fall of 1995, and two other projects will be started in 1996-97.

## **ALBERTA**

In November 1993, the Alberta government passed Bill 8 amending the *School Act* to give the Francophone minority the right to manage its own schools. Following adoption of the *Act*, three Francophone Regional Authorities and three Francophone Co-ordinating Councils were created.

Francophone school board trustees were elected in February and March 1994, and the three regional school authorities became fully operational the following September. In the few schools that indicated they wished to continue being managed by the existing school boards (Calgary, in particular), an elected committee of parents referred to as a coordinating committee has the right to review any decisions (administrative and educational) that affect French programs.

Under the special agreement signed in the fall of 1993, the federal government continued to cooperate with the province to implement school management and improve post-secondary education.

**Since March 31,1995**

A French-language education program using leading-edge technology has been set up in East-Central School Authority 3 for small, widely scattered groups of Francophone students.

Meetings of the various partners in Francophone education (community groups, school boards, Ministry of Education, Faculté Saint-Jean) were held to clarify the complementary roles of the players involved in French-language education in Alberta.

The *Fédération des conseils scolaires et de coordination de l'Alberta* was created to encourage the sharing of information on issues related to the implementation of school management in Alberta.

## BRITISH COLUMBIA

In the fall of 1993, the provincial government presented Francophone parents with a model for school management that they felt was unacceptable. The situation led to the suspension of negotiations between the federal government and the province on a school management agreement that until then had been going well.

Frustrated by the provincial government's inaction, the parents officially notified the provincial government in April 1994 that they planned to resume the legal proceedings that were launched in 1989 and suspended during the work of the Gallant Committee on the implementation of school management.

In September 1994, the parents submitted an amendment to the original request to include \$4 million in compensation for damages caused by the provincial government's failure to act.

The Commissioner of Official Languages, driven by the province's delay in complying with section 23, has obtained intervenor status in the case so that he can support the parents. This will be the first time the Commissioner has intervened in a case at the trial division level.

The Attorney General of Canada has also requested and been granted intervenor status at the trial division level; this, too, is a precedent.

**Since March 31,1995**

In July 1995, British Columbia announced plans to create a structure for Francophone school management that would cover only some of the students in the *Programme cadre de français*. Francophone parents decided to pursue their case in the courts. The federal government and the province resumed negotiations on an agreement on federal funding for the establishment of the school management structure.

New regulations were approved in November 1995, and the first five directors for the French school board were appointed on December 14, 1995.

## YUKON

The *Education Act*, passed in 1990, sets out specific steps for the implementation of school management, among them the creation of a school board when the population concerned requests such a board through a referendum. There are no school boards in the Yukon at present. The *École Émilie-Tremblay* continues to be managed by the school council.

**Since March 31,1995**

In a referendum on June 7, 1995, a majority of Francophone parents voted for the creation of a French school board. The five new trustees were sworn in on December 4, 1995. The new school board will begin operations on June 30, 1996, thus becoming the first school board in the Yukon.

## NORTHWEST TERRITORIES

Courses in French as a mother tongue are offered at the *École Allain St-Cyr* in Yellowknife and in Iqaluit. Only in Yellowknife do parents have partial management of their school, under an agreement with Yellowknife School Board No 1.

In 1993, the territorial government began a comprehensive review of the *School Act*. In the spring of 1995, a legislative committee was struck to hold consultations on the draft legislation tabled in November 1994. Francophone parents claim the new bill does not comply with section 23 of the *Canadian Charter of Rights and Freedoms*, mainly because it does not contain clear guarantees and too many key issues are left for the regulations.

**Since March 31,1995**

The Northwest Territories' *School Act* was passed in June 1995 and will come into force in the summer of 1996. Francophone parents are currently taking part in consultations on the regulations accompanying the *Act*.